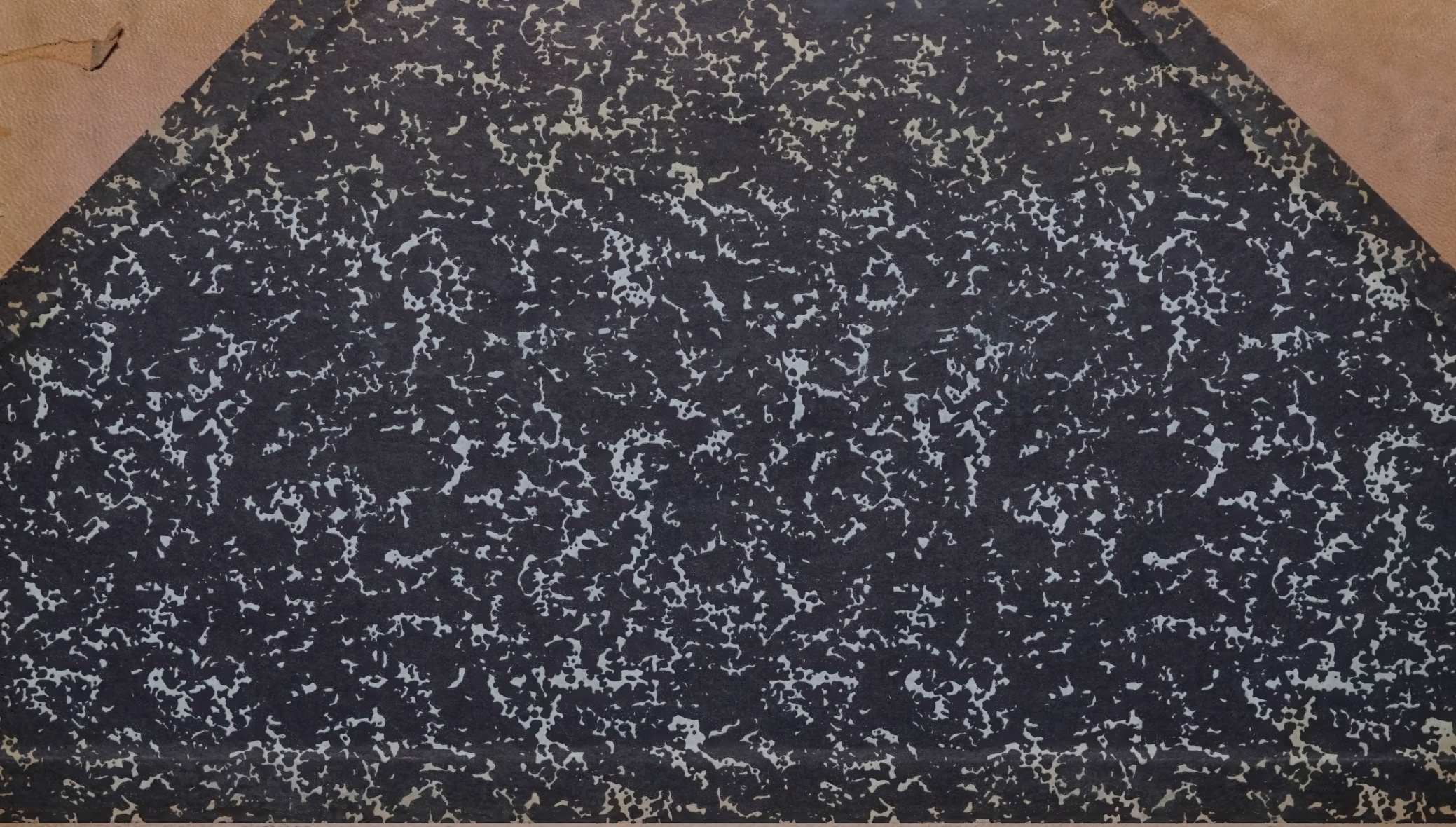

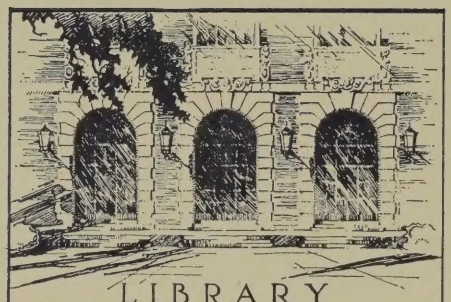

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COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1961. 145th of the General Assembly.

Vol. 38. HARRISBURG, PA., TUESDAY, AUGUST 8, 1961. No. 86.

SENATE

TUESDAY, AUGUST 8, 1961.

The Senate met at 11:15 a.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor John Morgan Davis) in the Chair.

PRAYER

The Chaplain, Right Reverend ROBERT J. MAHER, Rector of St. Patrick's Cathedral, Harrisburg, offered the following prayer:

Bless the Lord, O my soul,
Bless the Lord.
Bless the Lord, you skies and firmament,
Bless the Lord.
Bless the Lord, you creatures of the forest and the rivers.

Bless the Lord, O majestic man and lift up your eyes.

Bless the Lord with your intellect as it seeks the truth every day.

Bless the Lord, O dignified and rational man, and unlatch the door of your heart that genuine solicitude for your fellowman may pour forth.

Bless the Lord, O chosen lawmaker, that your dynamic will may be given to good and noble service, and that you may increase your own spiritual development in this sacred trust of lawmaking.

Bless the Lord, O men of this esteemed and historic Senate, and bestow upon this Commonwealth reasonable laws as a pledge of your belief in God and the eternal purpose of His earthly society. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WEINER and Mr. LANE, further reading was dispensed with, and the Journal was approved.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor, advising that the following Senate Bills had been approved and signed by the Governor:

SB 112, 201, 455, 525, 526, 556, 557, 592, 631, 674 and **760.**

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

MEMBER OF THE SNYDER COUNTY BOARD OF ASSISTANCE

August 8, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph H. Dodd (Democrat), McClure, Snyder County, for appointment as a member of the Snyder County Board of Assistance, until December 31, 1962, and until his successor is duly appointed and qualified, vice Mrs. Kathryn C. Mattern, McClure, whose term expired.

DAVID L. LAWRENCE

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS TO **SB 114**, RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, returned to the Senate **SB 114**; said bill having been recalled from the Governor for the purpose of amendments the House of Representatives has concurred.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence **HB 1829** and **1830**, which were referred to the Committee on Local Government.

BILLS SIGNED

The President (Lieutenant Governor John Morgan Davis) in the presence of the Senate signed the following bills:

HB 197, 1083, 1098, 1174 and **1668.**

RESOLUTION REPORTED FROM COMMITTEE

Mr. ROONEY, from the Committee on Historical Preservation, reported without amendment, Senate Concurrent Resolution, **Serial No. 120**, entitled:

Designating the Fourth Saturday in September Each Year as Pennsylvania American Indian Day

The PRESIDENT. The resolution will be placed on the Calendar.

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REPORTS FROM COMMITTEES

Mr. HAYS, from the Committee on Education, reported, as committed, **SB 658, 870, HB 203, 216, 1382, 1486, 1487** and **1720.**

Mr. FLEMING, on behalf of Mr. CHAPMAN, from the Committee on Historical Preservation, reported, as committed, **SB 816.**

Mr. RIPP, from the Committee on Corporations, reported, as amended, **SB 354.**

Mr. MULIN, on behalf of Mr. DEVLIN, from the Committee on State Government, reported, as committed, **SB 785, 786, 882, 897, HB 1248, 1383, 1386** and **1768;** rereported, as committed, **HB 1769.**

The PRESIDENT. At this time, the Chair turns the gavel over to the distinguished gentleman from Allegheny County, Senator Ripp, to preside.

The PRESIDING OFFICER (Joseph D. Ripp) in the Chair.

SENATE RESOLUTION

EXTENDING BIRTHDAY CONGRATULATIONS TO LIEUTENANT GOVERNOR JOHN MORGAN DAVIS

Messrs. DiSILVESTRO, WEINER and BERGER, by unanimous consent, offered the following resolution **(Serial No. 96),** which was read as follows:

In the Senate, August 8, 1961.

We are pleased to take a few moments to extend to the President of this Senate, John Morgan Davis, happy and best wishes on his birthday.

The Senate is indeed fortunate to have as its President a person with the educational background, training and experience of Lieutenant Governor John Morgan Davis. Born in Shenandoah on August 9, 1906, he completed his high school education in Reading, was graduated from the Wharton School and the Law School of the University of Pennsylvania, and after practicing law and serving the public in various capacities was elected in 1951 to a judgeship in Philadelphia.

In addition, he is kind, considerate, affable and democratic, but one who commands respect; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania extends to Lieutenant Governor and President of the Senate, John Morgan Davis, felicitations and best wishes on the event of the anniversary of his birth, with sincere hopes of continued success; and be it further

Resolved, That a copy of this resolution be forwarded to John Morgan Davis, Lieutenant Governor and President of the Senate.

Mr. DiSILVESTRO. Mr. President, I move the immediate adoption of this resolution.

Mr. WEINER. Mr. President, on behalf of this resolution,—and I believe I speak for all of the Members of the Senate and I am sure that I speak for the Democratic Caucus—we have been delighted to have had Lieutenant Governor John Morgan Davis in our midst. I hope he has found us as amenable as we have found him to be. We certainly wish him many, many more happy birthdays, whether he be at the rostrum, in other areas of government, or if he were to just come up here as a visitor and see those of us who are here after he has completed his term of office.

Not only on his birthday, but on all days in the coming year we certainly wish him many, many happy days and good health.

Mr. BERGER. Mr. President, I hope I still have the opportunity to second the motion for the unanimous and immediate adoption of this resolution.

I am sure that I speak for all the Members of the Senate, and I know I speak for all of the Members of our Caucus, in joining in the felicitations to the Lieutenant Governor, John Morgan Davis, upon his birthday. We wish him many happy returns of this glad event.

On the question,

Will the Senate agree to the motion?

The PRESIDING OFFICER. Let us have your applause indicate the adoption of this resolution.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was unanimously adopted.

The PRESIDING OFFICER. The Chair now recognizes the Lieutenant Governor of the Commonwealth of Pennsylvania and President of the Senate, the Honorable John Morgan Davis.

REMARKS BY PRESIDENT OF THE SENATE, HONORABLE JOHN MORGAN DAVIS

The PRESIDENT. I am very moved, gentlemen. I deeply appreciate your kindness in sponsoring, moving, seconding, and adopting this resolution. I shall always treasure the memory of this day. Thank you.

REPORTS FROM COMMITTEES

Mr. MAHADY, on behalf of Mr. CAMIEL, from the Committee on Law and Order, reported, as committed, **SB 884, HB 527** and **626.**

He also, from the Committee on Banking, reported, as committed, **SB 885** and **HB 1469.**

Mr. SARRAF, from the Committee on Education, reported, as committed, **HB 1619, 1813** and **1814.**

Mr. WARE, from the Committee on Historical Preservation, rereported, as committed, **SB 247.**

RESOLUTION REPORTED FROM COMMITTEE

Mr. WARE, from the Committee on Historical Preservation, reported without amendment, House Concurrent Resolution **No. 74,** entitled:

The United States Constitution 175th Anniversary Commission to be Established

The PRESIDING OFFICER. The resolution will be placed on the Calendar.

REPORTS FROM COMMITTEES

Mr. WADE, from the Committee on State Government, reported, as amended, **HB 1385.**

Mr. KELLER, from the Committee on Historical Preservation, reported, as committed, **SB 744.**

Mr. SARRAF, from the Committee on Public Health and Welfare, reported, as committed, **HB 1572.**

Mr. McCREESH, from the Committee on Elections, reported, as committed, **HB 1345, 1421** and **1774.**

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Mr. CAMIEL submitted the Report of Committee of Conference on **HB 90,** which was laid over for printing under the rules.

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BILL INTRODUCED AND REFERRED

Messrs. MURRAY and FLACK presented to the Chair **SB 906**, entitled :

An Act authorizing the Department of Highways, with the approval of the Governor, to erect and construct a bridge over the Susquehanna River, connecting the State highway system in Luzerne County with the system of State highways in Lackawanna County, and to provide the necessary approaches and connection with such State highways; empowering counties to pay certain damages; and making an appropriation.

Which was committed to the Committee on Highways.

PERMISSION TO ADDRESS SENATE

Mr. PECHAN asked and obtained unanimous consent to address the Senate.

Mr. PECHAN. Mr. President, we have on our Calendar a bill which would give the enforcement officers of the Liquor Control Board additional retirement benefits. They would like to have the same retirement benefits as the State Police now enjoy.

The bill I am about to introduce would give the enforcement officers a little more authority. It would give them the authority to make a citation within fifteen days rather than to wait three, four or five months before they notify a licensee that he has violated the law. This would give them the authority to make the citation within fifteen days.

I think this is a very fine bill, and I would like to see the Committee Chairman release it and get some action on it.

BILL INTRODUCED AND REFERRED

Messrs. PECHAN, ROONEY, STROUP and EHRGOOD presented to the Chair **SB 907**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" requiring notice of violations noted by an agent or employe of the board as a prerequisite to the imposition of a penalty, suspension or revocation.

Which was committed to the Committee on Law and Order.

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

Mr. STAISEY offered the following resolution, which was read, considered and adopted:

In the Senate, August 8, 1961.

Resolved (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, August 14, 1961, at a time to be fixed by the Senate; and when the House of Representatives adjourns this week, it reconvene on Monday, August 14, 1961, at a time to be fixed by the House.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RECONSIDERATION OF HB 1402

Mr. WEINER. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1402, Printer's No. 2192, passed finally on July 25, 1961.

The PRESIDING OFFICER. How did the Senator vote?

Mr. WEINER. Mr. President, I voted with the prevailing side.

Mr. LANE. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. WEINER. Mr. President, I request that House Bill No. 1402 go over in its order and appear on Monday's Final Passage Calendar.

The PRESIDING OFFICER. There being no objection, the bill will appear on Monday's Final Passage Calendar.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. DEVLIN, by unanimous consent, from the Committee on Executive Nominations, reported the following nominations, made by His Excellency, the Governor, which were laid on the table:

MEMBER OF THE DELAWARE RIVER PORT AUTHORITY

July 24, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph J. Gaffigan, 6306 Crafton Street, Philadelphia 49, Philadelphia County, for appointment as a member of the Delaware River Port Authority, for a term of five years, and until his successor is appointed and qualified, vice Hon. Joseph S. Lord, Philadelphia, resigned.

DAVID L. LAWRENCE

MEMBER OF THE DELAWARE RIVER PORT AUTHORITY

July 24, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frederic R. Mann, Parkway House, Twenty-second and Benjamin Franklin Parkway, Philadelphia, Philadelpiha County, for appointment as a member of the Delaware River Port Authority, for a term of five years, and until his successor is appointed and qualifies, vice Hon. James V. Baney, Upper Darby, deceased.

DAVID L. LAWRENCE

JUSTICE OF THE PEACE

July 24, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Miss Armenda Hoover, R. D. 4, New Castle, Lawrence County, for appointment as Justice of the Peace in and for the Township of Scott, Lawrence County, to serve until the first Monday of January 1962, vice James H. Vogan, deceased.

DAVID L. LAWRENCE

JUSTICE OF THE PEACE

July 24, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George

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J. Lacko, 1137 Crowe Street, New Castle, Lawrence County, for appointment as Justice of the Peace in and for the Township of Shenango, Lawrence County, to serve until the first Monday of January 1962, vice Frank Park, resigned.

DAVID L. LAWRENCE

JUDGE, COURT OF COMMON PLEAS, FAYETTE COUNTY

August 7, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Samuel J. Feigus, 123 Ben Lomond Street, Uniontown, Fayette County, for appointment as Judge of the Court of Common Pleas of the Fourteenth Judicial District of Pennsylvania, composed of the County of Fayette, until the first Monday of January 1962, vice Hon. Edward Dumbauld, resigned.

DAVID L. LAWRENCE

MEMBER OF THE STATE BOARD OF MEDICAL EDUCATION AND LICENSURE

August 7, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James C. Giuffre, M.D., 538 Montgomery School Lane, Wynnewood, Montgomery County, for appointment as a member of the State Board of Medical Education and Licensure, for the term of four years, and until his successor shall have been appointed and qualified, vice Dr. Max M. Strumia, Narberth, resigned.

DAVID L. LAWRENCE

WORKMEN'S COMPENSATION REFEREE

August 7, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John W. Chapas, 209 Twin Oaks Drive, Pittsburgh 37, Allegheny County, for appointment as Workmen's Compensation Referee, until the third Tuesday of January 1963, and until his successor shall have been appointed and qualified, vice Charles C. McGovern, Pittsburgh, whose term expired.

DAVID L. LAWRENCE

JUSTICE OF THE PEACE

July 31, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Roy L. Renn, 331 Swatara Street, Middletown, Dauphin County, for appointment as Justice of the Peace in and for the First Ward of the Borough of Middletown, Dauphin County, to serve until the first Monday of January 1962, vice Cortez Brown, deceased.

DAVID L. LAWRENCE

EXECUTIVE NOMINATIONS

A motion was made by Mr. DEVLIN and Mr. STAISEY,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. DEVLIN asked and obtained unanimous consent for immediate consideration of the nominations made by His Excellency, the Governor, and reported from committee at today's Session.

NOMINATIONS TAKEN FROM THE TABLE

Mr. DEVLIN. Mr. President, I call from the table for consideration the nominations reported from committee today and just read by the Clerk.

The PRESIDING OFFICER. These nominations having just been read by the Clerk, it will not be necessary for them to be reread.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, that the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. DEVLIN. Mr. President, I move that the Executive Session do now rise.

Mr. CAMIEL. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED AND REFERRED

Messrs. PROPERT, WEINER, McCREESH and WARE, by unanimous consent, presented to the Chair SB 908, entitled:

An Act making an appropriation to the Drexel Institute of Technology of the State of Pennsylvania at Philadelphia, Pennsylvania, for the general maintenance of the School of Library Science.

Which was committed to the Committee on Appropriations.

Messrs. SEYLER and HAYS, by unanimous consent, presented to the Chair SB 909, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949," further providing for withholding appropriations under certain conditions.

Which was committed to the Committee on Education.

REPORTS FROM COMMITTEE

Mr. HALUSKA. Mr. President, I ask unanimous consent to make certain reports from committee at this time.

The PRESIDING OFFICER. Hearing no objection, the gentleman may proceed.

Mr. HALUSKA. Mr. President, first I have been instructed by the Committee on Local Government to report

out House Bill No. 1438, as amended. I have been further instructed to report House Bill No. 1221, as amended, with definite instructions from my committee that after this bill is read for the first time and printed, it be returned to the Committee on Local Government for further study.

The PRESIDING OFFICER. Senator Haluska, will you listen carefully to see if the Chair reports these matters correctly?

Senator Haluska, on behalf of the Committee on Local Government, has reported, as amended, House Bill No. 1438, commonly referred to as the Strip Mining Bill and relating to bituminous mining. Is that correct, Senator Haluska?

Mr. HALUSKA. Yes, Mr. President.

The PRESIDING OFFICER. The same Senator, on behalf of the same committee, has also reported, as amended, House Bill No. 1221, which is the bill commonly referred to as the Strip Mining Bill, relating to the anthracite coal region. As I understand from Senator Haluska, it has been agreed that after this bill is read today for the first time, it will be recommitted to the Committee on Local Government for further study and consideration. Is that correct?

Mr. LANE. Mr. President, the bill must be in print before it is recommitted.

The PRESIDING OFFICER. After the bill is read for the first time and is printed, it will appear on the Calendar.

Mr. HALUSKA. Tomorrow, Mr. President, I will make a motion to have it recommitted to the Committee on Local Government for further study and consideration.

Mr. SCOTT. Mr. President, I agree with everything that the Chairman of the Local Government Committee has said, except that he said tomorrow he would make the motion. I presume that if he does make the motion, he will be making it to himself since we are not going to be in Session tomorrow. Therefore, the motion will have to be made next Monday.

Mr. HALUSKA. Mr. President, I stand corrected.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 486 (Pr. No. 1116)—Mr. WEINER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 486, and that a Committee of Conference on the part of the Senate be appointed.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

Ordered, that the clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE. OVER IN ORDER

SB 88—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

REPORT OF COMMITTEE OF CONFERENCE

SB 104 (Pr. No. 1168)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 104, entitled:

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" changing the permitted length of vehicles operated in combination and granting the power to the Secretary of Highways to establish speed limits.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

(Remarks of the gentleman from Lebanon, Mr. EHRGOOD, were then stricken from the record.)

The PRESIDING OFFICER. The Chair now recognizes the gentleman from Lebanon, Senator Ehrgood.

Mr. EHRGOOD. Mr. President, so that it is distinctly understood, I was in favor of the original Senate Bill concerning the forty-foot trailer, and I was in favor of the amendment placed by the House in Senate Bill No. 104, which would have provided for a forty-foot trailer, but with no extension to fifty-five feet.

Mr. President, this Chamber was one time termed "a citadel of cynicism." It seems to me that the coiner of that phrase forgot to mention the Third Floor, South Wing of this Capitol Building, which is now designated as the Governor's Office, where on Friday this alleged compromise was worked out to provide for a fifty-five foot trailer, in effect up until January 1, 1967. Up until that time, things were going along their normal way.

It is true, and I agree, that the Governor has been very clever. I agree there has been a very clever move on the part of certain unseen bosses in this Commonwealth; namly, from Philadelphia. However, I would like to question whether the people—the traveling motorists in this Commonwealth—have been protected by such a deal. It is no compromise, really. Let us call it for what it is worth—a deal; a deal to the detriment of the traveling public.

Incidentally, I have not as yet seen where the Secretary of Highways or the Commissioner of Highway Safety have placed their stamp of approval on such a measure as this. To be sure, they do not have to do that. However, it seems to me that the Governor of this Commonwealth has cried to high heaven about highway safety, and we now have in front of us—with his approval and worked out in his office—a bill to provide for fifty-five feet.

Mr. President, I repeat again that I was in favor of the original bill, which would not have increased the over-all length. However, let us consider what fifty-five feet will do to the traveling public. As you go along the highway, have you ever tried to pass one of these monstrous dinosaurs? Now to be confronted with a length of fifty-five feet, it may not be so difficult on the Turnpike or a four-lane highway, but in this Commonwealth of Pennsylvania, we have many two-lane highways and many, many township roads. Try to think of the highway safety angle as you try to pass this increased length.

One thing further. I was discussing this with a certain city policeman, who also moonlights by driving a tractor-trailer, and he asked me to vote against the forty-foot trailer bill. He did not realize at that time that this would not have increased the over-all length to fifty feet, and I explained this to him. He said: "Then, that is all right, Tom."

"With fifty-five feet, I can tell you what occurred with an out-of-State rig. When one of these out-of-State rigs made a turn and the individual coming in the other direction misjudged that additional footage length, there was an accident as a result. Therefore, when I ask you to think of highway safety, or when I supposedly think of

what the Governor states is his great aim of highway safety in saving lives and having fewer accidents, I do not understand how this bill jells with that very, very fine principle which he desires to attain.

May I also say this? I repeat again that undoubtedly this has been a very, very clever political move. There has been a great hurry to move this now that the so-called deal has been arranged, without the motorist being aware of what is occurring and without the motorist having a chance to come here and let his voice be heard to the people and to we who are going to vote on this measure.

I would say that this is a deal which is worse than cynicism. I would be hopeful that we would all vote against such a measure. I would be hopeful that in the future we are not asked to go ahead and vote for increased weights to take care of the increased lengths, as well.

Mr. WEINER. Mr. President, I believe the gentleman who just spoke is completely confused. I would, therefore, like to more or less sort out some of this confusion in order to find out exactly what he is trying to say.

Last week, this bill, Senate Bill No. 104, passed the Senate and dealt with a different matter than is in the bill now. It was returned by the House and this very same gentleman who just spoke, and who is shedding these large tears,—I hope we do not have to mop up the complete floor here because of the large tears that are falling on it—came over and wanted to run this bill immediately. He wanted to pass it.

If forty feet were all right last week, why is it not all right this week? I do not want to make it appear as though this gentleman has been spoken to, or that some new people have talked to him about this measure. However, I cannot understand how you can escape that conclusion.

There are forty-six States which have this. As a matter of fact, I was not in favor of this measure, but I think a compromise has been reached. It is an industry compromise and not mine. It is not anyone's compromise except those people. As a matter of fact, if the gentleman is so worried about Philadelphia, if he will look at the vote in the House, he will find that almost all of the Philadelphians voted against this bill. How this matter can have anything to do with the political situation in Philadelphia completely escapes me. If this is a campaign oration, I will be very happy to chalk it up to that and have it noted in the record. However, I do not understand what the gentleman is trying to arrive at.

We now have thirty-five foot trailers. Under the House amendments, you will have forty-foot trailers. You will have an over-all cab and box length of fifty feet. By these amendments, you are merely allowing the people, who have just purchased some of this equipment, to amortize or depreciate this equipment for five years. I am told by people in the industry that this merely adds, actually, one or two feet to the entire thing, and not five feet as the gentleman has stated.

I believe the gentleman was very much in favor of this bill because he was advised by somebody in his community that this meant a great deal of plant expansion down there. They were going to build these forty-foot trailers. Now, however, the gentleman has completely gone the other way or has reversed the situation. If the gentleman wishes to vote against this bill and he still feels as strongly about it, let us have a meeting on this matter and perhaps we can defeat this measure completely. If that is what the gentleman wants to do, perhaps we can do it. However, Mr. President, these were not his sentiments last week. All we heard from industry, throughout Pennsylvania, was that this was going to close up plants, jobs were going to be lost throughout the Commonwealth, and there was going to be an economic holocaust. As a matter of fact, I was importuned, from the time I tried to leave here last week until we came back here, by every single person who had some interest in this measure, asking that we do nothing except try to save this measure. That is all that has been done.

If the gentleman is against this measure and wishes to defeat it, and thinks this is helpful to the industry which was crying for it, I think he should take that position and I think he should lead that position. I think he might even have people who will follow him on it.

Mr. EHRGOOD. Mr. President, the only difficulty with the Majority Leader's statement is that in the interval of a week end, the difference has become five feet. The industry was not clamoring for fifty-five feet. It was clamoring for an over-all total of fifty feet. That is the difference, Mr. President.

Mr. WEINER. Mr. President, I would like to advise the gentleman that everybody who was interested in this measure—and I have the least interest of anyone—approved these amendments and helped to write them. Therefore, these are not my amendments or anyone's in this room. These were written by the people in the industry. The big cry was that we were going to put these important people who make these forty-foot trailers in Pennsylvania out of business and we would close down plants.

I received telegrams from down in Reading, in Berks County. I received telegrams and letters from the gentleman's own area. Everybody and his brother were up here concerning this bill. It was so urgent that we had to act on it immediately. I agree with the gentleman that I think their method was very poor in the way they went about it. I think the gentleman should talk to some of his colleagues who, I think, are very close to him, and who helped to draft this bill and put these amendments into it. It was faulty and we even corrected the language in it so it would be a proper bill for the Governor to sign. As of last week, it was not that at all and he could not sign it.

If the gentleman is reading an editorial that has been written in one of his home town newspapers, I think that is fine and very laudable. I think he should do that from time to time. It is very helpful because maybe everybody does not buy the newspaper and does not read all those editorials. However, if the gentleman is actually here discussing the merits of the bill, I think he would be well-advised to at least discuss it with some of his own colleagues, all of whom sat in on this measure and discussed it.

Mr. FLEMING. Mr. President, I have listened with a great deal of interest to Senator Ehrgood and to the Majority Leader. I am amazed that a man as smart as the Majority Leader could not clearly understand what Senator Ehrgood was saying. I believe it certainly was clear to everybody else in this Chamber, except the Majority Leader.

There is no question that the bill, as it was amended in the House and came back here for concurrence by the Senate, was a far different measure than this Conference Committee Report which lies before us today. Certainly

an attempt was made, and probably rightly so, to protect this industry in Pennsylvania in order to bring us into line with the other States in the Union.

However, when we have a bill before us that raises, as this bill unquestionably does, the over-all length of vehicles on the highways of Pennsylvania by five feet,—and regardless of any of the proponents of this measure saying that it is only one or two feet, legislative approval is given to the five-foot increase—I can see no reason for putting this through. I also see no reason to rush a vote through today on this matter, and perhaps Senate Bill No. 104 could lay for several weeks on our Calendar—repose, if you please, in the Secretary's Office. With that I have no control, but it did for some ten days before it came out. The effective date is not until December 31, 1961. Surely another week would have no particular ill-effect upon the bill if it does have the merit which the Majority Leader ascribes to it. Mr. President, I do believe we should have time to find out what the Secretary of Highways thinks about this particular measure. I think we should consult with him and get his opinion on it.

Mr. WEINER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman will state it.

Mr. WEINER. Mr. President, is the gentleman making a motion that this bill go over in its order? If he is, I will be very happy to join him.

Mr. FLEMING. Mr. President, I intend to do that in a very short moment.

I would like to have the people of Pennsylvania—the citizens, if you please—given an opportunity to see what we have done with this measure. I would like them to decide and, if they so feel inclined, to write to their representatives in the Senate of Pennsylvania and advocate either that we do be for this measure or that we be against it.

Therefore, Mr. President, I now will make a motion that this bill go over in its order until next Monday.

Mr. EHRGOOD. Mr. President, I second the motion.

The PRESIDING OFFICER. The Senate will be at ease for a few moments.

(The Senate was at ease.)

Mr. LANE. Mr. President—

The PRESIDING OFFICER. The Senate is now at ease, Senator Lane.

Mr. LANE. All right, we will be at ease, Mr. President. However, I want you to know that I am opposed to this motion.

The PRESIDING OFFICER. The Senator will be recognized. However, we are at ease for a couple of moments.

(The Senate was at ease.)

Mr. SESLER. Mr. President, I ask for a roll call on this motion, please.

The PRESIDING OFFICER. We are at ease. The Senate is presently at ease, Senator Sesler.

(The Senate was at ease.)

The PRESIDING OFFICER. The Senate will now come to order.

On the question,

Will the Senate agree to the motion?

Mr. LANE. Mr. President, I rise to oppose the motion to carry this bill over in its order. As a matter of fact, that suggestion went over with me like a lead pipe, and I want to tell you why.

We have had this problem before us for quite some time. I feel we have a good representation here in the Senate today. I feel this legislation should be resolved. As far as I am concerned, Mr. President, I feel we must keep abreast of progress.

I must say that I, too, am not crazy about the large trucks upon our highways. However, Mr. President, we must remember that we are competing with other States. We must keep abreast of the times. I feel, Mr. President, it is proper that we consider this angle because here in Pennsylvania today, we have quite a number of distressed areas where there are quite a number of people unemployed. If this is going to help industry, I, for one, will sacrifice my pleasure as far as the big trucks are concerned. I believe that this probably is a forward step, although we will receive criticism.

Mr. President, over the weeks I have been harassed by opponents and proponents of this legislation. I am getting pretty tired and this week end I would like to go home and have a rest for once, and at least have one Sunday in my home without being bothered by people working me over on legislation. I think that quite a number of the Members of the Senate feel the same way. Therefore, let us resolve it once and for all. I am going to vote for this bill.

Mr. BERGER. Mr. President, on this motion, I will support the motion that the bill go over in its order. Senator Fleming has made the motion and Senator Ehrgood has seconded it.

However, I think, Mr. President, that I might say, as a Member of the Conference Committee on this bill, that it was represented at all times to us in our Caucus discussions and also in the Conference Committee that this bill was most important to industry and employment in Pennsylvania.

Now in so far as the amendment is concerned, which will permit the use of forty-foot trailers on cenventional tractors and not the cab-over-engine type, this was put in to protect—and I think quite properly—the people who now have an investment in that type of equipment, with the limitation that they may not continue to put into use conventional tractors with forty-foot trailers after the effective date of the Act, using only those which are presently in operation or acquired before that time.

I certainly admit that I had some misgivings when the amendment to 660 inches was placed in the Conference Report, but I was assured—and I believe that I was correctly assured—that the total increase, using conventional equipment with the forty-foot trailer, would amount to no more than two or two and one-half feet and not five feet.

Mr. President, there is nothing, I feel, in the bill that would permit the use of a longer trailer on a conventional or cab-over-engine type of tractor.

And the question recurring,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the negative and the motion was defeated.

The PRESIDING OFFICER. The question now recurs on the motion for the adoption of this Report of Committee of Conference.

And the question recurring,

Will the Senate agree to the motion?

Mr. HAYS. Mr. President, I would like to make a brief explanation of my vote on this particular matter.

I told many of my constituents that I would favor a

forty-foot trailer bill, with the proviso that it did not increase the over-all length or weight of the rig.

Mr. SESLER. Mr. President, I do not want to delay the proceedings. However, I would like to speak briefly.

I can assure the Members of this Senate that I have no interest either way. I feel I was as impartial as any Member on this floor. I have absolutely no connection one way or another, but I have taken an interest in this bill for a number of reasons.

Before we let this go by as a deal, as has been mentioned, I think we should review very briefly what this means.

We have been told how many States there are which allow forty-foot trailers. There are forty-five States. All of the northeastern States have forty-foot trailers except West Virginia, and they have an interpretation of the law in West Virginia which permits their use. Oregon has a thirty-five foot law, and for a fee of one dollar, they permit the use of the larger trailers.

The question comes down to this. The two problems involved in trailers are: One, the question of the weight factor on the highway, because of damage and destruction to highways. The second factor is the factor of allowing a trailer to pass a trailer.

As to the first problem, the length of a trailer has no relative relationship to the weight on the road. This is determined by the number of axles and placement of these axles relative to the points. Any intelligent law which trys to deal with the problem of weight on the highways should deal in terms of either axle weight or bridge formulas. To attempt to control this problem in terms of maximum gross load is a mistake. Anyone knows if you have five tandem axles on a trailer, you could carry as much as 100,000 pounds in that trailer, but yet have less bearing point on the axles. Therefore, maximum gross weight, which we still retain in this State for some reason—I do not know why—is immaterial, and it consequently makes immaterial the size of the trailer as to the effect of whether it carries more weight or not.

That leaves one factor left, and that is the factor of the difficulty of passing and the hazard of passing a trailer with this extra length. First of all, the length varies. You do not know whether it is going to add exactly five feet or maybe two feet. Second of all, we have any number of tandem trailers running on the highways of Pennsylvania. As you know, livestock trailers now are allowed to be forty feet and have been forty feet for a long time. Third, a goodly portion of the interstate traffic going across Pennsylvania travels on the Pennsylvania Turnpike, and is not even affected by this bill. This bill does not govern traffic on the Pennsylvania Turnpike.

I may add one more fact to this; that is, as all truckers know, for the last six months, with the full knowledge and tacit consent of the State Police and the Department of Highways, they have been running this type of trailer.

In view of the fact that we are surrounded by States permitting this length, thus making us an island, I felt it was imperative that we give consideration to this trailer bill. We do have a number of industries which I think would be adversely affected, and I do not think they were just crying crocodile tears when they came in here and said: "Gentlemen, if you do not pass this bill, we are going to be in serious trouble." I, for one, took them at face value and I continue to take them at face value because we need those industries.

To set off against that, what do we have? There was a question of economic obsolescence of the older trailers if the new bill were passed. This is a compromise. It attempts to consider the hazards of a longer trailer opposed to increasing the amount of economic obsolescence of the short trailer. This was a compromise. It may not be the best, and I am not completely happy with it myself. However, I do think we have a workable compromise on what I still believe to be a very important piece of legislation. For that reason, I think it deserves our support.

Mr. McMENAMIN. Mr. President, I believe this bill is good for business and will create more jobs in Pennsylvania.

Mr. VAN SANT. Mr. President, I do not know how many of my colleagues read the Harrisburg paper of July 31st, wherein an editorial appeared with a headline reading: "Allentown Could Teach Us a Lesson in Initiative." The editorial reads as follows:

> "Of Pennsylvania's many large and medium-sized cities, Allentown has always been comparatively prosperous. Its unemployment rate, together with that of nearby Bethlehem and Easton, has remained rather steady, well under the ten per cent mark and sometimes edging toward six per cent. This is not as good a record as Harrisburg can claim, but it's not bad, either, in the Pennsylvania picture.
>
> "Is Allentown content with its relative economic strength?"

That is a question in this editorial, and it answers itself. The editorial further states:

> "Not by any means.
>
> "Allentown is busily engaged in the search for new industry. Its financial and civic leaders have formed the Industrial Development Corporation of Lehigh County, and this agency has already nailed down a new plant for Allentown. It will be the eastern base for Downyflake Foods Division of DCA Foods Industries, Inc., and it will mean between 200 and 300 new jobs in that area."

The reason I point that out, and one of the big reasons why I have been a leading proponent of this legislation, is the fact that the arrival of the Downyflake Company in the Lehigh Valley area is due largely to the fact that there was a chance that we would be able to use the forty-foot trailer. The product that is handled by Downyflake weighs 20,000 pounds in a forty-foot trailer. So, you can see that this will be a real asset to that particular business.

We are the largest truck manufacturing area, employing 3,200 people and upward at the Mack Manufacturing Plant in the city of Allentown. It was because of some hard work on our part that Mack decided to stay in Allentown rather than move to another State, again keeping industry here. One of the vital reasons hehind this was the opportunity to manufacture new equipment for the truckers of the State.

It has been pointed out that this compromise is questionable. Let me say that while talking to one of the leading members of the trucking industry in my area, he pointed out that this would be an asset to eighty-five per cent of the truckers in the State who do not have the ready cash to go out and buy new equipment. By being allowed to use the additional two or two and one-half foot length, they will be able to cope with the competition

and eventually see themselves clear without going far into debt.

In so far as the truck problem on the highways is concerned, I have always maintained, and always will, that it is not the equipment, but the human element involved. Therefore, I would urge my colleague in the Senate to support this measure.

Mr. ROONEY. Mr. President, I intend to cast my vote in favor of this Conference Report. However, I would like to ask the Members of the Senate, how long can we increase truck weights, and, at the same time, still have highway safety?

During the past two years, we have had fifty-foot rigs—the combination tractor and trailer—on our highways. The State Police did not enforce this law because it was really never brought to a real test. However, I want to tell you gentlemen of the Senate about what you have done for the truckers since 1955. Some of the statistics I have here are very interesting.

The increase in length of tractor-trailers started in 1949, when it was increased from thirty-three feet to thirty-five feet. The combination tractor and semi-trailer was increased from forty-five to fifty feet in 1953. The semi-trailer car carrier was increased from thirty-five to thirty-seven and one-half feet in 1955. The semi-trailer, carrying livestock, was increased from thirty-five to forty feet in 1959. In 1955, the maximum gross weight of the combination tractor and semi-trailer was increased from 39,000 pounds to 60,000 pounds.

Ladies and gentlemen and Members of this Senate, how far can we go? Are we going to build Pennsylvania highways to carry the same weights and the same lengths as our railroad industry is carrying on railroad tracks? We must come to an end on this. I hope this is the end. I hope the trucking industry will not ask for any additional length or any additional weight, because we are going to cause an increase in highway carnage.

Mr. STROUP. Mr. President, I do not wish to belabor this problem much further. However, I desire, by reason of the constituency I represent,—which is heavily populated with truck operators, drivers and the trucking business—to speak on behalf of the particular motion that is before us.

Mr. President, I doubt whether any legislation during this Session has had such an unusual experience in the halls of the General Assembly. I go back to Senate Bill No. 432. I think it was introduced by some of us here on April 8. By certain maneuvering, it was recommitted and there it died. As a consequence, an effort was made in the House and this bill came before us as it presently exists.

The crux of the whole matter in this particular instance, Mr. President, is whether or not this additional length of five feet is going to cause any considerable difficulty on our highways. It has been explained that only approximately two to two and one-half feet are necessary. From a practical standpoint, we will not need to go to five feet, and that will be finished in 1967. This gives those particular operators, having tractors which at the present time would not be able to haul a forty-foot trailer because they would be over the fifty-foot length, a chance to adjust themselves. It is in the interest of their business and it is in the interest of employment throughout the Commonwealth that this measure should pass.

Mr. President, it is for this reason that I support the legislation which is before us. The vehement opposition to it, which so long threatened to defeat this excellent type of legislation, has now been removed. This compromise, while not most desirable, is, nevertheless, the end result which will be most beneficial to the economy of our Commonwealth. Therefore, I ask all of my colleagues to support the motion to adopt this Report of Committee of Conference.

Mr. YATRON. Mr. President, as one of the conferees on the Committee of Conference, I, too, was perhaps not happy with the compromise of the increase in over-all length. However, I feel we are doing the right thing. In my District, in the city of Reading and in the county of Berks, we have a plant which manufactures trailers. Because they were unable to run forty-foot trailers on our highways, this plant has shut down. I am speaking about the Brown Trailer Company, in Reading. Parrish Pressed Steel, which is a division of the Dana Corporation, manufactures component parts for these trailers. We need these industries to put our people to work, not only in Berks County but throughout the entire Commonwealth of Pennsylvania.

In the city of Reading, we are the largest pretzel center of the world. This would give us an opportunity to ship our pretzels, without going over the weight limit, at fair rates.

For this reason, Mr. President, I feel we cannot afford not to pass this legislation.

And the question recurring,

Will the Senate agree to the motion?

(During the calling of the roll, the following occurred:)

Mr. WOLFE. Mr. President, I desire to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bell,	Keller,	Pechan,	Stiefel,
Berger,	Kessler,	Propert,	Stroup,
Camiel,	Kromer,	Rooney,	Taylor,
Chapman,	Lane,	Sarraf,	Van Sant,
Confair,	Madigan,	Scott,	Wade,
Devlin,	Mahady,	Sesler,	Wagner,
DiSilvestro,	Mallery,	Seyler,	Ware, III,
Donolow,	McCreesh,	Shafer,	Weiner,
Flack,	McGinnis,	Silvert,	Wolfe,
Haluska,	McMenamin,	Staisey,	Yatron,
Hawbaker,	Mullin,	Stevenson,	Ripp,
Kalman,	Murray,		Presiding Officer

NAYS—3

Ehrgood,	Fleming,	Hays,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

COMMITTEE OF CONFERENCE APPOINTED ON SB 486

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs. LANE, DEVLIN and STEVENSON, as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences ex-

isting between the two houses in relation to Senate Bill No. 486.

Ordered, That the Clerk inform the House of Representatives accordingly.

FINAL PASSAGE CALENDAR

BILL ON FINAL PASSAGE DEFEATED

HB 1075 (Pr. No. 1192)—On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Camiel,	Lane,	Mullin,	Silvert,
Devlin,	Mahady,	Murray,	Staisey,
DiSilvestro,	McCreesh,	Rooney,	Stiefel,
Donolow,	McGinnis,	Sarraf,	Weiner,
Haluska,	McMenamin,	Sesler,	Yatron,
Hays,	Miller,	Seyler,	Ripp,
Kalman,			Presiding Officer

NAYS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILL OVER IN ORDER

HB 1082—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON FINAL PASSAGE DEFEATED

HB 1515 (Pr. No. 1868)—On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Camiel,	Lane,	Mullin,	Silvert,
Devlin,	Mahady,	Murray,	Staisey,
DiSilvestro,	McCreesh,	Rooney,	Stiefel,
Donolow,	McGinnis,	Sarraf,	Weiner,
Haluska,	McMenamin,	Sesler,	Yatron,
Hays,	Miller,	Seyler,	Ripp,
Kalman,			Presiding Officer

NAYS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

REPORT OF COMMITTEE OF CONFERENCE TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table Report of Committee of Conference on **HB 678,** and received unanimous consent for its immediate consideration.

REPORT OF COMMITTEE OF CONFERENCE DEFEATED

HB 678 (Pr. No. 2384)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 678, entitled:

An Act amending the act of July 7, 1955 (P. L. 258), entitled "An act providing for anthracite mine drainage, contingent on Federal aid, and making an appropriation," extending the provisions of the act to authorize the sealing of abandoned coal mines and filling voids in abandoned coal mines, and making money heretofore appropriated available for those purposes.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—4

Lane,	Mullin,	Rooney,	Seyler,

NAYS—42

Bell,	Hays,	Pechan,	Stroup,
Berger,	Kalman,	Propert,	Taylor,
Camiel,	Keller,	Sarraf,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Sesler,	Wagner,
Devlin,	Madigan,	Shafer,	Ware, III,
Donolow,	Mallery,	Silvert,	Weiner,
Ehrgood,	McCreesh,	Staisey,	Wolfe,
Flack,	McGinnis,	Stevenson,	Yatron,
Haluska,	McMenamin,	Stiefel,	Ripp,
Hawbaker,	Murray,		Presiding Officer

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the Report of Committee of Conference was defeated.

Ordered, That the Clerk inform the House of Representatives accordingly.

FREE COMMITTEE OF CONFERENCE APPOINTED ON HB 678

Mr. WEINER. Mr. President, I now move that the President pro tempore appoint a Free Committee of Conference on House Bill No. 678, Printer's No. 2384, pursuant to Mason's Manual of Legislative Procedure under which this Senate operates.

Mr. SARRAF. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDING OFFICER. The Chair announces at this time, on behalf of the President pro tempore, the appointment of Messrs. MURRAY, WAGNER and McMENAMIN as a Free Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to House Bill No. 678.

Ordered, That the Clerk inform the House of Representatives accordingly.

THIRD READING CALENDAR

APPROPRIATION BILL OVER IN ORDER

HB 1198—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

APPROPRIATION BILLS ON THIRD READING AND FINAL PASSAGE

HB 1397 (Pr. No. 2191)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1579 (Pr. No. 1980)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

EDUCATION BILLS OVER IN ORDER

SB 130, 646, 683, 688, 690, 734, HB 810, SB 867 and **HB 1377**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILLS OVER IN ORDER

HB 95 and **161**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL ON THIRD READING AMENDED

SB 195 (Pr. No. 1153)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WADE, by unanimous consent, offered the following amendment:

> Amend Sec. 3, page 4, line 1, by inserting after "pay": either directly or by means of a payroll deduction authorized by the employe

On the question,

Will the Senate agree to the amendment?

Mr. WADE. Mr. President, for the benefit of the Members of the Senate, this amendment is very brief. It simply writes into the bill the privilege of payroll deduction, which the bill now does not include.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WADE.

BILLS OVER IN ORDER

SB 353 and **375**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

SB 413—Mr. WEINER. Mr. President, I request that Senate Bill No. 413 go over in its order.

The PRESIDING OFFICER. Is there objection?

Mr. PECHAN. Mr. President, I object to Senate Bill No. 413 going over in its order.

Mr. WEINER. Mr. President, I now move that Senate Bill No. 413 go over in its order.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. FLEMING. Mr. President, I ask for a roll call on the motion.

Mr. STROUP. Mr. President, I second the request for a roll call.

Mr. WEINER. Mr. President, one of the reasons for asking that this measure go over in order—so that before we vote on it, we will know what we are voting for—is that there are a number of amendments which are being prepared for this measure, in order for us to vote on it and put it in proper form.

If there is great haste that this thing must be done today and if there is some compelling reason for that to be done, I will be very happy to go along with it and I will not stand in the way of it. However, I think this matter could certainly wait until Monday. I am positive that on Monday we will act on this measure one way or another.

Mr. FLEMING. Mr. President, certainly, if the Majority Leader wants an opportunity to look it over for the possibility of further amendment and will agree that on Monday we will vote on the measure, I certainly will withdraw my request for a roll call. I am sure my second will also withdraw his second to the request for a roll call and we will permit the bill to go over in its order.

Mr. WEINER. I want to thank the gentleman, Mr. President. I want to assure the Members on the other side that on Monday we will act on this measure one way or another.

The PRESIDING OFFICER. Does the gentleman from Armstrong, Mr. Pechan, wish to be recognized?

Mr. PECHAN. No., Mr. President. However, since you have recognized me, I do want to say that the amendments which I offered to this bill yesterday were presented on

the recommendation of some of the Members of the Senate on the other side of the aisle. I thought the bill was ready to be acted upon. However, if they have other amendments, we will certainly give them all the opportunity to offer them by Monday.

The PRESIDING OFFICER. Am I to understand then that all parties concerned have withdrawn their respective motions?

Mr. WEINER. That is correct, Mr. President.

The PRESIDING OFFICER. There being no objection, the bill will go over in its order.

HB 518 and **522**—Without objection, the bills were passed over in their order at the request of Mr. PECHAN.

BILL ON THIRD READING AND FINAL PASSAGE

SB 702 (Pr. No. 1171)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	**Hays,**	**Mullin,**	**Stevenson,**
Berger,	**Kalman,**	**Murray,**	**Stiefel,**
Camiel,	**Keller,**	**Pechan,**	**Stroup,**
Chapman,	**Kessler,**	**Propert,**	**Taylor,**
Confair,	**Kromer,**	**Rooney,**	**Van Sant,**
Devlin,	**Madigan,**	**Sarraf,**	**Wade,**
DiSilvestro,	**Mahady,**	**Scott,**	**Wagner,**
Donolow,	**Mallery,**	**Sesler,**	**Ware, III,**
Ehrgood,	**McCreesh,**	**Seyler,**	**Weiner,**
Flack,	**McGinnis,**	**Shafer,**	**Wolfe,**
Fleming,	**McMenamin,**	**Silvert,**	**Yatron,**
Haluska,	**Miller,**	**Staisey,**	**Ripp,**
Hawbaker,			**Presiding Officer**

NAYS—1

Lane,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

SB 742—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

SB 750 (Pr. No. 1155)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. WEINER. Mr. President, there is some misunderstanding about this measure and I would like to make the record clear so that we know what we are voting on and what we would be doing. This bill would cover a situation where if, for example, a person gets a notice—this only applies in cities of the first and second class—that they have a fire violation or a housing violation, that they do not run out and sell the house or sell the property without notifying the prospective buyer that these violations exist. This does not cover violations that the man does not know he has or violations concerning which he has not received notice. This only covers the violations that the owner now knows about, which have been served upon him, and that he is aware of. All he is doing is making the persons who are buying the house aware that such a problem exists. He is putting them on notice and these are the things that the buyer is going to have to do.

Therefore, when the agreement of sale is signed, the man knows that he is not only paying X number of dollars for the house, but it is going to cost him X number of dollars plus to correct these problems which exist.

I am well aware of the basic premise of the law of caveat emptor, which is: "Let the buyer beware." We are trying to ameliorate that, so that the person buying the property will also have some notice of what is now in the possession and the hands of the prospective seller.

I think this is a fair measure. I think anybody who is fair-minded would want that to be known were they buying a property. I ask my colleagues to vote "aye" on this important legislation.

Mr. BELL. Mr. President, this is not debate and it is probably out of order. However, this is the second time today that after I voted, there was debate on a bill.

I would like the Chair—whoever occupies it—to be more careful and to make sure that everybody has been recognized because it is a little bit embarrassing to vote and then listen to debate.

The PRESIDING OFFICER. The Chair thinks you will find that it has been exceedingly cautious. You will remember that the Chair, on a previous bill, asked that all motions be withdrawn and the deck cleared. The Chair does not quite understand your remark. The Chair would like to hear your remark again, because it is directed at the Chair.

Mr. BELL. Mr. President, I do not especially direct this at the present occupant of the Chair. I have a rather peculiar position, being number one on the roll call. Twice today I have had my name called and I have voted. Then I have listened to debate on a bill upon which I had cast my vote. I think in the future that those who desire to be recognized, in order to take the burden from the Chair, should ask to be recognized before the roll call is commenced.

Mr. WEINER. Mr. President, has this bill passed third reading?

The PRESIDING OFFICER. This bill has already passed third reading.

Mr. WEINER. Mr. President, I now move to reconsider the vote by which the bill passed third reading inasmuch as I would like to put this bill over in its order, possibly with the hope of getting some further information for the Members of the Senate in regard to this measure.

The PRESIDING OFFICER. How did the Senator vote?

Mr. WEINER. Mr. President, I voted with the prevailing side.

Mr. LANE. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WEINER. Mr. President, I request that Senate Bill No. 750 go over in its order and appear on Monday's Third Reading Calendar.

The PRESIDING OFFICER. There being no objection,

the bill will go over in its order and appear on Monday's Third Reading Calendar.

SB 801—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 945 (Pr. No. 1046)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	**Hays,**	**Mullin,**	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wagner,
DiSilvestro,	Madigan,	Scott,	Ware, III,
Donolow,	Mahady,	Sesler,	Weiner,
Ehrgood,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Shafer,	Yatron,
Fleming,	McGinnis,	Silvert,	Wade,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

HB 1015—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON THIRD READING AMENDED

HB 1217 (Pr. No. 1390)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. DEVLIN, by unanimous consent, offered the following amendments:

> Amend Sec. 1 (Sec. 8), page 5, line 3, by striking out the brackets before and after "ten."
>
> Amend Sec. 1 (Sec. 8), page 5, line 3, by striking out "fifteen."

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. DEVLIN.

BILL OVER IN ORDER

HB 1220—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1498 (Pr. No. 1846)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	**Hays,**	**Mullin,**	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

HB 1510 and **1588**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1621 (Pr. No. 2035)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. CAMIEL. Mr. President, I desire to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Bell,	Kalman,	**Murray,**	**Staisey,**
Camiel,	Lane,	**Pechan,**	**Stevenson,**
Confair,	**Mahady,**	**Rooney,**	**Stiefel,**
Devlin,	Mallery,	**Sarraf,**	**Van Sant,**
DiSilvestro,	McCreesh,	Scott,	Wagner,
Donolow,	**McGinnis,**	Sesler,	**Weiner,**
Flack,	**McMenamin,**	Seyler,	Yatron,
Haluska,	Miller,	Silvert,	Ripp,
Hays,	Mullin,		**Presiding Officer**

NAYS—14

Berger,	Keller,	Propert,	**Wade,**
Chapman,	Kessler,	**Shafer,**	Ware, III,
Ehrgood,	Kromer,	Stroup,	Wolfe,
Hawbaker,	Madigan,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

HB 1678—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

HB 1793—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. WEINER. Mr. President, at this time the Committee

on Education would like to hold a ten minute meeting, to be held in the regular meeting room of this committee, on the third floor. While the committee is meeting, I believe the Senate can proceed with the regular order of business.

The PRESIDING OFFICER. There being no objection, there will now be a meeting of the Committee on Education. Meanwhile, the Senate will proceed with its regular order of business.

REPORTS OF COMMITTEES OF CONFERENCE SUBMITTED

Mr. WADE, on behalf of Mr. RIPP, submitted the Reports of Committees of Conference on **HB 715** and **HB 716**, which were laid over for printing under the rules.

The PRESIDING OFFICER. In view of the fact that the Chair is on the Education Committee and desires to attend this committee meeting, the gavel is turned over to the gentleman from Fayette, Senator Kalman, to preside.

The PRESIDING OFFICER (Thomas J. Kalman) in the Chair.

PERMISSION TO ADDRESS SENATE

Mr. MALLERY asked and obtained unanimous consent to address the Senate.

Mr. MALLERY. Mr. President, I am pleased to announce that the Borough of Hollidaysburg, which is home sweet home to me and which is the county seat of Blair County, is this week celebrating the 125th anniversary of its founding.

I am, therefore, Mr. President, offering this resolution and ask for its immediate adoption.

SENATE RESOLUTION

CONGRATULATING THE BOROUGH OF HOLLIDAYSBURG ON ITS 125TH ANNIVERSARY

Messrs. MALLERY and STEVENSON, by unanimous consent, offered the following resolution (Serial No. 97), which was read, considered and adopted:

In the Senate, August 8, 1961.

The Borough of Hollidaysburg, the County Seat of Blair County, nestling in the foothills of the Alleghenies, was incorporated in 1836 and is celebrating its 125th anniversary. The history of this community is one of progress and prosperity over the years of its existence.

The founders of the community were Adam and William Holliday who, in 1768, purchased from Thomas and William Penn two thousand acres of land which comprises the Borough of Hollidaysburg.

The Borough has prospered and grown and today has a population of more than seven thousand. It has become an important industrial center of our Commonwealth. The firm of McLanahan and Stone is one of the oldest foundries in Pennsylvania. Its products are shipped and used throughout the United States and foreign countries. The Samuel Rae Shop of the Pennsylvania Railroad Company is the largest railroad shop in the world.

On August 6, 1961, a Union Vesper Service commemorated the founding of the Borough of Hollidaysburg. All of the churches of the Borough joined in the celebration, which took place on the Hollidaysburg High School Athletic Field. Rev. John F. Chalker, of the Protestant Episcopal Church, delivered the Invocation. Addresses were made by Rev. John F. Cullinair of St. Michael's Catholic Church, and by Rev. Wesley Wright, former pastor of the Church of God. The benediction was delivered by Rev. Owen M. Gallagher, of St. Mary's Roman Catholic Church.

The Borough of Hollidaysburg has long been noted for its outstanding schools and churches. It is to be commended and congratulated on the progress it has made in the past 125 years.

Representative Joseph R. Holliday, now a Member of the General Assembly of this Commonwealth, is a fifth generation direct descendent of the founders, Adam and William Holliday; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania hereby commends and congratulates the Borough of Hollidaysburg on its social, political, religious and economic progress in the past 125 years of its existence; and be it further

RESOLVED, That a copy of this resolution be sent to the Altoona Mirror, Altoona, to the Hollidaysburg Register, Hollidaysburg, and to Representative Joseph R. Holliday at his home, 521 Hickory Street, Hollidaysburg.

SECOND READING CALENDAR

EDUCATION BILLS OVER IN ORDER

SB 611 and **613**—Mr. PECHAN. Mr. President, at the request of Senator Weiner, I ask that Senate Bill No. 611 and Senate Bill No. 613 go over in their order.

The PRESIDING OFFICER. There being no objection, the bills will go over in their order.

HB 944—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

BILLS OVER IN ORDER

HB 36—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

HB 337, SB 473, HB 573 and **SB 598**—Without objection, the bills were passed over in their order at the request of Mr. PECHAN.

BILL ON SECOND READING

HB 621 (Pr. No. 2446)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

SB 651—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

SB 665 and **666**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

HB 720—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

SB 806 and **HB 826**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

SB 828 and **835**—Without objection, the bills were passed over in their order at the request of Mr. PECHAN.

SB 836 and **865**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILLS ON SECOND READING

SB 876 (Pr. No. 1125) and **SB 877 (Pr. No. 1152)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HB 911 and **1085**—Without objection, the bills were passed over in their order at the request of Mr. PECHAN.

HB 1124 and **1125**—Without objection, the bills were passed over in their order at the request of Mr. LANE.

HB 1162 and **1216**—Without objection, the bills were passed over in their order at the request of Mr. PECHAN.

BILL ON SECOND READING

HB 1251 (Pr. No. 1425)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

HB 1275, 1276, 1277, 1278, 1279, 1280 and **1281**—Without objection, the bills were passed over in their order at the request of Mr. LANE.

BILL OVER IN ORDER TEMPORARILY

HB 1335—Mr. WADE. Mr. President, I request that House Bill No. 1335 go over in its order temporarily, as I have a series of amendments to offer on behalf of myself and several other Senators. I make this request because of the absence of a number of Senators who are attending the committee meeting currently in progress.

The PRESIDING OFFICER. There being no objection, the bill will go over in its order temporarily.

BILL OVER IN ORDER

HB 1422—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

BILL ON SECOND READING

HB 1427 (Pr. No. 1721)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

HB 1473 and **1519**—Without objection, the bills were passed over in their order at the request of Mr. PECHAN.

BILL ON SECOND READING

HB 1578 (Pr. No. 2555)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING AMENDED

HB 1599 (Pr. No. 2001)—The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendment.

Amend Sec. 1 (Sec. 102), page 2, line 14, by inserting after "Commonwealth": and any enforcement officer in a State correctional or penal institution

It was agreed to.

The section was agreed to as amended.

The second, third and fourth sections were read and agreed to.

The fifth section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendments:

Amend Sec. 5 (Sec. 304), page 6, line 12, by inserting after "the": liquor control

Amend Sec. 5 (Sec. 304), page 6, by inserting between lines 13 and 14:

The Commonwealth shall contribute from the General Fund from time to time such amounts as shall be certified by the retirement board as necessary to provide the State annuity reserves required at the time superannuation retirement disability retirement or withdrawal allowances are payable under the provisions of article IV to enforcement officers of State correctional and penal institutions the amounts sufficient to provide State annuities equivalent to the State annuities received by members of Class A or Class B as the case may be shall be credited to the State annuity accumulation account in the case of new members or to the State annuity accumulation or reserve account for original members any additional amounts shall be credited to the correctional and penal institution enforcement officers benefit account

They were agreed to.

The section was agreed to as amended.

The sixth and seventh sections were read and agreed to.

The eighth section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendments:

Amend Sec. 8, page 8, lines 6 and 7, by striking out "a new section" and inserting: two new sections

Amend Sec. 8 (Sec. 606.1), page 8, line 8, by inserting after "606.1": Liquor Control

Amend Sec. 8 (Sec. 606.1), page 8, line 8, by inserting after "The": liquor control

Amend Sec. 8 (Sec. 606.1), page 8, line 14, by inserting after "the": liquor control

Amend Sec. 8 (Sec. 606.1), page 8, line 16, by inserting after "officer": or investigator of the Pennsylvania Liquor Control Board

Amend Sec. 8 (Sec. 606.1), page 8, line 19, by inserting after "the" where it appears the second time: liquor control

Amend Sec. 8 (Sec. 606.1), page 9, line 1, by inserting after "the": liquor control

Amend Sec. 8, page 9, by inserting between lines 2 and 3:

Section 606.2 Correctional and Penal Institution Enforcement Officers Benefit Account The correctional and penal institution enforcement officers benefit account shall be the ledger account to which shall be credited contributions provided for in article III section 304 subsection (2) which are creditable to the correctional and penal institution enforcement officers benefit account In addition upon the entitlement of a member of Class C who is an enforcement officer in a State correctional or penal institution to an allowance under the provisions of article IV the reserves for the State annuity accumulation account or in the State annuity accumulation and reserve account for original members as the case may be shall be transferred to the correctional and penal institution enforcement officers benefit account Thereafter the State annuity of such annuitant shall be charged to the correctional and penal institution enforcement officers benefit account and paid from the fund

They were agreed to.

The section was agreed to as amended.

The ninth section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendment:

Amend Sec. 9, page 9, line 4, by striking out "is" and inserting: are

It was agreed to.

The section was agreed to as amended.

The tenth and eleventh sections were read and agreed to.

The title was read.

On the question,
Will the Senate agree to the title?
Mr. WADE offered the following amendment:

Amend Title, page 1, last line of Title, by inserting after "Board": and enforcement officers of State correctional and penal institutions

It was agreed to.
The title was agreed to as amended.
Without objection, the bill, as amended, was passed over in its order at the request of Mr. LANE.

BILLS ON SECOND READING

HB 1683 (Pr. No. 2117) and **HB 1704 (Pr. No. 2138)**—Read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in resolution from the Senate, entitled:
Weekly Adjournment.

HB 1335 CALLED UP

HB 1335 (Pr. No. 2453)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 18 of the Second Reading Calendar, by Mr. WEINER.

BILL OVER IN ORDER

HB 1335 (Pr. No. 2453)—The bill was read.
On the question,
Will the Senate agree to the bill on second reading?
Mr. WADE. Mr. President, at this time, I desire to offer a series of amendments to this bill.
Mr. WEINER. Mr. President, I have never asked anyone not to offer amendments and I will not stand in the way of anybody offering them. However, I would be less than candid if I did not state that I believe the gentleman desiring to offer amendments was present at the committee meeting when we discussed this measure and I think we agreed, generally,—if I am incorrect, I certainly hope he will correct me—that there would be no amendments, that the bill would be restored to the way it came from the Planning Commission, and that this bill would then, after it was passed by this body, be sent to a Conference Committee where all of these problems would not only be heard, but apparently be ironed out if at all possible. If I am incorrect in this, I wish the gentleman would hasten to correct me on it.
Mr. WADE. Mr. President, I think that by and large, since the Majority Leader has asked about an agreement we had in committee, in the first place, we have always agreed that committee arrangements were confidential and not to be exposed on the floor, but that is not important. The second point is this. I think the agreement that was made, if any, was regarding projects. Each and every Member of the Senate, undoubtedly, has one or two projects in his particular area in which he is interested. The amendments I have are not in that connection. They are more in the line of legislative limitations, and so forth. When I offer the amendments, if I have the privilege of doing so, I would like to explain them very briefly. However, I would like to do it when more of the Members are here. I do not think it is fair to the Members of this important committee, who are now away from the Senate holding a committee meeting.
Mr. WEINER. Mr. President, I did not think that I was giving away a confidence. As a matter of fact, I am probably the only one who has not talked about it. This has been general knowledge, I think not only among the Members of the Senate, but the people who visit here occasionally—like every week.
I would just like to point out to the gentleman that I am sure these amendments are very worthy ones, as are the others that we will take up at the Conference Committee Meeting, and I am sure at that time we can put them in and they will still have the same efficiency as they would have by being offered here on the floor.
I believe, in asking the gentleman to withhold these, that if we allow these amendments, we certainly will have to allow all of the others that everybody else is asking for. To deny them and to allow these, I think would not be fair play. Therefore, I would ask that this bill go over in its order until Monday, at which time we can further take up this matter if it becomes that important
Mr. WADE. Mr. President, I certainly would like to accede to the wishes of the gentleman from Philadelphia, the Majority Leader. However, I feel we have reached the place in this Legislature when we should discuss some of the important—very exteremly important—features of this bill, which I propose to amend.
In all due respect to the Majority Leader and the other Members of the Senate, I think since this bill has been on the Second Reading Calendar for a number of legislative days that now the time has arrived when we should write into the bill these amendments, which I believe—and other Members who join me in sponsoring these amendments believe—are vitally important to this very important piece of legislation.
Mr. WEINER. Mr. President, may we be at ease for a moment?
The PRESIIDING OFFICER. The Senate will be at ease.
(The Senate was at ease.)
And the question recurring,
Will the Senate agree to the bill on second reading?
Mr. WEINER. Mr. President, I again request that House Bill No. 1335 go over in its order.
The PRESIDING OFFICER. There being no objection, the bill will go over in its order.

BILLS ON FIRST READING

Mr. WEINER. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.
Mr. LANE. Mr. President, I second the motion.
The motion was agreed to.
The bills were as follows:
SB 658, 744, 785, 786, 816, 870, 882, 884, 885, 897, HB 203, 216, 527, 626, 1221, 1248, 1345, 1382, 1383, 1385, 1386, 1421, 1438, 1469, 1486, 1487, 1572, 1619, 1720, 1768, 1774, 1813 and **1814.**
And said bills having been read at length for the first time,
Ordered, To be laid aside for second reading.

REPORTS FROM COMMITTEES

Mr. MULLIN, by unanimous consent, from the Committee on State Government, reported, as committed, **HB 565.**

Mr. HAYS, by unanimous consent, from the Committee on Education, reported, as committed, **SB 640** and **HB 1384.**

BIRTHDAY FELICIATIONS EXTENDED TO SENATOR ALBERT E. MADIGAN

Mr. VAN SANT. Mr. President, I would like to make an announcement.

It seems as though I am the official greeter. Earlier in the day, we acknowledged the birthday of the President of the Senate, the Lieutenant Governor. We, on this side of the aisle, have another birthday celebrant today. He is a man who has been in Harrisburg in the General Assembly, between the House and the Senate, since 1944 and in those years he has come to be known as "Mr. Agriculture of the General Assembly of Pennsylvania."

We would like to acknowledge the seventy-second birthday of our dear friend, Senator Albert Madigan.

The PRESIDING OFFICER. The Chair is happy to extend, on behalf of the Members of the Senate and the visitors, birthday anniversary greetings to Senator Madigan.

Mr. MADIGAN. Mr. President, I want to thank my colleague, Senator Van Sant from Lehigh, although I hate to thank him for reminding me of this occasion. As you know, as you have more of these birthdays, you get to the point where you do not celebrate them; you just observe them.

The thing I like to feel thankful for is that if I were not observing my birthday today, I probably would not be alive and here. I really enjoy being here with this group of men. I have been down here for about nineteen years, and every year I seem to like it more. Incidentally, I am just thiryt-nine.

Mr. VAN SANT. Mr. President, I would like to challenge Senator Madigan's statement and have him clarify the difference between "observe" and "celebrate."

Mr. WEINER. Mr. President, on behalf of myself, and I am sure on behalf of all of the Members of the Democratic Caucus, we, too, would like to join in wishing Senator Madigan a very happy birthday.

I also would like to point out to the Members of the Senate something that I have learned from Senator Madigan in the short time that I have been here. When we take up certain measures with him, he always tells me he is a farmer and does not know too much about them. All I can say is that I have never, since I have been here, seen him vote wrong, but I am trying.

We wish him many happy returns for many, many years to come, and may he always be with us.

Mr. LANE. Mr. President, I had the pleasure of serving in the House of Representatives with Senator Madigan quite a number of years ago. I feel that if Senator Weiner and I keep working on him, and expressing our platitudes to this gentleman, eventually we might get a vote or two from Al.

GUESTS OF SENATOR GUS YARTON PRESENTED TO SENATE

Mr. YATRON. Mr. President, we have a group of educators here who are visiting Harrisburg today from Allegheny County, Berks County, Cambria County, Lehigh County, Luzerne County, Mercer County, Schuylkill County and Lebanon County.

These ladies and gentlemen represent the local education associations affiliated with the Pennsylvania State Education Association. I would like to request the Chair to acknowledge their presence here in the Senate today.

The PRESIDING OFFICER. Will the group of educators enumerated by the Senator from Berks, Mr. Yatron, please rise?

On behalf of the Members of the Senate, we are happy to welcome you here today to watch the Senate proceedings, and we extend to you an invitation to return. We are happy to have you. Thank you.

BIRTHDAY FELICIATIONS EXTENDED TO SENATOR LEROY E. CHAPMAN

Mr. STIEFEL. Mr. President, during the last few days, we heard about many birthday anniversaries. However, one of them escaped our attention. The reason why it did is because the person whom I am going to mention is one of those who typifies the expression: "He walked humbly before his God." Mr. President, I am speaking of none other than Senator Chapman. He celebrated a birthday, but he did not make any mention of it.

Therefore, Mr. President, belatedly, I thought we should extend him best wishes for many happy returns of the day.

The PRESIDING OFFICER. The Chair, on behalf of the Members of the Senate, extends belated congratulations to Senator Chapman.

STATEMENT CONCERNING HOUSE BILL No. 1707, PRINTERS No. 2522

Mr. ROONEY. Mr. President, it has just been brought to my attention that House Bill No. 1707 has finally passed the House. This is the omnibus bill. I urge all of the Senators who are here today to read this bill between now and Monday. I would like them to get their amendments ready. I hope to have the bill reported out of committee, as amended, on Tuesday.

This is a very expensive bill to print. It consists of 171 pages. Therefore, please concentrate on it, get your amendments prepared, and we will expect to report it out of committee on Tuesday and perhaps we can have it passed the following week. Of course, that is wishful thinking.

Mr. BERGER. Mr. President, when Senator Rooney held up the bill, I was impressed by its size. I hope anyone who has amendments will be able to get them ready by next Monday. However, I also hope that Senator Rooney, if he is informed there might be one or two amendments of considerable length, might extend the deadline just a little bit beyond Tuesday, in case some other amendments might be needed. I hope it will not be necessary, but this is a bill which will require considerable inspection, I think, by most of the Members of the Senate.

FORMER SENATOR ERNEST F. WALKER PRESENTED TO SENATE

The PRESIDING OFFICER. The Chair, at this time, would like to recognize the presence of a former colleague of ours, Senator Ernest Walker, of Cambria County.

Will the Senator please rise so that the Members of the Senate can recognize him?

RECESS

Mr. WEINER. Mr. President, I request a ten-minute recess of the Senate for the purpose of holding a meeting of the Committee on Insurance, to be held in Room 5420.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a ten-minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEE

Mr. MURRAY, by unanimous consent, from the Committee on Insurance, reported, as committed, **SB 845** and **HB 1811.**

BILLS ON FIRST READING

Mr. WEINER. Mr. President, I move that the Senate do now proceed to the first reading of the additional bills reported from committees for the first time at today's session.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

The bills were as follows:

SB 640, 845, HB 565, 1384 and **1811.**

And said bills having been read at length for the first time,

Ordered, To be laid aside for second reading.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

MEMBER OF THE BOARD OF TRUSTEES OF HOLLIDAYSBURG STATE HOSPITAL

August 8, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James M. Dente, 1801 Seventh Avenue, Altoona, Blair County, for reappointment as a member of the Board of Trustees of Hollidaysburg State Hospital, until the third Tuesday of January 1967, and until his successor is appointed and qualified.

DAVID L. LAWRENCE

The PRESIDENT pro tempore (Anthony J. DiSilvestro) in the Chair.

BILL SIGNED

The President pro tempore (Anthony J. DiSilvestro) in the presence of the Senate signed the following bill:

SB 114

The PRESIDING OFFICER (Thomas J. Kalman) in the Chair.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

MONDAY, AUGUST 14, 1961

DEMOCRATIC CAUCUS .....1:00 P.M., D.S.T.
REPUBLICAN CAUCUS .....1:00 P.M., D.S.T.

ADJOURNMENT

Mr. WEINER. Mr. President, I move that the Senate do now adjourn until Monday, August 14, 1961, at 2:30 p.m., Eastern Standard Time.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:48 p.m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, August 8, 1961.

The House met at 12 o'clock noon, e. s. t.

The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

The Chaplain, Reverend David R. Hoover, offered the following prayer:

Eternal God, Thou whose timeless energy serves to establish peace and tranquility in the troubled areas of life, we turn to Thee with dedicated hearts and minds asking that Thou wilt speak to the life of each one of us this day. O Father, we pray that as we are confronted with disturbing and controversial issues in this hour, thou wilt grant to these stewards of Thine and to each one of us the patience and understanding to see the views of others, the sympathetic awareness of others' needs, and the determined will to do what needs to be done. In Thy dear name. Amen.

JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journals of Tuesday, June 20, Wednesday, June 21, Thursday, June 22, Monday, June 26, Tuesday, June 27, and Wednesday, June 28, 1961? If not, and without objection, the Journals are approved.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Monday, August 7, 1961, will be postponed until printed.

The Chair hears none.

BILLS INTRODUCED AND REFERRED

By Mrs. HENZEL and Mr. HAUDENSHIELD.

HOUSE BILL No. 1843.

An Act to provide revenue by imposing an excise tax, payable by those herein defined as manufacturers and bottlers of bottled soft drinks, and syrups * * * and providing for the use of such tax for public school purposes.

Referred to the Committee on Ways and Means.

By Messrs. ANDREWS, SHERMAN, LAMB, McCANN, KORNICK, EILBERG, PETROSKY, MUSTO and Mrs. MUNLEY. HOUSE BILL No. 1844.

An Act to apportion the Commonwealth of Pennsylvania into congressional districts.

Referred to the Committee on Congressional Apportionment.

By Messrs. CAPANO, McCANN, FLYNN, Mrs. PASHLEY, Messrs. SCHAAF, IRVIS and GIBBONS.

HOUSE BILL No. 1845.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), providing for reimbursement for school nurses.

Referred to the Committee on Rules.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. WORLEY. RESOLUTION No. 94.

In the House of Representatives, August 7, 1961.

The obnoxious occupational tax is being increasingly used by some local governments in Pennsylvania. The assessments of occupations at the present time bear no relationship to the actual earning capacity of the individuals assessed. This results in financial oppression, partiality and discrimination against large segments of the population.

The occupation tax has been used as a substitute for an earned income or wage tax, to which it bears no real relationship. The result is that certain people in each community are burdened with an unfair share of the community tax load. The occupation tax is a holdover from primitive times, when persons pursuing certain lines of work had high incomes. This is no longer true. Taxes should be assessed, levied and collected from that segment of the population best able to pay; therefore be it

Resolved, That this House of Representatives hereby condemns the unfair use of occupation taxes by local governments in Pennsylvania, and urges such local governments to refrain from the imposition of such taxes.

Referred to the Committee on Rules.

By Mr. WORLEY. RESOLUTION No. 95.

In the House of Representatives, August 7, 1961.

Persons making use of migratory farm labor on their farms are being required by the Department of Labor and Industry to treat water used for drinking purposes with chlorine and other chemicals. In many cases, such water is being derived from the same well or pring which the farmers have used for their own drinking purposes for years without any harmful effects. The purchase of required chemicals has placed a financial burden upon farmers, and it is also felt by some that the presence of such chemicals in their water is detrimental to health; therefore, be it

Resolved, That the Department of Labor and Industry is hereby urged to remove the requirement that chlorine or other chemicals be placed in drinking water used by migrant laborers on farms when such water is derived from the same well or spring generally used by the farmer, unless it is established that the water is unsafe for human consumption without such treatment; and, be it further

Resolved, That a copy of this resolution be transmitted to the Secretary of Labor and Industry.

Referred to the Committee on Rules.

By Messrs. BRETH, JIM and CURWOOD.

RESOLUTION No. 96.

In the House of Representatives, August 7, 1961.

Whereas Spring Creek in Centre County is internationally famous for its trout fishing and as the site of the renowned "Fisherman's Paradise" and also the location of the State of Pennsylvania's largest and most picturesque fish hatchery; and

Whereas, This grand stream is apparently theatened by a continuing wave of pollution which threatens to destroy its fish life and its ability to attract visitors, sight-seers and fishermen; and

Whereas, This condition has drawn the concern and ire of numerous citizens and civic organizations; and

Whereas, If this condition continues to encroach upon the waters of this fair stream, the "Fisherman's Paradise" and fish hatchery will be abandoned with the resultant economic loss of several million dollars in plant ponds and fishery investments; and

Whereas, This loss will also mean a further economic loss of hundreds of thousands of dollars in revenue from tourists and sightseers in Centre County; and

Whereas, In realization of this serious situation, the House of Representatives, by 1960 House Resolution No. 9, Serial No. 11, empowered the Committee on Fisheries to make a survey and study of conditions causing the pollution of Spring Creek, which study was held and the results thereof reported to the House of Representatives; and

Whereas, In spite of said study and report, it has become apparent that the same conditions still exist; and

Whereas, This continuing condition is of great concern

not only to citizens of Centre County but to Pennsylvania fishermen everywhere; therefore be it

Resolved, That the Joint State Government Commission be directed to reopen and continue the survey and study previously conducted by the Committee on Fisheries of conditions causing the pollution of Spring Creek and all matters incidental and related thereto; and be it further

Resolved, That the Joint State Government Commission report to the House of Representatives its findings and recommendations, with drafts of legislation necessary to carry the recommendations into effect, as soon as possible.

Referred to the Committee on Rules.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 376.

An Act amending "The Fish Law of 1959" approved December 15, 1959 (P. L. 1779), authorizing the Pennsylvania Fish Commission to set aside certain waters to be used exclusively for fishing by children and disabled persons.

HOUSE BILL No. 564.

An Act amending the act of June 1, 1959 (P. L. 392), entitled "An act relating to the retirement of State employes amending revising consolidating and changing the laws relating thereto" providing for the crediting of service in the case of certain former members of the county employes' retirement system in counties of the second class.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGES

The clerk of the Senate being introduced, presented extracts from the Journal of the Senate:

Amended House bills returned for concurrence Nos. 81, 320, 1190, 1446 and 1617.

Amended Senate bill non-concurred in by Senate No. 716.

Appointment of Conference Committee on Senate bill No. 716.

REPORTS FROM COMMITTEES

Mr. DENGLER from the Committee on Education reported as committed, House bill No. 122, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30) further regulating compensation for sabbatical leaves for employes of school districts.

Mr. WILLAREDT from the Committee on Appropriations, re-reported as committed, House bill No. 1317, entitled:

An Act amending "The Pennsylvania Workmen's Compensation Act" approved June 2, 1915 (P. L. 736), providing for the payment of compensation to the spouse or certain dependents of deceased employes dying prior to receiving payment to total benefits in certain cases.

Mr. WILLAREDT from the Committee on Appropriations, re-reported as committed, House bill No. 1318, entitled:

An Act amending "The Pennsylvania Occupational Disease Act" approved June 21, 1939 (P. L. 566), providing for the payment of compensation to the spouse or certain dependents of deceased employes dying prior to receiving payment of total benefits in certain cases.

Mr. MURRAY from the Committee on Education, reported as committed, House bill No. 1320, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), providing payment of salaries of professional and other employes.

Mrs. S. A. ANDERSON from the Committee on Education, reported as committed, House bill No. 1721, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), providing for reimbursement by the Commonwealth to school districts for the employment of dental hygienists.

Mr. McCANN from the Committee on Rules, reported as committed, House bill No. 1824, entitled:

An Act making an appropriation to the Department of Property and Supplies for the publication of the History and Roster of the Tenth Pennsylvania Volunteer Infantry.

Mr. WILLAREDT from the Committee on Appropriations, reported as committed, House bill No. 1839, entitled:

An Act making an appropriation to The United States Constitution 175th Anniversary Commission of Pennsylvania.

Mrs. S. A. ANDERSON from the Committee on Education, reported as committed, House bill No. 1841, entitled:

An Act amending "The General Appropriation Act of 1961," approved May 25, 1961 (Appropriation Act No. 5-A), changing certain amounts appropriated to the Department of Public Instruction and the Department of Revenue, and making an appropriation to the Department of Public Instruction for community colleges.

Mr. McCANN from the Committee on Rules, reported as committed, House bill No. 1842, entitled:

An Act exempting civil defense facilities from State and local taxes; fixing the manner of certifying such facilities for tax exemptions; and imposing powers and duties on the State Council of Civil Defense, and certain county and other local officials.

Mr. WILLAREDT from the Committee on Appropriations, reported as amended, House bill No. 1030, entitled:

An Act authorizing additional pension and retirement payments to members of pension and retirement funds after termination of services.

Mr. MURRAY from the Committee on Education, reported as amended, House bill No. 1283, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), providing that certain area technical schools for vocational education may be established and operated by board of directors of second class school districts jointly with county boards of school directors.

Mr. McCANN from the Committee on Rules, reported as amended, House bill No. 1724, entitled:

An Act amending "The Penal Code" approved June 24, 1939 (P. L. 872), making county treasurers agents of the Commonwealth for the purpose of issuing certain licenses.

Mr. WILLAREDT from the Committee on Appropriations, re-reported as committed, Senate bill No. 344, entitled:

An Act providing for the certification by the Sanitary

Water Board of operators in responsible charge of sewage treatment plants specifying the classification of sewage treatment plants and the grades of certificates for operators thereof requiring that only certified operators may operate certain plants providing for revocation and suspension of certificates and providing for penalties and civil relief.

Mr. WILLAREDT from the Committee on Appropriations re-reported as committed, Senate bill No. 788, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" authorizing the Department of Health to institute a blood plasma protein recovery program.

Mrs. S. A. ANDERSON from the Committee on Education, reported as committed, Senate bill No. 603, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for payment of contributions to the school employes retirement fund on account of school employes on leave of absence for professional study.

Mrs. HENZEL from the Committee on Education, reported as committed, Senate bill No. 628, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" classifying film, film strips transparencies records and tapes as school supplies of the first class.

Mr. MURRAY from the Committee on Education, reported as committed, Senate bill No. 637, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing the reservation of funds for out-of-state travel expenses.

Mr. IRVIS from the Committee on Education, reported as committed, Senate bill No. 708, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for apportionment of rental obligations in certain cases.

Mrs. HENZEL from the Committee on Education, reported as committed, Senate bill No. 726, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for the use of moneys in the State School Fund of Pennsylvania for making grants to certain school districts.

Mr. J. H. GOLDSTEIN from the Committee on Banking and Building and Loan Associations, reported as committed, Senate bill No. 789, entitled:

An Act amending the act of May 15, 1933 (P. L. 624), entitled as amended "Banking Code" authorizing banks and bank and trust companies to purchase shares of capital in certain corporations or associations engaged in financial operations subject to conditions and further providing for the acquisition in whole or in part of mortgage loans by a bank or bank and trust company.

Mr. McINROY from the Committee on Labor Relations, reported as committed, Senate bill No. 790, entitled:

An Act amending the act of May 13, 1915 (P. L. 286), entitled "Child Labor Law" further prescribing work in which minors may engage providing for the issuance of special permits for minors engaging in the entertainment and related fields changing provisions relating to working hours employment certificates regulations prescribing penalties and providing a short title.

Mr. HAMILTON from the Committee on Education, reported as committed, Senate bill No. 830, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for laboratory schools of State-owned colleges and providing for payments in connection therewith.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 122, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), further regulating compensation for sabbatical leaves for employes of school districts.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1320, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), providing payment of salaries of professional and other employes.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1721, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), providing for reimbursement by the Commonwealth to school districts for the employment of dental hygienists.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1824, entitled:

An Act making an appropriation to the Department of Property and Supplies for the publication of the History and Roster of the Tenth Pennsylvania Volunteer Infantry.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1839, entitled:

An Act making an appropriation to The United States Constitution 175th Anniversary Commission of Pennsylvania.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1841, entitled:

An Act amending "The General Appropriation Act of 1961," approved May 25, 1961 (Appropriation Act No. 5-A), changing certain amounts appropriated to the Department of Public Instruction and the Department of Revenue,

and making an appropriation to the Department of Public Instruction for community colleges.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1842, entitled:

An Act exempting civil defense facilities from State and local taxes; fixing the manner of certifying such facilities for tax exemptions; and imposing powers and duties on the State Council of Civil Defense, and certain county and other local officials.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 603, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for payment of contributions to the school employes retirement fund on account of school employes on leave of absence for professional study.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 628, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" classifying film film strips transparencies records and tapes as school supplies of the first class.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 637, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing the reservation of funds for out-of-state travel expenses.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 708, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for apportionment of rental obligations in certain cases.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 726, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for the use of moneys in the State School Fund of Pennsylvania for making grants to certain school districts.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 789, entitled:

An Act amending the act of May 15, 1933 (P. L. 624), entitled as amended "Banking Code," authorizing banks and bank and trust companies to purchase shares of capital in certain corporations or associations engaged in financial operations subject to conditions and further providing for the acquisition in whole or in part of mortgage loans by a bank or bank and trust company.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 790, entitled:

An Act amending the act of May 13, 1915 (P. L. 286), entitled "Child Labor Law," further prescribing work in which minors may engage providing for the issuance of special permits for minors engaging in the entertainment and related fields changing provisions relating to working hours employment certificates regulations prescribing penalties and providing a short title.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 830, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for laboratory schools of State-owned colleges and providing for payments in connection therewith.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 990

Mr. McCANN. Mr. Speaker, I present the report of the Committee of Conference on House bill No. 990.

The SPEAKER. The report will lie over for printing under the Rules.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL NO. 104

Mr. McCANN. Mr. Speaker, I present the report of the Committee of Conference on Senate bill No. 104.

The SPEAKER. The report will lie over for printing under the Rules.

BIRTHDAY

The SPEAKER. The Chair is informed that this is the birthday of the gentleman from Northampton, Mr. Verona. Will Mr. Dengler proceed to perform his traditional function?

(Members sang "Happy Birthday" led by Mr. Dengler).

Mr. VERONA. Mr. Speaker, it is indeed a privilege and an honor to have your birthday remembered by a body such as this. I thank you very kindly.

COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency the Governor, which were read as follows:

APPROVAL OF HOUSE BILLS Nos. 616, 799, 943, 987, 1476, 1494, 1495, 1540, 1630 and 1644.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg,
August 7, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 616, printer's No. 1639, entitled "An Act amending the act of March 10, 1949 (P. L. 30), entitled 'Public School Code of 1949' providing for the renewal of provisional college certificates."

DAVID L. LAWRENCE.

August 7, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 799, printer's No. 2471, entitled "An Act making an appropriation to the Department of Public Welfare for payment of grants to political subdivisions for services for the aging and making an additional appropriation of moneys received for such purposes."

DAVID L. LAWRENCE.

August 7, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 943, printer's No. 1044, entitled "An Act amending the act of April 17, 1929 (P. L. 527), entitled 'An act providing for the recovery and collection of municipal claims by action of assumpsit without the necessity of entering liens for such claims and repealing existing laws' by extending the time within which actions of assumpsit may be brought to six years."

DAVID L. LAWRENCE.

August 7, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 987, printer's No. 2468, entitled "An Act authorizing minor spouses to join their adult spouse in the conveyance or mortgaging of their real estate and to execute bonds or other obligations in connection therewith and validating such actions taken."

DAVID L. LAWRENCE.

August 7, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1476, printer's No. 1809, entitled "An Act amending the act of July 5, 1947 (P. L. 1217), entitled 'State Public School Building Authority to convey projects to school districts when all bonded indebtedness and other obligations incurred in the financing of such projects have been finally paid and discharged."

DAVID L. LAWRENCE.

August 7, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1494, printer's No. 1842, entitled "An Act authorizing the Department of Property and Supplies with approval of the Governor to sell and convey .0806 acres of land more or less situate in the city of Bethlehem, Northampton County."

DAVID L. LAWRENCE.

August 7, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1495, printer's No. 1843, entitled "An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey .096 acres of land more or less situate in the city of Bethlehem, Northampton County."

DAVID L. LAWRENCE.

August 7, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1540, printer's No. 2164, entitled "An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire easements rights-of-way and other interests in real estate including the title in fee simple to fifteen parcels of land with improvements erected thereon and rights connected thereto for the maintenance of radio communications systems."

DAVID L. LAWRENCE.

August 7, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1630, printer's No. 2479, entitled "An Act amending the act of March 10, 1949 (P. L. 30), entitled 'Public School Code of 1949' providing a further limitation on the taxing authority of school districts lying in more than one county."

DAVID L. LAWRENCE.

August 7, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1644, printer's No. 2358, entitled "An Act authorizing any person diving in any waterway with the aid of a mechanical device to place a buoy at or near the place of submergence and fixing penalties."

DAVID L. LAWRENCE.

RECONSIDERATION OF VOTE ON HOUSE BILL NO. 1831

Mr. DOUGHERTY. Mr. Speaker, I move that the vote by which House bill No. 1831, printer's No. 2544, entitled:

"An Act increasing the number of courts of common pleas in the County of Philadelphia, establishing therein a distinct and separate court of common pleas designated court of common pleas number eight and providing for the appointment and election of judges for the court."

was defeated on final passage Monday, August 7, 1961, be reconsidered.

Mr. FINEMAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Phila-

delphia, Mr. Dougherty, vote on the final passage of this bill?

Mr. DOUGHERTY. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Fineman vote on the final passage of this bill?

Mr. FINEMAN. Mr. Speaker, I voted with the prevailing side.

On the question,
Will the House agree to the motion?
It was agreed to.
On the question recurring,
Shall the bill pass finally?

BILL POSTPONED

Mr. McCANN. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

RECONSIDERATION OF VOTE ON HOUSE BILL NO. 407

Mr. FLYNN. Mr. Speaker, I move that the vote by which House bill No. 407, printer's No. 2520, entitled:

"An Act amending 'The Fourth to Eighth Class County Assessment Law' approved May 21, 1943 (P. L. 571), imposing certain temporary restrictions on the taxing authorities of political subdivisions affected by the provisions of said act."

was defeated on final passage Monday, August 7, 1961, be reconsidered.

Mr. CAPANO. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Washington, Mr. Flynn, vote on the final passage of this bill?

Mr. FLYNN. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Washington, Mr. Capano vote on the final passage of this bill?

Mr. CAPANO. Mr. Speaker, I voted with the prevailing side.

On the question,
Will the House agree to the motion?
It was agreed to.
On the question recurring,
Shall the bill pass finally?

BILL POSTPONED

Mr. McCANN. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

RECONSIDERATION OF VOTE ON HOUSE BILL NO. 318

Mr. VERONA. Mr. Speaker, I move that the vote by which House bill No. 318, printer's No. 2519, entitled:

"An Act amending the 'Third Class County Board Assessment Law" approved June 26, 1931 (P. L. 1379), imposing certain minimum limitations on making assessments."

was defeated on final passage Monday, August 7, 1961, be reconsidered.

Mrs. REIBMAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Northampton, Mr. Verona, vote on the final passage of this bill?

Mr. VERONA. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the lady from Northampton, Mrs. Reibman, vote on the final passage of this bill?

Mrs. REIBMAN. Mr. Speaker, I voted with the prevailing side.

On the question,
Will the House agree to the motion?
It was agreed to.
On the question recurring,
Shall the bill pass finally?

BILL POSTPONED

Mr. McCANN. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1539, entitled:

An Act amending the act of June 22, 1931 (P. L. 881), entitled "An act prescribing rights and remedies and the procedure in conection with suits and recovery on bonds conditioned for the payment of material and labor furnished supplied or performed in the prosecution of any public work or improvement" extending the act to include Federal and State-aided institutions.

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1827, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Department of Forests and Waters to lease land in Valley Forge State Park to the United States Post Office Department for the purpose of the construction and operation of a post office.

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

PSEA DELEGATION WELCOMED

The SPEAKER. The Chair welcomes to the hall of the House a delegation of men and women who represent educational associations for the aid of the Pennsylvania State Education Association. They represent the following districts: Allegheny, Berks, Mercer, Cambria, Lehigh, Schuylkill, Luzerne and Lebanon. The principal towns

represented are Johnstown, Allentown, Reading and Pottsville.

Will the members of that delegation please rise?

ANNOUNCEMENT

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, we are probably going to call up one bill before we go to caucus. The request will be made for a one and a half-hour recess for the purpose of a caucus on the education program and the bills, beginning at, roughly, 2 o'clock.

So. Mr. Speaker, if I may, on page 4, call one bill up before the caucus.

The SPEAKER. Will the gentleman from Armstrong preside?

Mr. HELM IN THE CHAIR

FORMER MEMBER WELCOMED

The SPEAKER pro tempore. The Chair recognizes the Speaker of the House.

Mr. ANDREWS. We have present in the hall of the House a former member, and the first woman Democrat to be elected a member of this House.

She has one other unique distinction. She is entitled, if she will, to say a few words from the Speaker's rostrum to the members of this House, because she is an ex-Speaker pro tempore of this House. I think that she is probably the only surviving Speaker pro tem, but she was elected Speaker pro tem to preside over the House until it was organized at the 1935 Session, Anne Brancato, now Mrs. Wood. If she would care to say a few words to the members of this House, I am sure we would be pleased, and the members of this House would be pleased.

Anne was a great member of this House, and it has never been the same since she departed.

Mrs. WOOD. This is unusual. I had not expected to be called upon, but it feels like old times just looking over this great body of men and women. I am so happy to be here. It just makes me feel at home. One of these days I may come back and join you.

Thank you so much, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, on page 4, bills on final passage, I call up Senate bill 294, printer's No. 1115.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 294, entitled:

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" further providing for the lights and signals to be used in connection with certain vehicles and providing penalties.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, this bill is a bill that supposedly is promoted by the safety committee and the majority of the bill will probably be of benefit as far as truck lights are concerned. The thing that I objected to, whether that means too much or not, is on pages 3 and 4. For some reason or other as they started out they amended out the old grandfather clause on the lights, the stop lights and tail lights, of automobiles built prior to 1956. I questioned certain people on this and they said "Well, there are not too many cars that are older than 1956 still on the highways." My first question was, it would be very difficult to go out and find a dual tail lamp or a dual stop lamp for a good many of these motor vehicles. Be that as it may, I do not quite see the reason for eliminating that grandfather clause. In 1956 they told everybody that "Now you must have two tail lights and you must have two stop lights, but on all cars previous to this time you do not have to do that." If you take page 4 of S. B. 294, printer's No. 1115, and look at line 12, maybe you folks in the House will get my question. We say that all these folks who have these old cars have got to go and hunt up the dual tail lamp and dual stop lamp and yet it goes on to say "except as otherwise provided in this subsection, tractors, truck-tractors and towing vehicles in drive away-tow away operations shall carry at least one stop light." Now if it is all right for these people to have one stop light, why penalize everybody in Pennsylvania who has a car built before 1956 who has to go out and put on four stop lights and two tail lights? That is the biggest question I have to raise in this bill. I did not put an amendment in because I was told that it would be turned down. I did not try to. The rest of the bill possibly will be an advantage, although it is a great departure from our present system of truck lights.

The part near the back that is important, and I believe important for safety, is that a motor vehicle getting in trouble would have a way of throwing a third switch to make his turn signals, all four of them, come on at the same time and alternate. Presently you see a car run into a ditch and the man will turn on maybe his left turn signals and let them flash to show that he is in trouble; maybe he is on the opposite side of the road and he turns on the right turn signals to show he is in trouble. This bill primarily arranges for a third type of switch so that when he gets in trouble he can use the third position and both front turn signals and back turn signals alternately flash, and on trucks they have this position to use until they can get out on the highway and put their flags and flares down. I think that part of the bill is good.

There is only one other thing I would like to comment on before you vote on it and that is, on dump trucks, where they were wired for side lamps on the corners years ago, it was impossible to keep those side lamps in operation electrically. The inspection stations were then allowed to put a reflector in place of each one of those lights on a dump truck body. As near as I can figure, this bill cuts that out and they will have to wire them again. I do not think that should have been done because it is almost impossible in dump trucks working in stone or rocks, and something cuts the wires that operate the side lights. Of course, a good many of these dump trucks do not operate after dark and maybe that is one reason they eliminated it.

I am not saying one way or the other what to do. Use your own judgment, but I do think it is unfair in the first part of the bill. Thank you.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—110

Anderson, S. A.,	Gallagher,	Long, Wm. Jos.,	Polen,
Arlene,	Gelfand,	Lutty,	Prendergast,
Bachman,	Goldstein, J. H.,	Marsh,	Reibman,
Boles,	Goldstein, M. H.,	Maxwell,	Reidenbach,
Bonner,	Gramlich,	McCann,	Renwick,
Branca,	Gray,	McDevitt,	Riley,
Breth,	Greenlee,	McDonald,	Rovansek,
Capano,	Gremminger,	McKeever,	Rubin,
Capitolo,	Guesman,	McLaughlin,	Rudisill,
Cauley,	Hankins,	McNally,	Sakulsky,
Clarke,	Hartley,	Meholchick,	Scarcelli,
Comer,	Heavey,	Merry,	Schuster,
Cooley,	Holliday,	Monroe,	Shelton,
Crossin,	Irvis,	Mullen,	Sherman,
Curwood,	Jenkins,	Murphy,	Stank,
Dougherty,	Jim,	Murray,	Stimmel,
Doughten,	Johnson, A. W.,	Musto,	Sullivan, J. A.,
Edwards,	Jones,	Needham,	Sullivan, T. F.,
Eilberg,	Kelly,	O'Donnell, J. A.,	Taylor,
Farabaugh,	Klein,	O'Donnell, J. P.,	Thompson,
Filo,	Kooker,	Odorisio,	Tomascik,
Fineman,	Kornick,	Parlante,	Verona,
Flynn,	Kramer,	Pashley,	Welsh,
Foerster,	Lamb,	Perry,	Willard,
Fox,	Lawson,	Petrosky,	Williams, A. D.,
Frascella,	Leonard,	Piper,	Yetter,
Fry,	Limper,	Polaski,	Andrews,
Gailey,	Long, Wm. Jas.,		Speaker

NAYS—93

Adams,	George,	Korns,	Slack,
Anderson, J. H.,	Gibb,	Lee, A. M.,	Snare,
Auker,	Gibbons,	Lee, K. B.,	Stiteler,
Backenstoe,	Goodrich,	Lippincott,	Stone,
Blair,	Gross,	Magee,	Strausser,
Bossert,	Guthrie,	Manbeck,	Tompkins,
Bower,	Hamilton,	Markley,	Trusio,
Bowman,	Haudenshield,	May,	Ujobai,
Buchanan,	Heffner,	McCandless,	Varner,
Bush,	Helm,	McInroy,	Wall,
Cioffi,	Henzel,	Miller,	Walsh,
Davis,	Hocker,	Morley,	Wargo,
Dengler,	Holl,	Munley,	Weidner,
Dennison,	Holman,	O'Dell,	Wescott,
Donaldson,	Horst,	Ogilvie,	Whittaker,
Down,	Isaacs,	Price,	Willaredt,
Elvey,	Johnson, R. P.,	Pursley,	Williams, E. S.,
Eshback,	Keiser,	Royer,	Wilt,
Eshleman,	Kernaghan,	Rutherford,	Wood,
Esler,	Kessler,	Schaaf,	Worley,
Ewing,	King,	Seltzer,	Wynd,
Fetterolf,	Kistler,	Shupnik,	Zember,
Foor,	Knecht,	Simmons,	Zimmerman,
Fulmer,			

NOT VOTING—7

Ashton,	Kamyk,	Mihm,	Steckel,
Cianfrani,	McCormack,	Mills,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 698, entitled:

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code," making it illegal to buy, sell, alter or attempt to obtain by fraudulent means a diploma certificate or similar instrument prohibiting certain fraudulent acts pertaining to licensing registration or certification of any person and providing penalties.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. DOUGHERTY. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. EILBERG asked unanimous consent to offer an amendment at this time.

The SPEAKER pro tempore. The amendment will be read by the clerk for information.

Amend Sec. 1 (Sec. 674.1) page 2, line 11, by inserting after "other" post-secondary

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

DEMOCRATIC AND REPUBLICAN CAUCUSES

Mr. McCANN. Mr. Speaker, at this point, in compliance with the agreement of the Republican caucus, since they will be discussing the education program, I am going to ask the Democratic membership, when the motion is made for a recess, that they bring with them their House calendars and proceed immediately to the House caucus room. It is my understanding at this point that a motion will be in order for a recess of one and one-half hours for the purpose of respective caucuses covering the education and other calendar programs.

SENATE MESSAGE

TIME OF NEXT MEETING

The clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In The Senate, August 8, 1961.

Resolved, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, August 14, 1961 at a time to be fixed by the Senate; and when the House of Representatives adjourns this week, it reconvene Monday, August 14, 1961 at a time to be fixed by the House.

Ordered, that the clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, that the clerk inform the Senate accordingly.

RECESS

The SPEAKER pro tempore. Without objection, the

Chair will now declare a recess for one hour and 30 minutes.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

BILL INTRODUCED AND REFERRED

By Mrs. REIBMAN and Mr. POLEN.

HOUSE BILL No. 1846.

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177), creating the State Council of Higher Education as a departmental administrative board in the Department of Public Instruction; defining its powers and duties; transferring certain duties to the State Council of Higher Education of the State Council of Education; and defining and co-ordinating functions of the two councils.

Referred to the Committee on Education.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. ADAMS, OGILVIE, BLAIR, O'DELL, SNARE, WALSH and McLAUGHLIN.

RESOLUTION No. 97.

In the House of Representatives, August 8, 1961.

Resolved, That Major General Malcolm Hay, the Adjutant General of Pennsylvania, is requested to investigate the facilities, operations, condition of buildings, and the general environment of the Soldiers' and Sailors' Home in Erie, Pennsylvania and, be it further

Resolved, That the Adjutant General is requested to make a report of his findings and recommendations to the General Assembly as soon as possible.

Referred to the Committee on Rules.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 644.

An Act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties.

Referred to the Committee on Insurance.

SENATE BILL No. 866.

An Act authorizing the Department of Property and Supplies with the approval of the Department of Forests and Waters to lease land in Valley Forge State Park to the United States Post Office Department for the purpose of the construction and operation of a post office.

Referred to the Committee on State Government.

SENATE BILL No. 871.

An Act amending the act of June 26, 1931 (P. L. 1379), entitled "Third Class County Board Assessment Law" requiring counties of the fifth class advanced in classification to counties of the third class to operate a tax assessment system and to continue a permanent system of records pursuant to "The Fourth to Eighth Class County Assessment Law."

Referred to the Committee on Counties.

SENATE BILL No. 875.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Adjutant General to sell and convey real property situate in the City of Lebanon Lebanon County to County Commissioners of Lebanon County.

Referred to the Committee on State Government.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1554.

An Act amending the act of May 28, 1915 (P. L. 596), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" authorizing the withdrawal of service increment contributions by persons who retire before becoming entitled to any service increment.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 104

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on Senate bill numbered and entitled as follows:

SENATE BILL No. 104.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" changing the permitted length of vehicles operated in combination and granting the power to the Secretary of Highways to establish speed limits.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY THE HOUSE

The clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House bill No. 67 entitled:

An Act to protect the public safety by regulating the mining of anthracite coal prescribing duties for certain municipal officers and imposing penalties.

And has appointed Messrs. McMENAMIN, MURRAY and KESSLER a committee of conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made

and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 67

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. NEEDHAM, MUSTO and BOWER.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 312.

An Act amending the act of July 24, 1913 (P. L. 965), entitled "Commodities Weight and Measure Law" requiring additional markings on certain packages.

And has appointed Messrs. CAMIEL, LANE and PROPERT a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the difference existing between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon is amendments non-concurred in by the Senate to Senate bill No. 312 and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 312

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. GAILEY, IRVIS and GEORGE.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 192.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" further providing for the placing of reflectors on vehicles and providing penalties.

And has appointed Messrs. ROONEY, DONOLOW and WADE a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the difference existing between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate bill No. 192 and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 192

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. LIMPER, RENWICK and WILT.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY THE HOUSE

The clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Resolution No. 62 entitled:

Congress memorialized to adopt the equal rights for women amendment.

And has appointed Messrs. CAMIEL, LANE and PROPERT a committee of conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences between the two Houses in relation to said Resolution.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE RESOLUTION No. 62

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Mrs. MUNLEY, Mrs. PASHLEY and Mrs. WYND.

Ordered, that the clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 238.

An Act amending "The Fish Law of 1959" approved December 15, 1959 (P. L. 1779), providing for the issuing of resident fishing licenses to persons sixty-five years of age or over and to certain disabled veterans.

HOUSE BILL No. 376.

An Act amending "The Fish Law of 1959" approved December 15, 1959 (P. L. 1779), authorizing the Pennsylvania Fish Commission to set aside certain waters to be used exclusively for fishing by children and disabled persons.

HOUSE BILL No. 564.

An Act amending the act of June 1, 1959 (P. L. 392), entitled "An act relating to the retirement of State employes amending, revising, consolidating, and changing the laws relating thereto" providing for the crediting of service in the case of certain former members of the county employes' retirement system in counties of the second class.

HOUSE BILL No. 802.

An Act making an appropriation to the Department of Public Welfare for payment of grants to political subdivisions for juvenile delinquency programs.

HOUSE BILL No. 1081.

An Act amending the "State Employes' Retirement Code of 1959" approved June 1, 1959 (P. L. 392), providing for alternative methods of payments of benefits under certain conditions.

HOUSE BILL No. 1099.

An Act amending "The Insurance Company Law of 1921" approved May 17, 1921 (P. L. 682), requiring domestic mutual fire insurance companies conducting certain kinds of insurance to license their agents.

HOUSE BILL No. 1101.

An Act amending "The Insurance Company Law of 1921" approved May 17, 1921 (P. L. 682), subjecting domestic mutual fire insurance companies to the provisions thereof requiring approval of policies contracts or certificates of insurance by the Insurance Commissioner.

HOUSE BILL No. 1140.

An Act amending "The Borough Code" approved May 4, 1927 (P. L. 519), further regulating the division of boroughs into wards and the abolition of wards.

HOUSE BILL No. 1163.

An Act amending "The Insurance Company Law of 1921" approved May 17, 1921 (P. L. 682), requiring that policies of fire insurance issued by stock and mutual insurance companies associations and exchanges contain standard policy provisions herein prescribed.

HOUSE BILL No. 1273.

An Act amending the "State Employes' Retirement Code of 1959" approved June 1, 1959 (P. L. 392), providing a disability retirement allowance for disability incurred by officers and employes of the Pennsylvania State Police while engaging in law enforcement activities when not on active duty.

HOUSE BILL No. 1500.

An Act amending the act of June 11, 1935 (P. L. 326), entitled "An act relating to counties of the first class defining deceased service persons providing for contributions by the county to the funeral expenses for such persons and their widows providing for the erection and care of markers headstones and flags and for the compilation of war records" further regulating contributions made by county commissioners toward funeral expenses of deceased service persons and their widows.

HOUSE BILL No. 1566.

An Act amending the act of May 10, 1956 (P. L. 1569), entitled "An act authorizing the City of Philadelphia to accept the conveyance under certain conditions of the site of Fort Mifflin" by the Commonwealth of Pennsylvania giving up its right of occupancy of Mud Island under certain circumstances and by granting rights of occupancy thereof to the City of Philadelphia.

HOUSE BILL No. 1609.

An Act to ascertain and appoint the fees to be received by the prothonotary of the court of common pleas of the Commonwealth in counties of the third class to provide the time of paying the same and to repeal certain acts.

SENATE BILL No. 106.

An Act amending the act of August 5, 1941 (P. L. 803), entitled as amended "An act providing for the creation maintenance and operation of a county employes' retirement system in counties of the fifth, sixth, seventh, and eighth class . . ." requiring the creation of a county retirement system in counties of the fifth and sixth class.

SENATE BILL No. 405.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" further regulating suspensions of operators' licenses or learners' permits for violation of maximum speed limits.

SENATE BILL No. 456.

An Act amending the act of May 15, 1933 (P. L. 624), entitled as amended "Banking Code" changing certain provisions with respect to the payment of interest on deposits.

SENATE BILL No. 589.

An Act amending the act of May 22, 1933 (P. L. 912), entitled "Bakery Law" changing certain definitions further regulating marking and labeling conferring additional powers and duties on the Department of Agriculture and further regulating the sale and importation of bakery products.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 382, entitled:

An Act to repeal sections 663 and 730 of "The Penal Code" approved June 24, 1939 (P. L. 872), relating to the imposition of penalties against railroad employes and other persons for certain activities during strikes and against transportation employes for injuries or death resulting from their actions.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I dislike to interrupt during a roll call, but I would like to request the members on this side to vote "no" on this bill. It is the bill breaking down regulations on the railroad. I am sorry I was in conference here and I did not realize what bill it was.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—95

Arlene,	Frascella,	McCann,	Reidenbach,
Bachman,	Fry,	McCormack,	Renwick,
Boles,	Gallagher,	McDevitt,	Riley,
Bonner,	Gelfand,	McDonald,	Rubin,
Branca,	Greenlee,	McKeever,	Rudisill,
Breth,	Guesman,	McLaughlin,	Sakulsky,
Capano,	Hamilton,	McNally,	Scarcelli,
Capitolo,	Hartley,	Meholchick,	Schaaf,
Cauley,	Heavey,	Monroe,	Schuster,
Cianfrani,	Irvis,	Morley,	Shelton,
Cioffi,	Jenkins,	Mullen,	Sherman,
Clarke,	Jim,	Munley,	Shupnik,
Comer,	Jones,	Murray,	Snare,
Cooley,	Kelly,	Needham,	Stank,
Crossin,	Klein,	O'Donnell, J. A.,	Sullivan, T. F.,
Curwood,	Kornick,	O'Donnell, J. P.,	Taylor,
Dougherty,	Kramer,	Parlante,	Tomascik,
Doughten,	Lamb,	Pashley,	Trusio,

Eilberg,	Lawson,	Perry,	Verona,
Farabaugh,	Leonard,	Petrosky,	Walsh,
Filo,	Limper,	Polaski,	Wargo,
Fineman,	Long, Wm. Jas.,	Polen,	Yetter,
Flynn,	Long, Wm. Jos.,	Prendergast,	Andrews,
Foerster,	Lutty,	Reibman,	Speaker

NAYS—107

Adams,	Gailey,	Kessler,	Royer,
Anderson, J. H.,	George,	King,	Rutherford,
Anderson, S. A.,	Gibb,	Kistler,	Simmons,
Auker,	Gibbons,	Knecht,	Slack,
Backenstoe,	Goldstein, J. H.,	Kooker,	Stimmel,
Blair,	Goldstein, M. H.,	Korns,	Stiteler,
Bossert,	Goodrich,	Lee, A. M.,	Strausser,
Bower,	Gramlich,	Lee, K. B.,	Sullivan, J. A.,
Bowman,	Gray,	Lippincott,	Thompson,
Buchanan,	Gremminger,	Magee,	Tompkins,
Bush,	Gross,	Manbeck,	Ujobai,
Davis,	Guthrie,	Markley,	Varner,
Dengler,	Hankins,	Marsh,	Wall,
Dennison,	Haudenshield,	May,	Weidner,
Donaldson,	Heffner,	McCandless,	Welsh,
Down,	Helm,	McInroy,	Wescott,
Edwards,	Henzel,	Merry,	Whittaker,
Elvey,	Hocker,	Miller,	Willard,
Eshback,	Holl,	Murphy,	Willaredt,
Eshleman,	Holliday,	Musto,	Williams, A. D.,
Esler,	Holman,	O'Dell,	Williams, E. S.,
Ewing,	Horst,	Odorisio,	Wilt,
Fetterolf,	Isaacs,	Ogilvie,	Wood,
Foor,	Johnson, A. W.,	Piper,	Worley,
Fox,	Johnson, R. P.,	Price,	Wynd,
Fulmer,	Keiser,	Pursley,	Zember,
	Kernaghan,	Rovansek,	Zimmerman,

NOT VOTING—8

Ashton,	Maxwell,	Mills,	Steckel,
Kamyk,	Mihm,	Seltzer,	Stone,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 111, entitled:

An Act revising the procedure to be followed concerning arrest detention and bail substituting criminal summons for warrant of arrest in certain criminal cases and fixing penalties.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—123

Adams,	Fry,	Long, Wm. Jas.,	Reibman,
Anderson, J. H	Fulmer,	Long, Wm. Jos.,	Reidenbach,
Anderson, S. A.,	Gailey,	Lutty,	Renwick,
Arlene,	Gallagher,	McCann,	Riley,
Bachman,	Gelfand,	McCormack,	Rovansek,
Backenstoe,	Gibbons,	McDevitt,	Rubin,
Boies,	Gray,	McDonald,	Rudisill,
Bonner,	Greenlee,	McInroy,	Sakulsky,
Branca,	Gremminger,	McKeever,	Scarcelli,
Breth,	Guesman,	McLaughlin,	Schaaf,
Capitolo,	Hamilton,	McNally,	Schuster,
Cauley,	Hankins,	Meholchick,	Shelton,
Cianfrani,	Hartley,	Monroe,	Sherman,
Cioffi,	Heavey,	Morley,	Shupnik,
Clarke,	Irvis,	Mullen,	Stank,
Comer,	Jenkins,	Munley,	Stimmel,
Cooley,	Jim,	Murphy,	Strausser,
Crossin,	Jones,	Murray,	Sullivan, J. A.,
Curwood,	Kelly,	Musto,	Sullivan, T. F.,
Dengler,	Kernaghan,	Needham,	Taylor,
Donaldson,	Klein,	O'Donnell, J. A.,	Tomascik,
Dougherty,	Kooker,	O'Donnell, J. P.,	Trusio,
Doughten,	Kornick,	Odorisio,	Verona,
Eilberg,	Kramer,	Parlante,	Walsh,
Eshleman,	Lamb,	Pashley,	Wargo,
Farabaugh,	Lawson,	Perry,	Welsh,
Filo,	Lee, A. M.,	Petrosky,	Williams, A. D.,
Fineman,	Lee, K. B.,	Piper,	Wynd,
Flynn,	Leonard,	Polaski,	Yetter,
Foerster,	Limper,	Polen,	Andrews,
Frascella,	Lippincott,	Prendergast,	Speaker

NAYS—79

Auker,	George,	Keiser,	Simmons,
Blair,	Gibb,	Kessler,	Slack,
Bossert,	Goldstein, J. H.,	King,	Snare,
Bower,	Goldstein, M. H.,	Kistler,	Stiteler,
Bowman,	Goodrich,	Knecht,	Thompson,
Buchanan,	Gramlich,	Korns,	Tompkins,
Bush,	Gross,	Magee,	Ujobai,
Capano,	Guthrie,	Manbeck,	Varner,
Davis,	Haudenshield,	Marsh,	Wall,
Dennison,	Heffner,	May,	Weidner,
Down,	Helm,	McCandless,	Wescott,
Edwards,	Henzel,	Merry,	Whittaker,
Elvey,	Hocker,	Miller,	Willard,
Eshback,	Holl,	O'Dell,	Willaredt,
Esler,	Holliday,	Ogilvie,	Williams, E. S.,
Ewing,	Holman,	Price,	Wilt,
Fetterolf,	Horst,	Pursley,	Wood,
Foor,	Isaacs,	Royer,	Worley,
Fox,	Johnson, A. W.,	Rutherford,	Zember,
	Johnson, R. P.,	Seltzer,	Zimmerman,

NOT VOTING—8

Ashton,	Markley,	Mihm,	Steckel,
Kamyk,	Maxwell,	Mills,	Stone,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

STATEMENT BY MINORITY LEADER

Mr. A. W. JOHNSON. Mr. Speaker, may I ask unanimous consent of the House first to make a brief statement? Then I would like to follow that by making an appropriate motion.

The SPEAKER. The floor leaders are always privileged to address the House.

Mr. A. W. JOHNSON. Mr. Speaker, we are, we hope, at the tail end of this legislative session. The thing that I want to talk about right now is the issue of reapportionment.

When this session started, it was very evident, very apparent, to everybody that the most important issue facing this General Assembly was the question of a fair and reasonable reapportionment bill. Everybody knows, and it is axiomatic, that Pennsylvania, by reason of a loss in population, will have to lose three seats in our Congress. The question was how to fairly and equitably do this job, particularly in view of the fact that we are almost evenly divided in this House, we are evenly divided in the Senate; and the State is practically evenly divided from a political standpoint. What did we Republicans do? We adopted, first, a principle on our side that, No. 1, because of the shrinkage of population in Philadelphia they should lose one seat. Why? Because Philadelphia is entitled to not six seats under the present population, not five, but 4.78. So we thought it would be equitable, fair and just that Philadelphia lose one seat in Congress, which would only be right, and that would be a Democrat, obviously, which would be eliminated.

What would we on the Republican side do then? We would agree to a district throughout the State where we

would lose a Republican Congressman. That would make it even. Then we would go along on setting up a district wherein it would be evenly divided and in a fair election either side could pick and win that third seat. Now that was the plan.

We also adopted a principle that we would not carve up a county in order to create a congressional district; we would try to preserve existing county lines as much as possible. Now we are in the minority; the Democrats are in the majority. We realized the only whip we had would be to hold up votes on the non-preferred appropriations. I know you will say that is not a very tenuous hold that you could rely on, because as time goes by time runs out on you. Of course, in other years we did not pass these bills until the session was almost a year and a half gone by, but that is not the subject of my discussion.

What further did the Republicans do? We met with a select committee chosen by Mr. McCann. We sat down with them. Otis Morse and George Bloom agreed, we will sit down and we will agree on a fair and reasonable bill. We have been waiting, oh, so long, so long, for that meeting when we would sit down and fairly and squarely and honestly and in a spirit of good will, because of the State being evenly divided politically, try to equitably resolve this reapportionment problem. We even put in a couple of bills which we felt would reasonably express some of our opinions, although we have a plan in my possession which would be even a fairer plan if we would be willing to sit down and talk about and bargain with. The meetings were never held. Week after week I have asked Mr. McCann, "Are we going to get a reapportionment bill?" "Yes, we will get one. Yes, we will sit down with you people." But, lo and behold, this Monday we finally get a bill, the bill we have long waited for, the fair, reasonable equitable, just bill we were supposed to get, that was supposed to be put in. Mr. McCann on Monday morning unveiled it in his office with a big chart. You must mean business with that bill or you would not have gone to all that trouble.

Now, what does that bill do? If that bill were to pass, it is quite reasonable that six Republican Congressmen would be eliminated in Pennsylvania and you Democrats would not lose a single one. You are going to hang onto your six in Philadelphia and arrogantly reach over into Delaware County and over into Bucks County and take some of those fine people and add them to the county of Philadelphia. People in those counties do not want it. It violates the precepts that we, the Republican Party, have established as to what would be done, one, two, three, four, five steps, in order to have a fair, reasonable and just reapportionment bill.

We have waited, oh, so long and this is the bill we have. It is in committee, and I understand it is going to pop out of committee next week. We know you have the votes to put it over if you want to. There is not a vote on this side, I am sure, for that unfair, unjust bill. I say it is gerrymandering gone mad, this bill that you have. It is a Democratic sham, it is arrogant, and I think it is a fraud on the people of this Commonwealth, that bill, to eliminate deliberately six Republicans and keep every Democrat and preserve Bill Green right there with his machine in the city of Philadelphia. There is no question but that Bill Green drafted this bill, and I think when you passed your tax program in January you made a deal, you Philadelphia Democrats went out and caucused, you came back with some kind of deal, and we have every reason to believe that deal was that Bill Green does not lose any Congressmen. And, lo and behold, the fruition of that plan was expressed on Monday morning when Mr. McCann unveiled his plan for Pennsylvania.

The people of this State are not dumb. They know what you are up to. They know that Philadelphia is not entitled to more than five Congressmen, yet want to keep six and only have about 330,000 to 350,000 people to represent. The people in this State know that.

How about we Republicans? We have been sitting on these non-preferred bills. We thought this week your bill would be out, we could move on non-preferred bills, move on reapportionment and get over with this session and get out of here. Now you say, if you do not give us votes and this bill fails, we will elect Congressmen at Large. That is all right with us. If you want to take the onus of running Congressmen at Large, we will meet you on election day, and I guarantee you we will probably sweep the State, because we will point out the hypocrisy of what you people are doing here today-

The SPEAKER. Did the Chair misunderstand the gentleman? I was under the impression that the gentleman's talk was leading up to a motion.

Mr. A. W. JOHNSON. That is true, I said I would be brief. I am nearly through, Mr. Speaker.

The SPEAKER. The enthusiasm of the moment and the captivation of the audience—

Mr. A. W. JOHNSON. I will be through in just a minute, Mr. Speaker.

The SPEAKER. The Chair awaits the motion.

Mr. A. W. JOHNSON. I am not in any hurry and I do not think anybody else is because this is the most important thing this session. This is the thing that is keeping us here, and right at this microphone I charge the Democrats with bad faith on this thing. I think we should have all gotten together and had a bill here that we could all agree on and have on the floor and we could do business here. We could fix a time for sine die and end this session. But, no, you have a bill here that we could not possibly vote for and we cannot even negotiate with you hardly because it is so unfair and unjust in our opinion.

But now let me tell you something: Even though we know your plan is bad, we do not see how we are going to solve this matter. There is no use of our sitting on these non-preferred appropriations any more. We think you have shown what you intend to do and there is no use in penalizing the people of Pennsylvania any longer on these non-preferred appropriation bills.

I, therefore, ask you people to turn to page 2 of your calendar.

NON-PREFERRED APPROPRIATION BILLS MADE SPECIAL ORDER OF BUSINESS

Mr. A. W. JOHNSON. Mr. Speaker, I move that we make a special order of business immediately of House bill No. 796, which is an appropriation bill on final passage and a non-preferred appropriation. I want to make the same motion on each and every non-preferred appropriation bill on this calendar today. There is no use of our sitting on them any longer, because we are willing to run Congressmen at Large if you people want to and we will go before the country on that issue.

STATEMENT BY MAJORITY LEADER

Mr. McCANN. Mr. Speaker, I gather the impression that Mr. Johnson and the minority members of the House are not extremely happy or fond of the reapportionment bill that has been introduced, perhaps not as fond as they are of HB 1777 or 1725 or SB 845, which very nicely would eliminate, we will say, from five to six Democratic Congressmen who now serve in Washington.

I do not care to debate the merits of the bill at this point, and I thank the minority for relinquishing its position on the non-preferred appropriation bills on which it will supply the votes today, which I did not know anything about until now,—all of the non-preferred appropriation bills, if that is so.

I will say that perhaps out of the pages of history, when we debate the reapportionment bill, it will not be difficult to find, which you quite well know, that the Republican national chairman's congressional district is also a division of counties, that in the area of Joe Martin, former Republican Floor Leader of Boston, Massachusetts, there is a division of parts of a county. Also in 41 places in the United States, in Seattle, in San Diego, in Chicago, in Kansas City, in Missouri, in Boston, Massachusetts, Niagara, New York, yes, and also in 1941, I believe, that the governor then was a Republican governor and, if I am correct, a reapportionment bill was passed in this General Assembly in which you saw fit, in your wisdom, to take a part of Allegheny County and add it to Washington County, which I think the record will show, to make a new congressional district. I believe that is the law as you reapportioned the congressional districts in those days, if I read the manual correctly.

Had I known we were going to debate this issue today, we would have brought up the files, because we sure believe we have offered to you and to Pennsylvania a fair and honest reapportionment bill.

I am most pleased also to learn, Mr. Speaker, if I recall Mr. Johnson's remarks correctly, that he has in his possession another reapportionment bill, which I believe he indicated he is going to introduce. If I recall correctly, the Republican State committee introduced a bill in this House, and George Bloom, the chairman, embraced it wholeheartedly and issued a release as to this being a fair and honest bill. Evidently this one that you are going to introduce is going to be a little fairer and a little more honest. We will compare it with the other bills and see which way it may lean.

We are not in a position where we can debate this issue, but we certainly hope that we are coming near the end of the session, at which time we will debate the congressional reapportionment bills.

Mr. Speaker, I certainly favor the motion that the gentleman made, that we proceed with a special order of business, and I hope he meant that all of the non-preferred appropriation bills with the two-thirds vote of this House would then be on their way to the Senate and to the governor's office.

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I just want to reply briefly to the story about the fact that there is a history of splitting a county as far as this General Assembly is concerned.

That is true. It was in the special session of 1942. Elmer Kilroy was Speaker. You Democrats were in power in the House and you rammed that bill down our throats in 1942 in order to get reapportionment. It was not signed by the governor until February 5, 1942, almost the day to start circulating petitions to run for Congress. At the next session in 1943 the Republicans were in power and they repealed the bill and set the record straight.

Mr. McCANN. Mr. Speaker, would the gentleman also indicate that that bill passed the Senate and I think the manual indicated, or the history indicated, that the Republican governor signed it into law? I believe that was correct.

I think if that is so, we will debate those issues at that time, including the 41 other cities in the United States, including the Republican national chairman's own congressional district.

On the question,
Will the House agree to the motion?
It was agreed to.

The SPEAKER. The non-preferred appropriation bills are now a special order. Will the two floor leaders confer as to how they would like these roll calls handled?

Mr. McCANN. I would like to ask the floor leader, Mr. Speaker, if he desires any of the bills to be interrogated on or the amounts indicated, or can we use a fast roll call since I believe we will have a large number left now?

Mr. A. W. JOHNSON. Mr. Speaker, I learned Representative Whittaker would like to offer an amendment to one of these bills, 773 on page 8. And I believe by reason of the fact that these bills have been on the calendar so long that if Mr. Polen has his papers with him, it would be very pleasant if he would tell us what each appropriation does and the amount.

Mr. McCANN. Mr. Speaker, we will be most pleased to follow that pattern and move right through, then.

Mr. A. W. JOHNSON. Mr. Speaker, it would be nice if the gentleman would also state whether it is a new program or an old one.

SPECIAL ORDER OF BUSINESS

APPROPRIATION BILLS ON FINAL PASSAGE (NON-PREFERRED)

Agreeably to order,
The House proceeded to the consideration on final passage of House bill No. 796, entitled:

An Act making an appropriation to the Department of Public Welfare to reimburse State-aided hospitals and the Philadelphia General Hospital for part of the cost of training nurses in approved schools of nursing and making a deficiency appropriation for the same purpose.

On the question,
Shall the bill pass finally?

Mr. TOMPKINS. Mr. Speaker, I understood that the chairman of the Appropriations Committee was going to inform us as to the amount involved in these bills and whether or not they involved a present program or a new program.

The SPEAKER. Is there any interrogation, or does the chairman of the Appropriations Committee want to briefly explain each bill as it comes up? What is the procedure desired?

Mr. McCANN. Mr. Speaker, if I followed it correctly—

I do not believe the Speaker heard—Mr. Johnson asked that when a bill is called up the chairman of the Appropriations Committee indicate the amount of the appropriation in the bill before the bill is called for a roll call. Is that right?

Mr. TOMPKINS. And whether it is an existing or a new program.

Mr. McCANN. Whether it is an existing or a new program, to also indicate that.

The SPEAKER. The Chair recognizes the chairman of the Appropriations Committee.

Mr. POLEN. Mr. Speaker, HB 796 is an appropriation for nurses' training for the Department of Public Welfare, $1,745,496. It is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—203

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boies,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Stimmel,
Capitolo,	Hartley,	McKeever,	Stiteler,
Cauley,	Haudenshield,	McLaughlin,	Stone,
Cianfrani,	Heavey,	McNally,	Strausser,
Cioffi,	Heffner,	Meholchick,	Sullivan, J. A.,
Clarke,	Helm,	Merry,	Sullivan, T. F.,
Comer,	Henzel,	Miller,	Taylor,
Cooley,	Hocker,	Monroe,	Thompson,
Crossin,	Holl,	Morley,	Tomascik,
Curwood,	Holliday,	Mullen,	Tompkins,
Davis,	Holman,	Munley,	Trusio,
Dengler,	Horst,	Murphy,	Ujobai,
Dennison,	Irvis,	Murray,	Varner,
Donaldson,	Isaacs,	Musto,	Verona,
Dougherty,	Jenkins,	Needham,	Wall,
Doughten,	Jim,	O'Dell,	Walsh,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Wargo,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Weidner,
Eilberg,	Jones,	Odorisio,	Welsh,
Elvey,	Keiser,	Ogilvie,	Wescott,
Eshback,	Kelly,	Parlante,	Whittaker,
Eshleman,	Kernaghan,	Pashley,	Willard,
Esler,	Kessler,	Perry,	Willaredt,
Ewing,	King,	Petrosky,	Williams, A. D.,
Farabaugh,	Kistler,	Piper,	Williams, E. S.,
Fetterolf,	Klein,	Polaski,	Wilt,
Filo,	Knecht,	Polen,	Wood,
Fineman,	Kooker,	Prendergast,	Worley,
Flynn,	Kornick,	Price,	Wynd,
Foerster,	Korns,	Pursley,	Yetter,
Foor,	Kramer,	Reibman,	Zember,
Fox,	Lamb,	Reidenbach,	Zimmerman,
Frascella,	Lawson,	Renwick,	Andrews,
Fry,	Lee, A. M.,	Riley,	Speaker

NAYS—0

NOT VOTING—7

Ashton,	Kamyk,	Mihm,	Steckel,
Fulmer,	Maxwell,	Mills,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1708, entitled:

An Act making an appropriation to the Department of Public Welfare for the maintenance of certain homes.

On the question,

Shall the bill pass finally?

Mr. POLEN. Mr. Speaker, HB 1708 makes an appropriation for State-aided homes in the amount of $456,069. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—200

Adams,	Fulmer,	Lawson,	Renwick,
Anderson, J. H.,	Gailey,	Lee, A. M.,	Riley,
Anderson, S. A.,	Gallagher,	Lee, K. B.,	Rovansek,
Auker,	Gelfand,	Leonard,	Royer,
Bachman,	George,	Limper,	Rubin,
Backenstoe,	Gibb,	Lippincott,	Rudisill,
Blair,	Gibbons,	Long, Wm. Jas.,	Rutherford,
Boies,	Goldstein, M. H.,	Long, Wm. Jos.,	Sakulsky,
Bonner,	Goldstein, J. H.,	Lutty,	Scarcelli,
Bossert,	Goodrich,	Magee,	Schaaf,
Bower,	Gramlich,	Manbeck,	Schuster,
Bowman,	Gray,	Markley,	Seltzer,
Branca,	Greenlee,	Marsh,	Shelton,
Breth,	Gremminger,	May,	Sherman,
Buchanan,	Gross,	McCandless,	Shupnik,
Bush,	Guesman,	McCann,	Simmons,
Capano,	Guthrie,	McCormack,	Slack,
Capitolo,	Hamilton,	McDevitt,	Snare,
Cauley,	Hankins,	McDonald,	Stank,
Cianfrani,	Hartley,	McInroy,	Stimmel,
Cioffi,	Haudenshield,	McKeever,	Stiteler,
Clarke,	Heavey,	McLaughlin,	Stone,
Comer,	Heffner,	McNally,	Sullivan, J. A.,
Cooley,	Helm,	Meholchick,	Sullivan, T. F.,
Crossin,	Henzel,	Merry,	Taylor,
Curwood,	Hocker,	Miller,	Thompson,
Davis,	Holl,	Monroe,	Tomascik,
Dengler,	Holliday,	Morley,	Trusio,
Dennison,	Holman,	Mullen,	Ujobai,
Donaldson,	Horst,	Munley,	Varner,
Dougherty,	Irvis,	Murphy,	Verona,
Doughten,	Isaacs,	Murray,	Wall,
Down,	Jenkins,	Musto,	Walsh,
Edwards,	Jim,	Needham,	Wargo,
Eilberg,	Johnson, A. W.,	O'Dell,	Weidner,
Elvey,	Johnson, R. P.,	O'Donnell, J. A.,	Welsh,
Eshback,	Jones,	O'Donnell, J. P.,	Wescott,
Eshleman,	Keiser,	Odorisio,	Whittaker,
Esler,	Kelly,	Ogilvie,	Willard,
Ewing,	Kernaghan,	Parlante,	Willaredt,
Farabaugh,	Kessler,	Pashley,	Williams, A. D.,
Fetterolf,	King,	Perry,	Williams, E. S.,
Filo,	Kistler,	Petrosky,	Wilt,
Fineman,	Klein,	Piper,	Wood,
Flynn,	Knecht,	Polaski,	Worley,
Foerster,	Kooker,	Polen,	Wynd,
Foor,	Kornick,	Prendergast,	Yetter,
Fox,	Korns,	Price,	Zember,
Frascella,	Kramer,	Pursley,	Zimmerman,
Fry,	Lamb,	Reidenbach,	Andrews,
			Speaker

NAYS—0

NOT VOTING—10

Arlene,	Maxwell,	Reibman,	Strausser,
Ashton,	Mihm,	Steckel,	Tompkins,
Kamyk,	Mills,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1709, entitled:

An Act making an appropriation to the Department of Public Welfare for the maintenance of certain hospitals.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the chairman of the Appropriations Committee.

Mr. POLEN. Mr. Speaker, HB 1709 makes an appropriation for the State-aided hospitals, $17,259,125. It is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—196

Adams,	Fry,	Lee, A. M.,	Rovansek,
Anderson, S. A.,	Fulmer,	Lee, K. B.,	Royer,
Arlene,	Gailey,	Leonard,	Rubin,
Auker,	Gallagher,	Limper,	Rudisill,
Bachman	Gelfand,	Lippincott,	Rutherford,
Backenstoe,	George,	Long, Wm. Jas.,	Sakulsky,
Blair,	Gibb,	Long, Wm. Jos.,	Scarcelli,
Boles,	Gibbons,	Lutty,	Schaaf,
Bonner,	Goldstein, J. H.,	Magee,	Schuster,
Bower,	Goldstein, M. H.,	Manbeck,	Seltzer,
Bossert,	Goodrich,	Markley,	Shelton,
Bowman,	Gramlich,	Marsh,	Sherman,
Branca,	Gray,	May,	Shupnik,
Breth,	Greenlee,	McCandless,	Simmons,
Buchanan,	Gremminger,	McCann,	Slack,
Bush,	Gross,	McCormack,	Snare,
Capano,	Guesman,	McDevitt,	Stank,
Capitolo,	Guthrie,	McDonald	Steckel,
Cauley,	Hamilton,	McKeever,	Stimmel,
Cianfrani,	Hankins,	McLaughlin,	Stiteler,
Cioffi,	Hartley,	McNally,	Strausser,
Clarke,	Haudenshield,	Meholchick,	Sullivan, J. A.,
Comer,	Heffner,	Merry,	Sullivan, T. F.,
Cooley,	Helm,	Miller,	Taylor,
Crossin,	Henzel,	Monroe,	Thompson,
Curwood,	Hocker,	Mullen,	Tomascik,
Davis,	Holl,	Munley,	Tompkins,
Dengler,	Holliday,	Murphy,	Ujobai,
Dennison,	Holman,	Murray,	Varner,
Donaldson,	Horst,	Musto,	Verona,
Dougherty,	Irvis,	Needham,	Wall,
Doughten,	Isaacs,	O'Donnell, J. A.,	Walsh,
Down,	Jenkins,	O'Donnell, J. P.,	Wargo,
Edwards,	Jim,	Odorisio,	Weidner,
Ellberg,	Johnson, A. W.,	Ogilvie,	Welsh,
Elvey,	Johnson, R. P.,	Parlante,	Wescott,
Eshback,	Jones,	Pashley,	Whittaker,
Eshleman,	Keiser,	Perry,	Willard,
Esler,	Kelly,	Petrosky,	Willaredt,
Ewing,	Kernaghan,	Piper,	Williams, A. D.,
Farabaugh,	Kessler,	Polaski,	Williams, E. S.,
Fetterolf,	King,	Polen,	Wilt,
Filo,	Kistler,	Prendergast,	Wood,
Fineman,	Klein,	Price,	Worley,
Flynn,	Knecht,	Pursley,	Wynd,
Foerster,	Korns,	Reibman,	Zember,
Foor,	Kramer,	Reidenbach,	Zimmerman,
Fox,	Lamb,	Renwick,	Yetter,
Frascella,	Lawson,	Riley,	Andrews, Speaker

NAYS—0

NOT VOTING—14

Anderson, J. H.	Kooker,	Mihm,	O'Dell,
Ashton,	Kornick,	Mills,	Stone,
Heavey,	Maxwell,	Morley,	Trusio,
Kamyk,	McInroy,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Parlante.

Mr. PARLANTE. Mr. Speaker, I wish to say that on House bill 1709 I was sitting at my desk and I forgot to push the button.

The SPEAKER. I have done that very frequently. The gentleman is recorded.

Mr. HEAVEY. Mr. Speaker, I wish to be recorded as voting "yes" on the last bill.

The SPEAKER. The gentleman will be so recorded.

Mrs. KOOKER. Mr. Speaker, I wish to be recorded as voting "aye."

The SPEAKER. The lady from Bucks, Mrs. Kooker, will be so recorded.

Mr. McCANN. Mr. Speaker, on the next bills that we will call up,—we have discussed this procedure and we would like to go to a fast roll call because we have pages 7, 8, 9, 10, 11 and 12 to go through on these bills. Except where there may be some particular bills to which there is objection, we wonder if we could agree on the fast roll call system and get a total vote?

The SPEAKER. If there are no negative votes clear through, you can. If there are any negative votes it will take longer. First of all, you want a roll call that shows all of the members who are here to vote, and then you read the first names and ask if there are any negative votes, and if there are not then it is very quickly done. But you would have to take one slow roll call to get the master list.

Mr. McCANN. Mr. Speaker, that is exactly what I meant. I wonder if, on page 7, where we start if we could take a roll call on the first bill that would be sure to have everyone on it and then go from there to a fast roll call repeating the sheets without the roll call?

The SPEAKER. Whatever the floor leaders will agree on will be agreeable to the Chair.

I do not think you gain any time by fast roll calls.

Mr. McCANN. There are exactly 40 more bills at this point to be voted on.

The SPEAKER. Can we have all of the members come in so we can get one master list of all the members who are here?

Mr. McCANN. Mr. Speaker, we will call up HB 65 and we will hold it for a minute.

APPROPRIATION BILLS ON THIRD READING
(NON-PREFERRED)

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 65, entitled:

An Act providing for pensions for war veterans blinded through service connected injuries conferring powers and imposing duties on the Department of Military Affairs and the Adjutant General and making an appropriation.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the chairman of the Appropriations Committee.

Mr. POLEN. Mr. Speaker, HB 65 makes an appropriation of $80,000 to the Blind Veterans' Pension. This is a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Forester,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 137, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the repair and restoration of the Caleb Pusey House subject to certain conditions.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the chairman of the Appropriations Committee.

Mr. POLEN. Mr. Speaker, HB 137 makes an appropriation of $4,000 for the restoration of the Caleb Pusey House. This is a new appropriation.

The SPEAKER. There are 205 names recorded. When the Chair says, "The clerk will record the vote," you do not need to vote. You will be recorded "aye." The Chair will ask, "Are there any negative votes?" If there are they will be tabulated.

When the Chair says, "The clerk will record the vote," you do not have to vote.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heffner,	McNally,	Stone,
Cioffi,	Helm,	Meholchick,	Strausser,
Clarke,	Heavey,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Forester,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 763, entitled:

An Act making an appropriation to the Trustees of the Mary Bailey Foundation for Heart and Great Vessel Research.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the chairman of the Appropriations Committee.

Mr. POLEN. Mr. Speaker, HB 763 makes an appropriation of $18,900 to the Mary Bailey Foundation. This is not a new appropriation.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boies,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Truslo,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Forester,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 764, entitled:

An Act making an appropriation to the Department of Health for the use of the Institute for Cancer Research Incorporated Fox Chase Philadelphia Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the chairman of the Appropriations Committee.

Mr. POLEN. Mr. Speaker, HB 764 makes an appropriation of $229,500 to the Cancer Research, Fox Chase. That is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boies,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Truslo,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,

Eshback,	Kernaghan,	Parlante,	Wescott,
Eshleman,	Kelly,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willaredt,
Ewing,	King,	Petrosky,	Willard,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kornick,	Prendergast,	Wood,
Flynn,	Kooker,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Mr. HELM IN THE CHAIR

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 765, entitled:

An Act making an appropriation to the Department of Health for the diagnosis treatment and study of cerebral palsy at St. Christopher's Hospital.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 765 makes an appropriation of $75,600 to St. Christopher's for cerebral palsy research. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 771, entitled:

An Act making an appropriation to the Department of Public Instruction for aid to free public non-sectarian county libraries and for the purchase and transportation of books.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 771 makes an appropriation to Public Instruction for aid to free public libraries, $132,678. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,

Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Ellberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 772, entitled:

An Act making an appropriation to the Department of Public Instruction for the improvement of library services.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 772 makes an appropriation of $500,000 to Public Instruction for the improvement of library services. This is a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, S. A.,	Gallagher,	Leonard,	Royer,
Anderson, J. H.	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Blair,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Bachman	Goldstein, J. H.,	Lutty,	Scarcelli,
Backenstoe,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Ellberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection,

House bill No. 773, printer's No. 846,

was passed over temporarily at the request of Mr. McCANN.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 774, entitled:

An Act making appropriations to the Trustees of the University of Pittsburgh for the general maintenance and operation of the University for the School of Medicine for the Library School.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 774 makes an appropria-

tion of $3,945,686 to the University of Pittsburgh. It is not a new program.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Forester,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews, Speaker
Fulmer,			

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 775, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University for the School of Medicine and for the School of Veterinary Medicine.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 775 makes an appropriation of $5,522,234 to the University of Pennsylvania. It is not a new program.

The SPEAKER pro tempore. For what purpose does the gentleman from Westmoreland, Mr. Sakulsky, rise?

MOTION TO RECOMMIT

Mr. SAKULSKY. Mr. Speaker, I move that HB 775 be recommitted to the Committee on Appropriations for further study.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Greene, Mr. McCann, the majority leader.

Mr. McCANN. Mr. Speaker, the gentleman from Westmoreland, Mr. Sakulsky, has made a motion to recommit the bill to the Appropriations Committee. He has every right to make this motion, but I have to ask the membership to support the bill; oppose the motion and vote for the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Sakulsky.

Mr. SAKULSKY. Mr. Speaker, the reason I would like to have this bill recommitted is because I think it should be studied further and should be investigated. There are a lot of unanswered questions.

The SPEAKER pro tempore. The Chair recognizes the gentleman from McKean, Mr. Johnson, the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I take it that the bill to which the motion was made to recommit is for an appropriation of $3,439,000 to the University of Pennsylvania Medical School. Is that correct?

Mr. POLEN. Mr. Speaker, that is the amount that goes to the University of Pennsylvania for maintenance; it is also the medical school and the school of veterinary medicine included in the amount that I gave.

Mr. A. W. JOHNSON. Thank you. Mr. Speaker, I am through with my interrogation.

Mr. Speaker, those of us who attended the Appropriations Committee's hearings and heard the various State-aided universities, listened to the tremendous job that they are doing, particularly the medical schools in the area of new discoveries, like Salk vaccine and in serious operations, and we learned that this money goes to research in cancer and I cannot see any reason for studying this because I think our universities in this State, Temple, Pitt and Penn, are the outstanding—particularly the medical schools—are outstanding in the Nation. In fact, the University of Pennsylvania Medical School is one of the greatest in the entire universe. Therefore, I want us to vote the bill and go against that motion.

On the question recurring,
Will the House agree to the motion?
It was not agreed to.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adams,	Fulmer,	Lee, A. M.,	Riley,
Anderson, J. H.,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, S. A.,	Gallagher,	Leonard,	Royer,
Arlene,	Gelfand,	Limper,	Rubin,
Auker,	George,	Lippincott,	Rudisill,
Bachman,	Gibb,	Long, Wm. Jas.,	Rutherford,
Backenstoe,	Gibbons,	Long, Wm. Jos.,	Scarcelli,
Blair,	Goldstein, J. H.,	Lutty,	Schaaf,
Boles,	Goldstein, M. H.,	Magee,	Schuster,
Bonner,	Goodrich,	Manbeck,	Seltzer,
Bossert,	Gramlich,	Markley,	Shelton,
Bower,	Gray,	Marsh,	Sherman,
Bowman,	Greenlee,	May,	Shupnik,
Branca,	Gremminger,	McCandless,	Simmons,
Breth,	Gross,	McCann,	Slack,
Buchanan,	Guesman,	McCormack,	Snare,
Bush,	Guthrie,	McDevitt,	Stank,
Capano,	Hamilton,	McDonald,	Steckel,
Capitolo,	Hankins,	McInroy,	Stimmel,
Cauley,	Hartley,	McKeever,	Stiteler,
Cianfrani,	Haudenshield,	McLaughlin,	Stone,
Cioffi,	Heavey,	McNally,	Strausser,
Clarke,	Heffner,	Meholchick,	Sullivan, J. A.,
Comer,	Helm,	Merry,	Sullivan, T. F.,
Cooley,	Henzel,	Miller,	Taylor,
Crossin,	Hocker,	Monroe,	Thompson,
Curwood,	Holl,	Morley,	Tomascik,
Davis,	Holliday,	Mullen,	Tompkins,
Dengler,	Holman,	Munley,	Trusio,
Dennison,	Horst,	Murphy,	Ujobai,
Donaldson,	Irvis,	Murray,	Varner,
Dougherty,	Isaacs,	Musto,	Verona,
Doughten,	Jenkins,	Needham,	Wall,
Down,	Jim,	O'Dell,	Walsh,
Edwards,	Johnson, A. W.,	O'Donnell, J. A.,	Wargo,
Eilberg,	Johnson, R. P.,	O'Donnell, J. P.,	Weidner,
Elvey,	Jones,	Odorisio,	Welsh,
Eshback,	Keiser,	Ogilvie,	Wescott,
Eshleman,	Kelly,	Parlante,	Whittaker,
Esler,	Kernaghan,	Pashley,	Willard,
Ewing,	Kessler,	Perry,	Willaredt,
Farabaugh,	King,	Petrosky,	Williams, A. D.,
Fetterolf,	Kistler,	Piper,	Williams, E. S.,
Filo,	Klein,	Polaski,	Wilt,
Fineman,	Knecht,	Polen,	Wood,
Flynn,	Kooker,	Prendergast,	Worley,
Foerster,	Kornick,	Price,	Wynd,
Foor,	Korns,	Pursley,	Yetter,
Fox,	Kramer,	Reibman,	Zember,
Frascella,	Lamb,	Reidenbach,	Zimmerman,
Fry,	Lawson,	Renwick,	Andrews, Speaker

NAYS—1

Sakulsky,

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 776, entitled:

An Act making appropriations to the Trustees of Temple University at Philadelphia Pennsylvania for the general maintenance and operation of the University and for the School of Medicine.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 776 makes an appropriation of $3,822,976 to Temple University. It is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dennison,	Horst,	Murphy,	Trusio,
Dengler,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews, Speaker
Fulmer,			

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 777, entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 777 makes an appropriation of $327,888 to Lincoln University. It is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foor,	Korns,	Pursley,	Wynd,
Foerster,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 778, entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania East Falls Philadelphia Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 778 makes an appropriation of $487,882 to the Women's Medical College of Pennsylvania. It is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Forester,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 779, entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 779 makes an appropriation of $1,807,958 to Jefferson Medical College. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Manbeck,	Schaaf,
Boles,	Goodrich,	Magee,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilive,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kornick,	Prendergast,	Wood,
Flynn,	Korns,	Price,	Worley,
Foerster,	Kooker,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 780, entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 780 makes an appropriation of $1,047,552 to Hahnemann Medical College. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guthrie,	McCormack,	Slack,
Buchanan,	Guesman,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,

Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick.	Price.	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 781, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathy Philadelphia Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 781 makes an appropriation of $136,080 to the Philadelphia College of Osteopathy. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Galley,	Lee, A. M.,	Rovansek,
Anderson. J. H.	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm Jas.,	Rutherford,
Bachman	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boies,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever.	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Sullivan, J. A.,
Clarke,	Helm,	Merry,	Sullivan, T. F.,
Comer,	Henzel,	Miller,	Strausser,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Ellberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, K. B.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 782, entitled:

An Act making an appropriation to the Philadelphia Textile Institute at Philadelphia Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 782 makes an appropriation of $104,544 to the Philadelphia Textile Institute. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Galley,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boies,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,

Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lawson,	Reidenbach,	Zember,
Frascella,	Lamb,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 783, entitled:

An Act making an appropriation to The Franklin Institute of the State of Pennsylvania at Philadelphia Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 783 makes an appropriation of $69,913 to the Franklin Institute. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Galley,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boies,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Forester,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 784, entitled:

An Act making an appropriation to the Moore Institute of Art Science and Industry Philadelphia Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 784 makes an appropriation of $42,471 to Moore Institute. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Galley,	Lee, K. B.,	Rovansek,
Anderson, J. H.	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boies,	Goodrich,	Manbeck,	Schuster,

Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Strausser,
Cioffi,	Heffner,	Meholchick,	Stone,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 785, entitled:

An Act making an appropriation to the Berean Manual Training School at Philadelphia Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 785 makes an appropriation of $35,910 to the Berean Manual Training School. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Galley,	Lee, K. B.,	Rovansek,
Anderson, J. H.	Gallagher.	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson.
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murray,	Trusio,
Dennison,	Irvis,	Murphy,	Ujobai.
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 786, entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 786 makes an appropriation of $83,457 to the Downingtown Industrial and Agricultural School. This is not a new program.

On the question recurring,
Shall the bill pass finally?
Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Galley,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Lutty,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jas.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Long, Wm. Jos.,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.
Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,
The House proceeded to the third reading and consideration of House bill No. 787, entitled:

An Act making an appropriation to the National Agricultural College at Doylestown Pennsylvania.

On the question,
Will the House agree to the bill on third reading?
It was agreed to.
On the question,
Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.
Mr. POLEN. Mr. Speaker, HB 787 makes an appropriation of $52,272 to the National Agricultural College. This is not a new program.

On the question recurring,
Shall the bill pass finally?
Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Galley,	Lee, K. B.,	Rovansek,
Anderson, J. H.	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Manbeck,	Schaaf,
Boles,	Goodrich,	Magee,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.
Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,
The House proceeded to the third reading and consideration of House bill No. 788, entitled:

An Act making an appropriation to the Orlando S. John-

son Industrial School of Scranton Pennsylvania for maintenance and purchase of supplies and equipment.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 788 makes an appropriation of $48,600 to the Orlando S. Johnson Industrial School. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boies,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 789, entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 789 makes an appropriation of $35,640 to the Williamson Free School of Mechanical Trades. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boies,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tompkins,
Davis,	Holman,	Munley,	Tomascik,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Forester,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 790, entitled:

An Act making an appropriation to the Philadelphia Commercial Museum Philadelphia.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 790 makes an appropriation of $32,670 to the Philadelphia Commercial Museum. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Galley,	Lee, K. B.,	Rovansek,
Anderson, J. H.	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boies,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 791, entitled:

An Act making an appropriation to the Pennsylvania Museum School of Art Philadelphia.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 791 makes an appropriation of $104,544 to the Pennsylvania Museum School of Art. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Galley,	Lee, K. B.,	Rovansek,
Anderson, J. H.	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boies,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,

Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 792, entitled:

An Act making an appropriation to the Philadelphia Academy of Natural Science of the State of Pennsylvania at Philadelphia, Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 792 makes an appropriation of $32,400 to the Philadelphia Academy of Natural Science. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman	Gibbons,	Long, Wm Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Hoil,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 793, entitled:

An Act making an appropriation to the Carnegie Museum for maintenance and the purchase of apparatus supplies and equipment.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 793 makes an appropriation of $32,400 to Carnegie Museum. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,

Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Forester,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 794, entitled:

An Act making an appropriation to the Drexel Institute of Technology of the State of Pennsylvania at Philadelphia Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 794 makes an appropriation of $600,000 to the Drexel Institute. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—201

Adams,	Fulmer,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gailey,	Leonard,	Rubin,
Anderson, S. A.,	Gallagher,	Limper,	Rudisill,
Arlene,	Gelfand,	Lippincott,	Rutherford,
Auker,	George,	Long, Wm. Jas.,	Sakulsky,
Bachman,	Gibb,	Long, Wm. Jos.,	Scarcelli,
Backenstoe,	Gibbons,	Lutty,	Schaaf,
Blair,	Goldstein, J. H.,	Magee,	Schuster.
Boles,	Goldstein, M. H.,	Manbeck,	Seltzer,
Bonner,	Goodrich,	Markley,	Shelton,
Bossert,	Gramlich,	Marsh,	Sherman,
Bower,	Gray,	May,	Shupnik,
Bowman,	Greenlee,	McCandless,	Simmons,
Branca,	Gremminger,	McCann,	Slack,
Buchanan,	Gross,	McCormack,	Snare,
Bush,	Guesman,	McDevitt,	Stank,
Breth,	Guthrie,	McDonald,	Steckel,
Capano,	Hamilton,	McInroy,	Stimmel,
Capitolo,	Hankins,	McKeever,	Stiteler,
Cauley,	Hartley,	McLaughlin,	Stone,
Cianfrani,	Haudenshield,	McNally,	Strausser,
Cioffi,	Heavey,	Meholchick,	Sullivan, J. A.,
Clarke,	Heffner,	Merry,	Sullivan, T. F.,
Comer,	Helm,	Miller,	Taylor,
Cooley,	Henzel,	Monroe,	Thompson,
Crossin,	Holl,	Morley,	Tomascik,
Curwood,	Holliday,	Mullen,	Tompkins,
Davis,	Horst,	Munley,	Trusio,
Dengler,	Irvis,	Murphy,	Ujobai,
Dennison,	Isaacs,	Murray,	Varner,
Donaldson,	Jenkins,	Musto,	Verona,
Dougherty,	Jim,	Needham,	Wall,
Doughten,	Johnson, A. W.,	O'Dell,	Walsh,
Down,	Johnson, R. P.,	O'Donnell, J. A.,	Wargo,
Edwards,	Jones,	O'Donnell, J. P.,	Weidner,
Eilberg,	Keiser,	Odorisio,	Welsh,
Elvey,	Kelly,	Parlante,	Wescott,
Eshback,	Kernaghan,	Pashley,	Whittaker,
Eshleman,	Kessler,	Perry,	Willard,
Esler,	King,	Petrosky,	Willaredt,
Ewing,	Kistler,	Piper,	Williams, A. D.,
Farabaugh,	Klein,	Polaski,	Williams, E. S.,
Fetterolf,	Knecht,	Polen,	Wilt,
Filo,	Kooker,	Prendergast,	Wood,
Fineman,	Kornick,	Price,	Worley,
Flynn,	Korns,	Pursley,	Wynd,
Forester,	Kramer,	Reibman,	Yetter,
Foor,	Lamb,	Reidenbach,	Zember,
Fox,	Lawson,	Renwick,	Zimmerman,
Frascella,	Lee, A. M.,	Riley,	Andrews,
Fry,			Speaker

NAYS—4

Hocker,	Holman,	Ogilvie,	Royer,

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 795, entitled:

An Act making an appropriation to the Dickinson School of Law Carlisle Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 795 makes an approiation of $54,000 to the Dickinson School of Law. This is not a new program.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Schaaf.

Mr. SCHAAF. Mr. Speaker, I would like to interrogate the Chairman of the Appropriations Committee, Mr. Polen.

The SPEAKER pro tempore. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. SCHAAF. Mr. Speaker, the gentleman has indicated that this is not a new program. Could he tell the membership of the House when it was inaugurated?

Mr. POLEN. Mr. Speaker, I did not get the question. Will the gentleman repeat it?

Mr. SCHAAF. I say the gentleman has indicated that this is not a new program. Could he tell the membership of the House when it was first inaugurated?

Mr. POLEN. This program for Dickinson Law School was first inaugurated?

Mr. POLEN. This program for Dickinson Law School was first inaugurated in 1959.

Mr. SCHAAF. That was the session preceding this session, was it not?

Mr. POLEN. That is correct, Mr. Speaker.

Mr. SCHAAF. I would ask the gentleman whether or not any other law school situated with the Commonwealth is so subsidized by the Commonwealth?

Mr. POLEN. Mr. Speaker, no other school is so subsidized.

Mr. SCHAAF. Mr. Speaker, I would ask the gentleman whether the Commonwealth receives any direct benefit from this appropriation? That is to say, is there any program which the law school undertakes to conduct any surveys, any research work, that is done on behalf of the Commonwealth.

Mr. POLEN. Mr. Speaker, I believe that the law school has made certain surveys for the Commonwealth.

Mr. SCHAAF. On a free basis, Mr. Speaker, or could the gentleman inform us if this has been done on a contract basis?

Mr. POLEN. I believe it was on a contract basis, Mr. Speaker.

Mr. SCHAAF. So, for these services so rendered they have been previously paid, is that it?

Mr. POLEN. That would be correct, Mr. Speaker.

Mr. SCHAAF. Mr. Speaker, would the gentleman not agree in this particular case, at least, considering we have at least five or six other law schools within the Commonwealth, that this appears to be a somewhat promiscuous appropriation?

Mr. POLEN. Well, I would not want to use the word "promiscuous," Mr. Speaker. I would say that it is the only appropriation made to a law school.

Mr. SCHAAF. I thank the gentleman.

Mr. Speaker, it just seems to me, and I have nothing against Dickinson Law School, believe me, but it just seems to me that this type of an expenditure, this type of appropriation, of State funds where no direct benefit is obtained to the Commonwealth, I am tempted to say that in prior years we saw to the higher education of the secretary of internal affairs, but I will not dwell on that subject. It seems to me, Mr. Speaker, that this is money misspent. I am going to vote against this appropriation and I would like to ask every other member of this House to vote against this appropriation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Lippincott.

Mr. LIPPINCOTT. Mr. Speaker, may I interrogate the gentleman from Washington, Mr. Polen?

The SPEAKER pro tempore. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. LIPPINCOTT. Mr. Speaker, am I incorrect in assuming that the appropriation made, let us say, to Pennsylvania University is not used also for law school purposes?

Mr. POLEN. I believe that is—

Mr. LIPPINCOTT. For building and maintenance?

Mr. POLEN. Mr. Speaker, it is only used for maintenance.

Mr. LIPPINCOTT. In effect, that is one of the purposes here, is it not, in this bill?

Mr. POLEN. I would say it would be considered that.

Mr. LIPPINCOTT. And is it not true that the appropriation to the University of Pittsburgh also includes a portion of the maintenance of the law school?

Mr. POLEN. That would be correct, Mr. Speaker.

Mr. LIPPINCOTT. Is it not true, as a matter of fact, Mr. Speaker, that every non-sectarian law school in Pennsylvania receives directly or indirectly an appropriation and Dickinson was the only one that did not until last year?

Mr. POLEN. Mr. Speaker, I could not answer that effectively because I do not know if that is correct. I would say that we do make appropriations to the three universities that have law schools. They are not made to the law school particularly as this appropriation is. We do make them to the medical schools and the schools of veterinary medicine, but I do not believe we make any specific appropriation to any law school.

Mr. LIPPINCOTT. I thank the gentleman. Mr. Speaker, I think this appropriation, I know from personal knowledge, is a very necessary one if this law school is to continue. The other law schools are part of the university for the most part and I believe that they all get a direct benefit from the Commonwealth. Dickinson Law School is an entirely separate institution and in that respect is different from the parts of universities which the other law schools are, but I see no inherent difference that would justify not making an appropriation to Dickinson, and I therefore ask all the members to support this bill.

Mr. SCHAAF. Mr. Speaker, I would very briefly like to interrogate the gentleman from Delaware, Mr. Lippincott.

Mr. LIPPINCOTT. I did graduate from Dickinson.

The SPEAKER pro tempore. Will the gentleman from Delaware, Mr. Lippincott, permit himself to be interrogated?

Mr. LIPPINCOTT. I shall, Mr. Speaker.

Mr. SCHAFF. So that the membership of the House understands this, am I not correct, Mr. Speaker, that there are two fully staffed, fully accredited university law schools in this Commonwealth which receive no State subsidy or appropriation whatsoever? Am I not correct?

Mr. LIPPINCOTT. If the gentleman is referring to sectarian schools, which, of course, is prohibited by the Constitution from receiving funds, I think the gentleman is correct. Villa Nova University law school of course, could not receive an appropriation under our constitution. I am not sure of the other one, but the gentleman may be correct in that.

Mr. SCHAAF. I would inform the gentleman that it is Duquesne Law School.

Be that as it may, will the gentleman admit that these are fully accredited and fully staffed university law schools?

Mr. LIPPINCOTT. If the gentleman is proposing an

amendment to the Constitution, that is one thing, but I agree that they are, of course, fully accredited law schools, but I say there is a constitutional prohibition.

Mr. SCHAAF. Will the gentleman agree that in all probability their financial difficulties are no greater or any lesser than those of Dickinson Law School?

Mr. LIPPINCOTT. I cannot disagree with that. That is probably correct.

Mr. SCHAAF. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—173

Adams,	Fulmer,	Lee, A. M.,	Reidenbach,
Anderson, J. H.	Gallagher,	Lee, K. B.,	Riley,
Anderson, S. A.	Gelfand,	Leonard,	Rubin,
Arlene,	George,	Limper,	Rudisill,
Auker,	Gibb,	Lippincott,	Sakulsky,
Bachman	Gibbons,	Long, Wm. Jas.,	Scarcelli,
Backenstoe,	Goldstein, J. H.,	Long, Wm. Jos.,	Shelton,
Blair,	Goldstein, M. H.,	Lutty,	Sherman,
Boles,	Goodrich,	Magee,	Simmons,
Bonner,	Gramlich,	Markley,	Slack,
Bossert,	Gray,	Marsh,	Snare,
Bower,	Greenlee,	May,	Stank,
Bowman,	Gross,	McCandless,	Steckel,
Branca,	Guesman,	McCann,	Stimmel,
Breth,	Guthrie,	McCormack,	Stiteler,
Buchanan,	Hankins,	McDevitt,	Strausser,
Bush,	Hartley,	McDonald	Sullivan, J. A.,
Capano,	Haudenshield,	McInroy,	Sullivan, T. F.,
Capitolo,	Heavey,	McKeever,	Taylor,
Clarke,	Heffner,	McLaughlin,	Thompson,
Comer,	Helm,	Meholchick,	Tomascik,
Cooley,	Henzel,	Merry,	Tompkins,
Crossin,	Holl,	Miller,	Trusio,
Curwood,	Holliday,	Monroe,	Ujobai,
Davis,	Holman,	Morley,	Varner,
Dengler,	Horst,	Mullen,	Verona,
Dennison,	Irvis,	Murray,	Wall,
Donaldson,	Isaacs,	Musto,	Walsh,
Dougherty,	Jenkins,	Needham,	Wargo,
Down,	Jim,	O'Dell,	Weidner,
Edwards,	Johnson, A. W.,	O'Donnell, J. A.,	Wescott,
Eilberg,	Johnson, R. P.,	O'Donnell, J. P.,	Whittaker,
Elvey,	Jones,	Odorisio,	Willard,
Eshback,	Keiser,	Parlante,	Willaredt,
Esler,	Kelly,	Perry,	Williams, A. D.,
Ewing,	Kernaghan,	Petrosky,	Williams, E. S.,
Fetterolf,	Kessler,	Piper,	Wilt,
Filo,	King,	Polaski,	Worley,
Fineman,	Kistler,	Polen,	Wynd,
Flynn,	Knecht,	Prendergast,	Yetter,
Foor,	Kooker,	Price,	Zember,
Fox,	Kornick,	Pursley,	Zimmerman,
Frascella,	Lawson,	Reibman,	Andrews,
Fry,			Speaker

NAYS—30

Cauley,	Gremminger,	McNally,	Royer,
Cianfrani,	Hamilton,	Munley,	Rutherford,
Cioffi,	Hocker,	Murphy,	Schaaf,
Doughten,	Klein,	Ogilvie,	Seltzer,
Eshleman,	Korns,	Pashley,	Shupnik,
Farabaugh,	Kramer,	Renwick,	Welsh,
Foerster,	Lamb,	Rovansek,	Wood,
Gailey,	Manbeck,		

NOT VOTING—7

Ashton,	Maxwell,	Mills,	Stone,
Kamyk,	Mihm,	Schuster,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, many members are asking; there will be other bills voted beside these appropriation bills before we are finished today.

APPROPRIATION BILLS ON THIRD READING NON-PREFERRED

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 797, entitled:

An Act making an appropriation the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 797 makes an appropriation of $1,531,885 to the Elwyn Training School. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cooley,	Heavey,	McNally,	Stone,
Cianfrani,	Heffner,	Meholchick,	Strausser,
Cioffi,	Helm,	Merry,	Sullivan, J. A.,
Clarke,	Henzel,	Miller,	Sullivan, T. F.,
Comer,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,

Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach.	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 798, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 798 makes an appropriation of $2,082,932 for the Western Psychiatric Institute and Clinic. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 800, entitled:

An Act making an appropriation to the Glen Mills School in Delaware County Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 800 makes an appropriation of $534,731 to the Glen Mills School. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,

Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella.	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 801, entitled:

An Act making an appropriation to Sleighton Farm School for Girls in Delaware County Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 801 makes an appropriation of $554,904 to the Sleighton Farm School for Girls. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken an were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Royer,
Anderson, J. H.	Gallagher,	Leonard,	Rovansek,
Anderson, S. A.,	Gelfand	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boies,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman.	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Jenkins,	Musto,	Varner,
Dougherty,	Jim,	Needham,	Verona,
Doughten,	Isaacs,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Kessler,	Ogilvie,	Welsh,
Eshback,	Keiser,	Parlante,	Wescott,
Eshleman,	Kelly,	Pashley,	Whittaker,
Esler,	Kernaghan,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker.	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 924, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the maintenance of a professorship in the School of Medicine.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 924, makes an appropriation of $27,083 to the Jonas Salk Professorship of the University of Pittsburgh. This is not a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams.	Gailey,	Lee, A. M.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin.
Arlene,	George,	Lippincott,	Rudisill.
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons.	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,

Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Marsh,	Seltzer,
Bossert,	Gray,	Markley,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, K. B.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1013, entitled:

An Act making an appropriation to the Cystic Fibrosis Laboratory at the Albert Einstein Medical Center in Philadelphia.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 1013 makes an appropriation of $5,000 to the Albert Einstein Medical Center for Research. This is a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Galley,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Foerster,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lawson,	Reidenbach,	Zember,
Frascella,	Lamb,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1050, entitled:

An Act making an appropriation to the Paoli Memorial Association for improvements and repairs and for reerection of a wall on the Paoli Parade Ground situate in Malvern Borough Chester County.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 1050 makes an appropria-

tion of $2,500 to the Paoli Memorial Association for repairs and erection of a wall. This is a new appropriation.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—203

Adams,	Fulmer,	Leonard,	Royer,
Anderson, J. H.,	Gailey,	Limper,	Rubin,
Anderson, S. A.,	Gallagher,	Lippincott,	Rudisill,
Arlene,	Gelfand,	Long, Wm. Jas.,	Rutherford,
Auker,	George,	Long, Wm. Jos.,	Sakulsky,
Bachman,	Gibb,	Lutty,	Scarcelli,
Backenstoe,	Gibbons,	Magee,	Schaaf,
Blair,	Goldstein, J. H.,	Manbeck,	Schuster,
Boies,	Goldstein, M. H.,	Markley,	Seltzer,
Bonner,	Goodrich,	Marsh,	Shelton,
Bossert,	Gray,	May,	Sherman,
Bower,	Gramlich,	McCandless,	Shupnik,
Bowman,	Greenlee,	McCann,	Simmons,
Branca,	Gremminger,	McCormack,	Slack,
Breth,	Gross,	McDevitt,	Snare,
Buchanan,	Guesman,	McDonald,	Stank,
Bush,	Guthrie,	McInroy,	Steckel,
Capano,	Hamilton,	McKeever,	Stimmel,
Capitolo,	Hankins,	McLaughlin,	Stiteler,
Cauley,	Hartley,	McNally,	Stone,
Cianfrani,	Haudenshield,	Meholchick,	Strausser,
Cioffi,	Heavey,	Merry,	Sullivan, J. A.,
Clarke,	Heffner,	Miller,	Sullivan, T. F.,
Comer,	Helm,	Monroe,	Taylor,
Cooley,	Henzel,	Morley,	Thompson,
Crossin,	Hocker,	Mullen,	Tomascik,
Curwood,	Holl,	Munley,	Tompkins,
Davis,	Holliday,	Murphy,	Trusio,
Dengler,	Horst,	Murray,	Ujobai,
Dennison,	Irvis,	Musto,	Varner,
Donaldson,	Isaacs,	Needham,	Verona,
Dougherty,	Jenkins,	O'Dell,	Wall,
Doughten,	Jim,	O'Donnell, J. A.,	Walsh,
Down,	Johnson, A. W.,	O'Donnell, J. P.,	Wargo,
Edwards,	Johnson, R. P.,	Odorisio,	Weidner,
Eilberg,	Jones,	Ogilive,	Welsh,
Elvey,	Keiser,	Parlante,	Wescott,
Eshback,	Kelly,	Pashley,	Whittaker,
Eshleman,	Kernaghan,	Perry,	Willard,
Esler,	Kessler,	Petrosky,	Willaredt,
Ewing,	King,	Piper,	Williams, A. D.,
Farabaugh,	Klein,	Polaski,	Williams, E. S.,
Fetterolf,	Knecht,	Polen,	Wilt,
Filo,	Kooker,	Prendergast,	Wood,
Fineman,	Kornick,	Price,	Worley,
Flynn,	Korns,	Pursley,	Wynd,
Foerster,	Kramer,	Reibman,	Yetter,
Foor,	Lamb,	Reidenbach,	Zember,
Fox,	Lawson,	Renwick,	Zimmerman,
Frascella,	Lee, A. M.,	Riley,	Andrews,
Fry,	Lee, K. B.,	Rovansek,	Speaker

NAYS—2

Holman,	Kistler,

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1177, entitled:

An Act making an apppropriation to the Department of Public Welfare for certain training courses at John J. Kane Hospital and other institutions.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 1177 makes an appropriation of $50,000 to the Department of Public Welfare for certain training courses in the John J. Kane Hospital and other institutions. This is a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—168

Anderson, S. A.,	Fry,	Lamb,	Renwick,
Arlene,	Fulmer,	Lawson,	Riley,
Auker,	Gailey,	Lee, A. M.,	Rovansek,
Bachman	Gallagher,	Lee, K. B.,	Rubin,
Blair,	Gelfand,	Leonard,	Rudisill,
Boies,	Gibb,	Limper,	Sakulsky,
Bonner,	Gibbons,	Lippincott,	Scarcelli,
Bower,	Goldstein, J. H.,	Long, Wm. Jas.,	Schaaf,
Branca,	Goldstein, M. H.,	Long, Wm. Jos.,	Schuster,
Breth,	Goodrich,	Lutty,	Shelton,
Buchanan,	Gray,	Markley,	Sherman,
Bush,	Greenlee,	Marsh,	Shupnik,
Capano,	Gremminger,	May,	Simmons,
Capitolo,	Gross,	McCann,	Slack,
Cauley,	Guesman,	McCormack,	Snare,
Cianfrani,	Guthrie,	McDevitt,	Stank,
Cioffi,	Hamilton,	McDonald	Stone,
Clarke,	Hankins,	McKeever,	Sullivan, T. F.,
Comer,	Hartley,	McLaughlin,	Taylor,
Cooley,	Haudenshield,	McNally,	Thompson,
Crossin,	Heavey,	Meholchick,	Tomascik,
Curwood,	Heffner,	Miller,	Tompkins,
Davis,	Helm,	Monroe,	Trusio,
Dengler,	Henzel,	Morley,	Ujobai,
Dennison,	Holl,	Mullen,	Varner,
Donaldson,	Holliday,	Munley,	Verona,
Dougherty,	Irvis,	Murphy,	Wall,
Doughten,	Isaacs,	Murray,	Walsh
Down,	Jenkins,	Musto,	Wargo,
Edwards,	Jim,	Needham,	Weidner,
Eilberg,	Johnson, A. W.,	O'Donnell, J. A.,	Welsh,
Elvey,	Johnson, R. P.,	O'Donnell, J. P.,	Wescott,
Eshback,	Jones,	Odorisio,	Whittaker,
Esler,	Kelly,	Parlante,	Willard,
Ewing,	Kernaghan,	Pashley,	Willaredt,
Fetterolf,	Kessler,	Perry,	Williams, A. D.,
Filo,	Kistler,	Petrosky,	Williams, E. S.,
Fineman,	Klein,	Polaski,	Wilt,
Flynn,	Knecht,	Polen,	Worley,
Foerster,	Kooker,	Prendergast,	Wynd,
Fox,	Kornick,	Pursley,	Yetter,
Frascella,	Kramer,	Reibman,	Andrews, Speaker

NAYS—33

Adams,	Gramlich,	Manbeck,	Rutherford,
Anderson, J. H.	Hocker,	McCandless,	Seltzer,
Backenstoe,	Holman,	Merry,	Stimmel,
Bossert,	Horst,	O'Dell,	Stiteler,
Bowman.	Keiser,	Ogilvie,	Strausser,
Eshleman,	King,	Piper,	Wood,
Farabaugh,	Korns,	Price,	Zember,
Foor,	Magee,	Royer,	Zimmerman,
George,			

NOT VOTING—9

Ashton,	McInroy,	Mills,	Steckel,
Kamyk,	Mihm,	Reidenbach,	Sullivan, J. A.,
Maxwell,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1431, entitled:

An Act making an appropriation to the Pennsylvania State College of Optometry Philadelphia Pennsylvania for maintenance and support.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 1431 makes an appropriation of $50,000 to the Pennsylvania State College of Optometry. This is a new program.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—205

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Verona,
Dougherty,	Jenkins,	Needham,	Varner,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Ogilvie,	Weidner,
Elvey,	Keiser,	Odorisio,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Forester,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1610, entitled:

An Act making an appropriation to the Supreme Court of Pennsylvania for a portrait of Chief Justice Charles Alvin Jones.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, HB 1610 makes an appropriation of $2,000 for the painting of two justices of the Supreme Court.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—203

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McInroy,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cauley,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Ogilvie,	Weidner,
Elvey,	Keiser,	Odorisio,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Esler,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Fetterolf,	Kistler,	Piper,	Williams, A. D.,
Filo,	Klein,	Polaski,	Williams, E. S.,
Fineman,	Knecht,	Polen,	Wilt,
Flynn,	Kooker,	Prendergast,	Wood,
Forester,	Kornick,	Price,	Wynd,
Foor,	Korns,	Pursley,	Yetter,
Fox,	Kramer,	Reibman,	Zember,
Frascella,	Lamb,	Reidenbach,	Zimmerman,
Fry,	Lawson,	Renwick,	Andrews,
Fulmer,	Lee, A. M.,	Riley,	Speaker

NAYS—2

Farabaugh, Worley,

NOT VOTING—5

Ashton, Kamyk, Maxwell, Mihm, Mills,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, I would like to take a moment of time to state that we passed over temporarily on page 8, HB 773. This is the Pennsylvania State University bill.

The gentlemen have been here with amendments that they desire to offer and, I believe, if I followed the Select Committee's recommendation correctly, that out of the education package they provided for a certain amount of money if the revenue-raising measure passed, dealing with Pennsylvania State University.

These amendments will be offered now at this point, I will ask the membership to oppose all amendments and defeat every single amendment.

My recommendation to the people who had the amendments to Pennsylvania State University bill 773 was that it should be considered perhaps tomorrow, when the revenue-raising measure will be voted. If it passes, part of the amendments can go in; some of the amendments dealing with a $5 million increase and the other $2 million for instruction, and various other amendments still could not exceed the amount the Select Committee had recommended.

I will abide by their wish on this bill, but should they desire to bring it up at this point, I will oppose the amendments.

At this point I would like to ask the gentlemen who have the amendments, Mr. Fulmer, Centre County, and Mr. Whittaker, if they want to hold the bill over until tomorrow to proceed on these amendments, or if they wish to vote it at this point?

The SPEAKER pro tempore. The Chair will await the answer from the gentleman from Centre, Mr. Fulmer.

Mr. FULMER. Mr. Speaker, the reason we had asked that HB 773 be passed over is because the president of the Pennsylvania State University had requested that amendments be placed in the bill to increase the university budget to $23.1 million because that is the amount they feel is necessary to carry out the obligations of the land grants of the University of the Commonwealth.

We have tried to contact Dr. Walker to find out what his wishes are today, but we have not been able to contact him. Therefore, we will abide by the wishes of the majority leader to pass it over for today because we are glad to note there was a little bit of optimism in his voice when he asked us to pass it over until tomorrow.

BILL PASSED OVER

There being no objection House bill No. 773,
printer's No. 846,
was passed over at the request of Mr. McCANN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1707, entitled:

An Act establishing and taking over as State highways certain county highways * * * tunnels bridges * * * and certain streets and bridges in cities of the first class and in cities of the second class * * * and certain township roads and certain streets in boroughs and incorporated towns * * * and deleting certain State highways.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Comer.

Mr. COMER. Mr. Speaker, due to the lateness of the hour, I will withhold my remarks and ask every member to support this bill. Thank you.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—174

Adams,	Frascella,	Lee, A. M.,	Pursley,
Anderson, J. H.	Fry,	Leonard,	Reibman,
Anderson, S. A.,	Galley,	Limper,	Renwick,
Arlene,	Gallagher,	Lippincott,	Riley,
Auker,	Gelfand,	Long, Wm. Jas.,	Rovansek,
Bachman	George,	Long, Wm. Jos.,	Rubin,
Backenstoe,	Gibb,	Lutty,	Rudisill,
Blair,	Gibbons,	Manbeck,	Rutherford,
Boies,	Goldstein, J. H.,	Markley,	Sakulsky,
Bonner,	Goldstein, M. H.,	Marsh,	Scarcelli,
Bower,	Goodrich,	May.	Schaaf,
Branca,	Gramlich,	McCandless,	Schuster,
Breth,	Gray,	McCann,	Seltzer,
Buchanan,	Greenlee,	McCormack,	Shelton,
Bush,	Gremminger,	McDevitt,	Sherman,
Capano,	Guesman,	McDonald	Shupnik,
Capitolo,	Guthrie,	McInroy,	Simmons,
Cauley,	Hamilton,	McKeever,	Snare,
Cianfrani,	Hankins,	McLaughlin,	Stank,
Cioffi,	Hartley,	McNally,	Stimmel,
Clarke,	Haudenshield,	Meholchick,	Stone,
Comer,	Heavey,	Merry,	Sullivan, J. A.,
Cooley,	Heffner,	Miller,	Sullivan, T. F.,
Crossin,	Helm,	Monroe,	Taylor,
Curwood,	Holliday,	Morley,	Thompson,
Davis,	Horst,	Mullen,	Tomascik,
Dengler,	Irvis,	Munley,	Trusio,
Dennison,	Isaacs,	Murphy,	Ujobai,
Donaldson,	Jenkins,	Murray,	Verona,
Doughten,	Jim,	Musto,	Wargo,
Down,	Johnson, A. W.,	Needham,	Wall,
Edwards,	Jones,	O'Dell,	Walsh,
Eilberg,	Kelly,	O'Donnell, J. A.,	Weidner,
Elvey,	Kernaghan,	O'Donnell, J. P.,	Welsh,
Eshback,	Kessler,	Odorisio,	Wescott,
Esler,	King,	Parlante,	Willard,
Ewing,	Klein,	Pashley,	Williams, E. S.,
Farabaugh,	Knecht,	Perry,	Wilt,
Filo,	Kooker,	Petrosky,	Wynd,
Fineman,	Kornick,	Piper,	Yetter,
Flynn,	Korns,	Polaski,	Zember,
Foerster,	Kramer,	Polen,	Zimmerman,
Foor,	Lamb,	Prendergast,	Andrews, Speaker
Fox,	Lawson,		

NAYS—28

Bossert,	Hocker,	Magee,	Tompkins,
Bowman,	Holl,	Ogilvie,	Varner,
Eshleman,	Holman,	Price,	Whittaker,
Fetterolf,	Johnson, R. P.,	Royer.	Willaredt,
Fulmer,	Keiser,	Slack,	Williams, A. D.,
Gross,	Kistler,	Stiteler,	Wood,
Henzel,	Lee, K. B.,	Strausser,	Worley,

NOT VOTING—8

Ashton,	Kamyk,	Mihm,	Reidenbach,
Dougherty,	Maxwell,	Mills,	Steckel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 496, entitled:

An Act amending the act of May 5, 1927 (P. L. 787), entitled "An act establishing certain public roads as State highways . . ." changing a route and adding a new route in Delaware County.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Farabaugh.

Mr. FARABAUGH. Mr. Speaker, I would like to interrogate the chairman of the Highways Committee, Mr. Comer.

The Speaker pro tempore. Will the gentleman from Philadelphia, Mr. Comer, permit himself to be interrogated?

Mr. COMER. I shall, Mr. Speaker.

Mr. FARABAUGH. Mr. Speaker, I would like to ask the gentleman if he is familiar with the rules of introducing highway bills in the House?

Mr. COMER. I sure am.

Mr. FARABAUGH. Is the gentleman familiar with the custom, or the practice that has been followed here with bills that have been introduced in the Senate when they come to the House?

Mr. COMER. If the gentleman, Mr. Speaker, would read over the book of rules he would find that this bill is not covered by House rules; this is a Senate bill.

Mr. FARABAUGH. Mr. Speaker, that is not my question. What have the rules been, what has the custom been, with bills that come from the Senate, highway bills?

Mr. COMER. There is no set rule where Senate bills are concerned.

Mr. FARABAUGH. I thank the gentleman.

Mr. Speaker, many of you here in this House today have had the experience of attempting to introduce bills for specific pieces of roads to be taken over by the Highway.

Early in this session I inquired of some of the leadership of the possibility of introducing a bill for a piece of road in our county, 1.1 miles, which leads to a new school which has been plenty of pressure—

The SPEAKER pro tempore. Will the gentleman suspend. For what purpose does the gentleman from Philadelphia rise?

POINT OF ORDER

Mr. McCORMACK. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McCORMACK. Mr. Speaker, the question is shall Senate bill 496 pass finally and, therefore, the discussion has to be made as to the merits of the bill.

The SPEAKER pro tempore. The gentleman's point of order is well taken. The question before the House is Senate bill 496, printer's No. 547.

Mr. FARABAUGH. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. FARABAUGH. That is a very nice way of trying to sidetrack an issue.

Using the past, the procedure that has been conducted with such bills coming from the Senate is that they go to the Highway Committee and are given the same treatment that applications by any member of the House, and, if proper, we put them down in this bill. This Senate bill has come out separately for some peculiar reason that is hard to understand by many members. I understand it. I understand why it was done, but it is not proper. That bill should have had the same treatment as any application by any member of the House who makes application for a piece of road in his district. This bill was put out specifically to attempt to embarrass me because I have told the facts to the people in my county as to why that piece of road I spoke of could not be introduced until the omnibus bill came out. And this bill has—

The SPEAKER pro tempore. The gentleman will suspend. The Chair recognizes the gentleman from Philadelphia, Mr. McCormack.

POINT OF ORDER

Mr. McCORMACK. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McCORMACK. Mr. Speaker, I think it is improper for any member to question the sincere motives of the chairman of the committee in reporting a bill out of his committee and it is an improper reflection on the chairman.

The SPEAKER pro tempore. The Chair would request the gentleman from Cambria to confine his remarks concerning Senate bill 496, which is the bill before this House.

The question before the House is, shall the bill pass finally.

Mr. FARABAUGH. Thank you, Mr. Speaker.

Mr. Speaker, if this bill, Senate bill, is permitted to pass by this method, you will then be able to break rules of the House at any time by doing likewise with other bills. This is an improper method, an improper way of passing a piece of legislation of this kind, and I seriously object because of the motive back of it, not that I am particularly concerned with the particlar piece of road that it applies to, and I would ask the members to oppose this bill. If it is a proper piece of road, let it be put in in the other chamber as it should have been done in the first place.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Comer.

Mr. COMER. Mr. Speaker, I object to the remarks Mr. Farabaugh made about improper. There is nothing improper about this bill being reported out. There is nothing in the rules which state that any Senate highway bill must go into the highway omnibus bill.

Now the reason the this section of proposed road is in a separate bill is due to the fact that neither one of them

is dedicated. They are non-existing roads. And that is the reason why they were contained in a single bill.

Now the rules of this House say that no single highway bill will be introduced, but there is nothing in the rules which says that we cannot honor a Senate bill of the same nature that comes over to this House. Therefore, I ask the members on both sides of the House to support this bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Farabaugh.

Mr. FARABAUGH. Mr. Speaker, I would like to be shown why that statement is made which, in my opinion, is incorrect. If this is a non-existing piece of road, how do they get the number of the legislative route and identification the same as any other piece of road that is in existence? That is an incorrect statement that it is a non-existing piece of road.

The SPEAKER pro tempore. Is the gentleman interrogating the gentleman from Philadelphia?

Mr. FARABAUGH. Yes, Mr. Speaker. I would like for the gentleman to explain to me why he says it is a non-existing piece of road.

The SPEAKER pro tempore. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. COMER. I shall, Mr. Speaker.

Mr. FARABAUGH. Mr. Speaker, how did this particular route get a legislative number if it is a non-existing road?

Mr. COMER. Mr. Speaker, may I ask this first? Is the gentleman questioning my actions in the committee or is he questioning the committee's action as a whole? This bill was reported out of committee by the Committee on Highways, not just by me.

Mr. FARABAUGH. My question is, Mr. Speaker, why does the gentleman say it is a non-existing piece of road and how did it get the legislative route number if it is a non-existing road?

Mr. COMER. If I understand the question rightly, Mr. Speaker, the route numbers are given by the Highway Department on all new proposed roads. These are non-existing numbers.

The SPEAKER pro tempore. The Chair has been informed that perhaps the gentleman from Delaware, Mr. Isaacs, can properly answer the interrogation.

Will the gentleman permit the gentleman from Delaware to answer his question?

Mr. FARABAUGH. Yes.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Isaacs.

Mr. ISAACS. Mr. Speaker, this is a new route and, if you read section 1 of the bill, it says a state highway is to be constructed and maintained at the expense of the Commonwealth.

Now this road connects two State highways. It will eliminate the second biggest bottleneck in Delaware County and, in addition to that, it will open up about four or five hundred acres of land for industrial development.

The Island Road which is talked about here is already a State highway and will not have to be constructed. There is one mile and a quarter of a new road connecting two State highways.

Mr. FARABAUGH. Do I understand the gentleman to say that there is no road there now?

Mr. ISAACS. Where this mile and a quarter of road will be built there is no road. That is correct, Mr. Speaker.

Mr. FARABAUGH. Mr. Speaker, is it not a fact that it is not necessary for an act of the legislature for the Highway Department to build new roads?

Mr. ISAACS. The gentleman probably is correct.

Mr. FARABAUGH. Then why this bill?

Mr. ISAACS. Because it is a needed road and the bill was introduced in the other chamber by my Senator and a Senator from Philadelphia.

The SPEAKER pro tempore. Has the gentleman finished his interrogation.

Mr. FARABAUGH. Yes, Mr. Speaker. I just want to point out, Mr. Speaker, that there is something else in this bill that is entirely improper.

In the first place, I think the gentleman has admitted that there was no need for this piece of legislation, and in section 3 it says, "The highway established as a State highway under the provisions of this act may be taken over for construction and maintenance at any time subsequent to the final enactment of this act when the same shall become effective and shall be taken over not later than January 1, 1962." Mr. Speaker, since this is a non-existent road, then it is improper to present this type of legislation and is all the more reason why it should be opposed.

Mr. TOMPKINS. Mr. Speaker, if I may give a little hearsay testimony on this bill, the question of the bill for a separate road was discussed by myself and the parliamentarian the week before last and that very question was raised. Now there is a rule of the House that no separate bills may be introduced in the House for that purpose. The Senate, however, does not have any counterpart rules. They can introduce separate bills for separate roads in the Senate, and the parliamentarian told me that we, in the House, do not have any right to question the rules of procedure of the Senate.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—176

Adams,	Gallagher,	Lee, A. M.,	Riley,
Anderson, J. H.,	Gelfand,	Lee, K. B.,	Royer,
Anderson, S. A.,	George,	Leonard,	Rubin,
Arlene,	Gibb,	Limper,	Rudisill,
Auker,	Gibbons,	Lippincott,	Rutherford,
Bachman,	Goldstein, J. H.,	Long, Wm. Jas.,	Sakulsky,
Backenstoe,	Goodrich,	Long, Wm. Jos.,	Scarcelli,
Blair,	Gramlich,	Lutty,	Schuster,
Boles,	Gray,	Markley,	Seltzer,
Bonner,	Greenlee,	Marsh,	Shelton,
Bossert,	Gremminger,	May,	Sherman,
Bower,	Guesman,	McCann,	Simmons,
Bowman,	Guthrie,	McCormack,	Slack,
Branca,	Hamilton,	McDevitt,	Snare,
Breth,	Hankins,	McDonald,	Stank,
Buchanan,	Hartley,	McInroy,	Steckel,
Bush,	Haudenshield,	McKeever,	Stimmel,
Capitolo,	Heavey,	McLaughlin,	Stiteler,
Cianfrani,	Heffner,	Meholchick,	Stone,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Davis,	Holl,	Morley,	Thompson,
Dengler,	Holliday,	Mullen,	Tomascik,
Dennison,	Holman,	Munley,	Tompkins,
Donaldson,	Horst,	Murray,	Trusio,
Dougherty,	Irvis,	Musto,	Ujobai,
Doughten,	Isaacs,	Needham,	Varner,
Down,	Jenkins,	O'Dell,	Verona,

Edwards,	Jim,	O'Donnell, J. A.,	Wall,
Eilberg,	Johnson, A. W.,	O'Donnell, J. P.,	Wargo,
Elvey,	Johnson, R. P.,	Ogilvie,	Weidner,
Eshback,	Jones,	Odorisio,	Welsh,
Eshleman,	Keiser,	Parlante,	Wescott,
Esler,	Kelly,	Pashley,	Whittaker,
Ewing,	Kernaghan,	Perry,	Willard,
Fetterolf,	Kessler,	Petrosky,	Willaredt,
Filo,	King,	Piper,	Williams, E. S.,
Fineman,	Kistler,	Polaski,	Wilt,
Fox,	Klein,	Polen,	Wood,
Frascella,	Knecht,	Price,	Worley,
Fry,	Kooker,	Pursley,	Wynd,
Fulmer,	Korns,	Reibman,	Zember,
Gailey,	Lawson,	Reidenbach,	Zimmerman,

NAYS—29

Capano,	Foor,	Manbeck,	Schaaf,
Cauley,	Goldstein, M. H.,	McCandless,	Shupnik,
Cioffi,	Gross,	McNally,	Strausser,
Crossin,	Kornick,	Murphy,	Walsh,
Curwood,	Kramer,	Prendergast,	Williams, A. D.,
Farabaugh,	Lamb,	Renwick,	Yetter,
Flynn,	Magee,	Rovansek,	Andrews,
Forester,			Speaker

NOT VOTING—5

Ashton,	Maxwell,	Mihm,	Mills,
Kamyk,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

BILL ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on final passage of House bill No. 1656, entitled:

A Supplement to the act of April 29, 1874 (P. L. 73), entitled "An act to provide for the incorporation and regulation of certain corporations" authorizing the incorporation of pipeline companies for the transportation and storage or distribution furnishing or supplying of a fluid substance known as coal slurry * * *.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Bowman.

Mr. BOWMAN. Mr. Speaker, it is unfortunate that this bill is called up at this late hour, and equally unfortunate that due to illness, I was absent when this bill was debated and voted upon two weeks ago.

However, because of what I, at least, consider to be the importance of this legislation, I would ask the indulgence of the House for just a few minutes while I raise one or two points which, perhaps, were not raised when the bill was previously debated.

First, I would like to mention that I do not know of any single piece of legislation that we have had before us in this session where both sides, by opposing this bill, can do a service to both the miners themselves of Pennsylvania, the employes of the railroads of Pennsylvania, and the respective owners and operators of these two fine industries in Pennsylvania.

I am told, although I was not present at the previous debate, that the proponents were completely silent as to the source of this coal supply and I believe in all sincerity that the source is West Virginia, not Pennsylvania—that is, the source of this slurry is probably West Virginia and it will be brought into Pennsylvania and used, perhaps, in the creation of electrical energy.

I say to each and every one of you that while this may produce some steel production in the erection of the pipe-line, it cannot compare even infinitesimally with the tons of steel that are used by the railroads for the building of gondola cars and other coal cars.

To advocate the passage of this legislation because it is is going to create some steel work, in my opinion, is ridiculous in relation to the harm it will do to the mining industry itself and to the railroad industry in Pennsylvania.

There is one other point that perhaps was not considered, and I would again ask the indulgence of the House on this point, and it goes to the constitution of the Commonwealth, a very little-known point of our constitution. It is Article XVII, section 5. Our forefathers, when they adopted it said that no common carrier could be in the business of producing the goods which they carry. There is a very salient and a very good reason for this provision in our constitution.

Now my question, and apparently this was not answered in debate, is, are the same companies who produce this coal going to be, directly or indirectly, the common carriers through this pipeline of the products of their own manufacture? If so, I say it is an unconstitutional piece of legislation.

Finally, and again I do not want to prolong this matter, but I would call the attention of this House to some tax implications in this legislation.

As I understand it, the gross receipts tax is applicable to common carriers and public utilities in general, and there is grave doubt in my mind that this type of operation would be subject to the gross receipts tax in Pennsylvania. If anyone can tell me with assurance that it would be subject to such tax I would like to hear it. Otherwise, it seems to me there is grave doubt that this same operation of having a slurry brought in through a pipeline would be subject to gross receipts tax in Pennsylvania, thus giving it a tremendous advantage over all public utilities in Pennsylvania.

I urge each and every one of you who is interested in the working man as well as industry in Pennsylvania to oppose this legislation. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Greene, Mr. McCann.

Mr. McCANN. Mr. Speaker, perhaps I did not pay attention to the debate on 1656 on the day it was debated, but I will specifically answer one question raised by the gentleman from Dauphin, Mr. Bowman. I believe he indicated in his remarks that this will benefit the State of West Virginia. I can say as a factual statement that this will benefit the Commonwealth of Pennsylvania.

The coal slurry which will originate and start in the first operation, if this is law, will be in the counties of Greene and Washington in the Commonwealth of Pennsylvania in the holdings of the Pittsburgh Consolidated Coal Company. That coal is bituminous coal in this Commonwealth. I say to you that it will benefit a considerable number of people in Pennsylvania.

I know that we are in a very sensitive argument about this situation in this particular field, but may I assure

the people who are opposing this that the B. T. U.'s at the delivery point in the usage of bituminous coal, even though those who oppose it because of what they say on transportation, cannot stop the nuclear power that will replace this unless you help to bring about the situation where they can use this material, because eventually they will both be knocked out of that market unless you are willing to support this far-reaching legislation.

Just recently, if I remember correctly, this week, the very same kind of argument took place in the Congress of the United States. I believe one of the men speaking was Congressman Van Zandt on this very subject of nuclear power and bituminous coal B. T. U. units, as to the cost at the delivery point.

I cannot answer the technical question that you have raised about the tax. I do know that it will take another corporation, of which there will probably be far more than one corporation putting their money into it from a $50-, $60-, $70-, or $80-million corporation to build this line. Certainly, that would be true. It would be my honest opinion from these tests that were conducted in Greene County on the test pipeline slurry to try this. That experiment took place not too long ago and, without a doubt, the Texas Transmission Corporation would be a part of it, the Pittsburgh Consolidated Coal Company would be a part of it and other major companies would have their money invested in this project.

I also bring to your attention that in the State of Ohio such a coal slurry pipeline is in operation to the power plant near the area of Cleveland, Ohio. If we in Pennsylvania want to face this issue, and we are going to now, I ask that you look at it from the point of view, even those who oppose it, that if we do not accomplish this goal today, we eventually will still face that situation in which both of them may be eliminated because of the other power that will be used, if they do not help to find these answers in the cost of the delivery of this product at its usable point on the east coast of the United States. This is particularly used by the power plants. You know that quite well.

Therefore, I ask that you vote "aye" in support of this measure, because this is the second vote on 1656.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland, Mr. Kistler.

Mr. KISTLER. Mr. Speaker, I would like to interrogate the majority leader.

The SPEAKER pro tempore. Will the gentleman from Greene, Mr. McCann, permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. KISTLER. Mr. Speaker, I understand that coal slurry is mixed with water. Is this correct?

Mr. McCANN. Coal slurry is coal ground to a powdered form mixed with water.

Mr. KISTLER. What provision has been made for the disposition of the water that accompanies this slurry?

Mr. McCANN. When the coal slurry comes out of the end of the line, the water and the coal are separated and the water goes through a processing plant in which the water is cleansed and put back into whatever ponds, tanks or streams that they may use.

May I also answer the gentleman, one plant will have evaporation beds, another will have filter beds, but each of these are approved, and the final flow of the water from either the filter bed or the evaporation bed is water that is passed by the Sanitary Water Board as being allowed to go back into the proper stream.

Mr. KISTLER. Mr. Speaker, how much water would be used in the course of a day in passing this coal slurry from the western part of the State to the east? Where would we get this water, may I ask?

Mr. McCANN. I would say that probably their source of water would be the dams that they put in and the water that they use in the area in which they start the pumping station, or at the river, for example, the Monongahela or the Ohio River, as the case may be. As to the amount of water that is used, I could not answer that. It is 60 percent coal and 40 percent water, but I do not know how much 40 percent water amounts to in gallonage.

Mr. KISTLER. Is there any possibility that we will be further contaminating the streams with this waste water?

Mr. McCANN. None whatsoever. This is not a stripping bill, nor does it have the problems that lie with that program. The streams or the rivers will not be contaminated in any way.

Mr. KISTLER. I thank the gentleman.

Mr. Speaker, may I respectfully suggest that I am not at all convinced that we will not further contaminate the streams. I also am not convinced that the water table situation in the Commonwealth of Pennsylvania is such that we should go into this thing at all. I believe that the interest of the people of Pennsylvania is inimical to that represented in this bill. I would ask the members to vote against it. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Miller.

Mr. MILLER. Mr. Speaker, I have listened to some of the members talk about the good that this coal slurry bill is going to do for certain industries. I told you two weeks ago what it would mean to the railroad industry and particularly my own community, and I am sincere about it.

The gentleman from Washington, Mr. Polen, said two weeks ago, very seldom has he gotten up on the floor in his career in this House to ask anyone to vote for or against this bill. I can assure you that this is about the third or fourth time that I have ever been up on this floor to ask support against any legislation. I have always voted for legislation from the coal interests to help them get out of their predicament in this State all my years in this House. Today I am here opposing this coal slurry bill because the railroads are now fighting financial ruin. And why is it? Railroads are battling to escape disaster.

Some of these people would make you think that they are going to put a lot of men back to work. Well, I know that in one State a thousand men lost their jobs over a coal slurry bill, and I know that there will be more lose their jobs. If you want to cause unemployment, increase the unemployment rolls in Pennsylvania, just vote for this legislation today. If you want to increase the public assistance appropriations, just vote for this bill today.

I am asking all of you to oppose this legislation. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre. Mr. Fulmer.

Mr. FULMER. Mr. Speaker, I would like to say in reply to the inquiry of the gentleman from Cumberland, Mr. Kistler, that I too am concerned about the source of the water and the possibility of polluting the water, but I would like to assure him and the rest of the members of

the House that some other people have been thinking about this problem. Only last week I discussed this problem with some members of the faculty of Pennsylvania State University, suggesting the possibility that, instead of using water in these pipelines, we might use oil as a flotation process, thereby floating it in oil and building up the B. T. U.'s in the pulverized coal itself when it is shot through the jets at the place where it would be used. If this is the case, we know that we will not only be helping the coal industry, but the oil industry as well. Possibly, the gas people can get into this, too, by supplying the gas to provide the pressure to force the oil and the coal through the slurry.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—110

Anderson, J. H.,	Gibb,	Lutty,	Sakulsky,
Anderson, S. A.,	Goldstein, J. H.,	Magee,	Scarcelli,
Bachman,	Goldstein, M. H.,	Manbeck,	Schuster,
Backenstoe,	Goodrich,	Markley,	Seltzer,
Boles,	Gramlich,	May,	Shupnik,
Branca,	Greenlee,	McCandless,	Simmons,
Breth,	Gremminger,	McCann,	Slack,
Buchanan,	Gross,	McKeever,	Stank,
Capano,	Guesman,	McLaughlin,	Stimmel,
Cauley,	Hamilton,	McNally,	Stone,
Clarke,	Haudenshield,	Meholchick,	Sullivan, T. F.,
Cooley,	Heavey,	Merry,	Thompson,
Crossin,	Heffner,	Morley,	Tomascik,
Curwood,	Holman,	Mullen,	Tompkins,
Davis,	Irvis,	Murphy,	Trusio,
Donaldson,	Jim,	Murray,	Ujobai,
Elvey,	Johnson, A. W.,	O'Donnell, J. P.,	Walsh,
Eshleman,	Kessler,	Petrosky,	Wescott,
Esler,	King,	Piper,	Willard,
Ewing,	Klein,	Polen,	Willaredt,
Farabaugh,	Knecht,	Pursley,	Williams, E. S.,
Filo,	Kooker,	Riley,	Wilt,
Flynn,	Kornick,	Rovansek,	Wood,
Forester,	Kramer,	Royer,	Wynd,
Fry,	Lamb,	Rubin,	Zember,
Fulmer,	Lee, K. B.,	Rudisill,	Zimmerman,
Gailey,	Leonard,	Rutherford,	Andrews,
Gallagher,	Long, Wm. Jas.,		Speaker

NAYS—94

Adams,	Fox,	Lawson,	Prendergast,
Arlene,	Frascella,	Lee, A. M.,	Price,
Auker,	Gelfand,	Limper,	Reibman,
Blair,	George,	Lippincott,	Reidenbach,
Bonner,	Gibbons,	Long, Wm. Jos.,	Renwick,
Bossert,	Gray,	Marsh,	Schaaf,
Bower,	Guthrie,	McCormack,	Shelton,
Bowman,	Hankins,	McDevitt,	Sherman,
Bush,	Hartley,	McDonald,	Snare,
Capitolo,	Helm,	McInroy,	Stiteler,
Cianfrani,	Henzel,	Miller,	Strausser,
Cioffi,	Hocker,	Monroe,	Sullivan, J. A.,
Comer,	Holl,	Munley,	Taylor,
Dengler,	Holliday,	Musto,	Varner,
Dennison,	Horst,	Needham,	Verona,
Dougherty,	Isaacs,	O'Dell,	Wall,
Doughten,	Jenkins,	O'Donnell, J. A.,	Wargo,
Down,	Johnson, R. P.,	Odorisio,	Weidner,
Edwards,	Jones,	Ogilvie,	Welsh,
Eilberg,	Keiser,	Parlante,	Whittaker,
Eshback,	Kelly,	Pashley,	Williams, A. D.,
Fetterolf,	Kernaghan,	Perry,	Worley,
Fineman,	Kistler,	Polaski,	Yetter,
Foor,	Korns,		

NOT VOTING—6

Ashton,	Maxwell,	Mills,	Steckel,
Kamyk,	Mihm,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, I promised that we would not sit beyond 7 p. m. and it is now close to that time. I believe we have one bill to recommit and two to amend that have been agreed to, so at this time I will indicate there will be no further roll calls, but there are committee meeting announcements for tomorrow morning.

COMMITTEE MEETINGS

BANKING and BUILDING and LOAN ASSOCIATIONS, Mr. Parlante, chairman, Room 131-A, Wednesday, August 9, at 10 a.m.

COUNTIES, Mr. Cioffi, chairman, Room 131-C, Wednesday, August 9, at 10:30 a.m.

STATE GOVERNMENT, Mr. Fineman, chairman, Room 522, Wednesday, August 9, at 10:45 a.m.

ALL TIMES ARE DAYLIGHT SAVING TIME

REPORTS FROM COMMITTEE

Mr. RENWICK from the Committee on Townships, reported as amended, Senate bill No. 401, entitled:

An Act amending the act of May 1, 1933 (P. L. 103), entitled "The Second Class Township Code" authorizing increase in the number of meetings for which supervisors may be paid without the prior approval of the auditors further providing for the attendance of supervisors or employes at road meetings and conventions imposing duties on township secretaries changing the time which may be expended by auditors in the completion of audits authorizing managers to attend meetings of county associations of township officers further providing for the parties who may protest a change in zoning and providing for review of township ordinances and regulations adversely affecting public utility service.

Mr. MORLEY from the Committee on Education, reported as committed, Senate bill No. 695, entitled:

An Act amending the act of March 19, 1949 (P. L. 30), entitled "Public School Code of 1949" further providing for the election of district superintendents and assistant superintendents in districts of the third class.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 695, entitled:

An Act amending the act of March 19, 1949 (P. L. 30) entitled "Public School Code of 1949" further providing for the election of district superintendents and assistant superintendents in districts of the third class.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

PERMISSION TO ADD ADDITIONAL SPONSORS

Mr. DAVIS asked and obtained unanimous consent to add additional sponsors to a bill to be introduced by him.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, for the information of the members, when the House convenes tomorrow morning at

11 o'clock there will be a break for caucus, but I might say at this point that tomorrow will be the last day of session this week.

BILL ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on final passage of House bill No. 1697, entitled:

An Act amending "The County Code" approved August 9, 1955 (P. L. 323), authorizing the creation of county historical commissions to promote places of historical interest within the county.

On the question recurring,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. A. W. WILLIAMS, Jr. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. A. D. WILLIAMS, Jr., asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Sec. 1 (Sec. 1997), page 2, lines 13 to 16, by striking out "Three Members Shall Be" in line 13, all of lines 14 and 15, 'The Republican Party" in line 16, and inserting: "No two consecutive appointees shall be of the same political party."

Amend Sec. 1 (Sec. 1997), page 4, lines 1 to 3, by striking out "Reg-" in line 1, all of line 2 and "Republican Party And Shall Be" in line 3.

Amend Sec. 1 (Sec. 1977), page 4, line 4, by inserting after "Number": "between the two major political parties."

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS ON FINAL PASSAGE POSTPONED

TIME EXTENDED ON BILLS

Mr. McCANN, asked and obtained unanimous consent to extend the time five days on House bill No. 1797, printer's No. 2378, on page 6 of today's calendar, bills on final passage postponed.

Mr. McCANN asked and obtained unanimous consent to extend the time five days on House bill No. 1106, printer's No. 2012, on page 5 of today's calendar, bills on final passage postponed.

EDUCATION BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1789, entitled:

An Act to provide revenue for educational purposes by imposing an excise tax on rents royalties interest dividends and capital gains from investment capital as defined of individual residents and nonresidents of the Commonwealth and of estates and trusts fixing the rates of tax thereon providing for the reporting and payment of tax interest and penalties assessments collections liens reviews appeals refunds and penalties and conferring powers and imposing duties upon the Department of Revenue fiduciaries partnerships associations and individuals.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. LAMB. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. LAMB asked unanimous consent to offer an amendment at this time.

The SPEAKER pro tempore. The amendment will be read by the clerk for information.

Amend Sec. 205, page 7, line 3, by inserting after "Government": "; provided, however, that the term 'dividends' shall not be construed to include dividends received from mutual insurance companies which are in the nature of a reduction of premiums paid those companies nor dividends received by or credited to depositors of mutual savings banks, nor dividends received from building and loan associations, Federal and State savings and loan associations or Federal and State credit unions which are to be considered for purposes of this act to be in the nature of interest on amounts invested therein."

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Mr. McCANN. Mr. Speaker, on page 15, on HB 1620 that problem has been worked out and explained and I would like to recommit the bill to the Committee on Motor Vehicles because the need for this legislation has vanished following a conference in which the problem was worked out.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1620, entitled:

An Act amending 'The Vehicle Code" approved April 29, 1959 (P. L. 58), further defining "dealer" further providing for the use of dealer's registration plates providing for the

issuance of special moving permits for mobilehomes house trailers and office trailers in lieu of registration thereof * * *.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles.

The motion was agreed to.

SENATE MESSAGE

SENATE REJECTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 678

The clerk of the Senate being introduced, informed that the Senate has rejected the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 678

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 678, entitled: "An act amending the act of July 7, 1955 (P. L. 258), entitled 'An act providing for anthracite mine drainage contingent on Federal aid and making an appropriation' extending the provisions of the act to authorize the sealing of abandoned coal mines and filling voids in abandoned coal mines and making money heretofore appropriated available for those purposes."

Respectfully submit the following bill as our report:

Thomas J. Kalman,
Martin L. Murray,
(Committee on the part of the Senate.)
Frank P. Crossin,
Joseph G. Wargo,
(Committee on the part of the House of Representatives.)

An Act amending the act of July 7, 1955 (P. L. 258), entitled "An act providing for anthracite mine drainage contingent on Federal aid and making an appropriation" extending the provisions of the act to authorize the sealing of abandoned coal mines and filling voids in abandoned coal mines and making money heretofore appropriated available for those purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 1 and 2 act of July 7, 1955 (P. L. 258), entitled "An act providing for anthracite mine drainage contingent on Federal aid and making an appropriation" amended February 11, 1959 (P. L. 3), are amended to read

Section 1 In the event that Federal moneys are made available on a matching basis for the control and drainage of water from anthracite coal formations to seal abandoned coal mines and to fill voids in abandoned coal mines the Commonwealth accepts the grant of Federal aid thereunder subject to the terms and conditions of the grant

Section 2 In such event the Department of Mines and Mineral Industries shall construct ditches flumes backfill stripping pits and cropfalls and improve stream beds for the purpose of preventing the flow of surface water into mines and shall purchase the necessary materials for the same and also shall purchase and install pumps pipes machinery equipment and materials for the purpose of pumping water from abandoned mines and shall seal abandoned coal mines and fill voids in abandoned coal mines in those instances where such work is in the interest of public welfare Provided however That the Commonwealth shall not bear any operating and maintenance costs whatsoever and shall not bear the installation costs of any underground facilities however this restriction shall not apply and shall not pertain to cases of emergencies endangering life created by the flooding of mines nor shall the functions herein set out be restricted to abandoned mines in cases of such emergency

In such instances upon the prior determination by the Secretary of Mines and Mineral Industries when the Secretary of the Interior of the United States of America operating under the Federal companion legislation has likewise ruled that an emergency exists the Department of Mines and Mineral Industries shall

(1) Conduct rescue operations

(2) Without advertising or competitive bidding purchase material and equipment and provide labor and techniques for pumping of water from the mines constructing ditches flumes and other devices for mine drainage for sealing backfilling and for the performance of any other work designated by the Secretary of Mines and Mineral Industries as expedient to prevent the spreading and reduce the hazards from flooding of mines

(3) Pay for power and for other costs attendant upon the operation and maintenance of pumping and other devices for mine drainage

(4) Perform the purpose of the act with personnel of the department or by contract with others

(5) Reimburse any person agency or corporation for material labor and equipment furnished at the request of the Department of Mines and Mineral Industries in the performance of the aforesaid duties

(6) Pay for the foregoing whether already undertaken or to be undertaken hereafter

(7) Conduct investigation to determine the cause of this disaster and to institute measure to insure the future safety and health of persons in the area and

(8) Do all necessary and expedient to effect the purposes of this act

Section 2 Section 4 of the act is amended to read

Section 4 The sum of eight million five hundred thousand dollars ($8,500,000) or as much thereof as is necessary is appropriated to the Department of Mines and Mineral Industries to match Federal moneys made available for the control and drainage of water from anthracite coal formations to seal abandoned coal mines and to fill voids in abandoned coal mines in this Commonwealth and to carry out the purposes of this act

Section 3 This act shall take effect immediately

And has appointed Messrs. MURRAY, McMENAMIN and WAGNER a committee of free conference to confer with a similar committee of the House of Representatives, if the House of Representatives shall appoint such committee.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

The SPEAKER. The Chair calls attention to the fact that an unusual parliamentary situation has developed with reference to House bill 678. We have received from the Senate the report of the conference committee. The Senate has appointed Messrs. Murray, McMenamin and Wagner as a committee of free-conference to confer with a similar committee of the House of Representatives, if the House of Representatives shall appoint such committee. It seems that the House conferees signed the conference report prior to the time there was any session with the Senate conference committee, and then all the parties interested in the bill discovered there was a vital amendment that should be placed in the measure. Therefore, the Chair would suggest to the majority leader that he move that the present conference committee be discharged with the thanks of the House and that a free-conference committee be appointed by the House to confer with a similar committee of the Senate.

COMMITTEE OF CONFERENCE ON HOUSE BILL No. 678 DISCHARGED

Mr. McCANN. Mr. Speaker, I move that the conference

committee be discharged with the thanks of the House on H.B. No. 678, and that a free-conference committee be appointed to meet with a similar committee of the Senate.

On the question,

Will the House agree to the motion?

It was agreed to.

The SPEAKER. The Chair would await the names of the free-conference committee to be appointed.

Mr. HELM IN THE CHAIR

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 702.

An Act amending the act of July 20, 1917 (P. L. 1158), entitled "An act to fix regulate and establish the fees to be charged and received by constables in this Commonwealth" increasing the fees in certain cases.

Referred to the Committee on State Government.

SENATE MESSAGES

The clerk of the Senate being introduced, presented extracts from the Journal of the Senate:

Amended Senate Bills non-concurred in by Senate No. 486.

Appointment of Conference Committee on Senate Bill No. 486.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 715

Mr. POLEN. Mr. Speaker, I present the report of the Committee of Conference on House bill No. 715.

The SPEAKER pro tempore. The report will lie over for printing under the Rules.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 716

Mr. POLEN. Mr. Speaker, I present the report of the Committee of Conference on House bill No. 716.

The SPEAKER pro tempore. The report will lie over for printing under the Rules.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE ON HOUSE BILL NO. 678

The SPEAKER pro tempore. The Speaker has appointed as a Committee of Free Conference on the part of the House, Messrs. MUSTO, CROSSIN and HEFFNER.

Ordered, that the clerk inform the Senate accordingly.

BILLS AND RESOLUTIONS PASSED OVER

Mr. McCANN. Mr. Speaker, I request that all other bills and resolutions on today's calendar not acted upon be passed over.

The SPEAKER pro tempore. The Chair hears no objection.

ADJOURNMENT

Mr. DOWN. Mr. Speaker, I move that this House do now adjourn until Wednesday, August 9, 1961, at 10 a. m., e. s. t.

The motion was agreed to, and (at 6:12 p. m., e. s. t.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1961. 145th of the General Assembly.

Vol. 38. HARRISBURG, PA., WEDNESDAY, AUGUST 9, 1961. No. 87.

HOUSE OF REPRESENTATIVES

WEDNESDAY, August 9, 1961

The House met at 10 a. m., e. s. t.

The SPEAKER (Hiram G. Andrews) in the Chair

PRAYER

The Chaplain, Reverend David R. Hoover, offered the following prayer:

Almighty God and Father of us all, Thou who art far more ready to forgive than we to repent, Thou who dost stand waiting to transform men's lives if only they turn to Thee, and Thou who art desirous of directing the way of Thy children, we bow in deepest humility fully recognizing our own shortcomings and our need of Thy transforming power. O God, we ask Thee in the depth of Thy tender mercy to forgive each one of us, transform us into the kind of stewards Thou wouldst have us be, and come into the life of each one of us and direct our thoughts, our words, and our deeds to Thy honor and glory. In Jesus blessed name. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Tuesday, August 8, 1961, will be postponed until printed.

The Chair hears none.

BILL INTRODUCED AND REFERRED

By Messrs. HELM, DAVIS, ROVANSEK, GRAMLICH and VARNER. HOUSE BILL No. 1847.

An Act amending the "Bituminous Coal Open Pit Mining Conservation Act," approved May 31, 1945 (P. L. 1198), further regulating bituminous strip mining operations; changing provisions with respect to bonds, filing dates, reports, registration, backfilling and overburden; * * *.

Referred to the Committee on Mines and Mineral Industries.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 945.

An Act amending the "Selective Sales and Use Tax Act" approved March 6, 1956 (P. L. 1228), clarifying the method of tax collections on liquor sales and imposing duties on persons making liquor sales by the bottle.

HOUSE BILL No. 1397.

An Act making an appropriation to the Department of Public Instruction for payment into The State School Fund of Pennsylvania for assisting public school districts and state teachers' colleges to comply with required safety standards in certain cases.

HOUSE BILL No. 1498.

An Act authorizing municipalities and townships to appropriate money to improve or equip State property located within its boundaries.

HOUSE BILL No. 1579.

An Act amending the act of November 21, 1959 (Appropriation Act No. 47-A) entitled "An Act making an appropriation to the Department of Forests and Waters for the development of Erie Harbor and land adjacent thereto" removing provisions relating to completion of the Duquesne Marine Terminal facilities.

HOUSE BILL No. 1621.

An Act amending the "Vocational Rehabilitation Act of one thousand nine hundred forty-five" approved May 22, 1945 (P. L. 849), authorizing certain persons injured by accidents incurred in the course of their employment or disabled by occupational disease.

With the information that the Senate has passed the same without amendment.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 192

Mr. McCANN. Mr. Speaker, I present the report of the Committee of Conference on Senate bill No. 192.

The SPEAKER. The report will lie over for printing under the rules.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LIMPER asked and obtained permission for the Committee on Motor Vehicles to meet during the session or the House.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1030, entitled:

An Act authorizing additional pension and retirement payments to members of pension and retirement funds after termination of services.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House bill No. 1283, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing that certain area technical schools for vocational education may be established and operated by board of directors of second class school districts jointly with county boards of school directors.

And said bill having been read at length the first time,
Ordered, to be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House bill No. 1724, entitled:

An Act amending "The Penal Code" approved June 24, 1939 (P. L. 872), making county treasurers agents of the Commonwealth for the purpose of issuing certain licenses.

And said bill having been read at length the first time,
Ordered, to be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House bill No. 122, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), further regulating compensation for sabbatical leaves for employes of school districts.

And said bill having been read at length the second time and agreed to,
Ordered, to be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House bill No. 1317, entitled:

An Act amending "The Pennsylvania Workmen's Compensation Act" approved June 2, 1915 (P. L. 736), providing for the payment of compensation to the spouse or certain dependents of deceased employes dying prior to receiving payment to total benefits in certain cases.

And said bill having been read at length the second time and agreed to,
Ordered, to be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House bill No. 1318, entitled:

An Act amending "The Pennsylvania Occupational Disease Act" approved June 21, 1939 (P. L. 566), providing for the payment of compensation to the spouse or certain dependents of deceased employes dying prior to receiving payment of total benefits in certain cases.

And said bill having been read at length the second time and agreed to,
Ordered, to be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House bill No. 1320, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing payment of salaries of professional and other employes.

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.
The motion was agreed to.

Agreeably to order,
The House proceeded to the second reading and consideration of House bill No. 1721, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing for reimbursement by the Commonwealth to school districts for the employment of dental hygienists.

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.
The motion was agreed to.

Agreeably to order,
The House proceeded to the second reading and consideration of House bill No. 1824, entitled:

An Act making an appropriation to the Department of Property and Supplies for the publication of the History and Roster of the Tenth Pennsylvania Volunteer Infantry.

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.
The motion was agreed to.

Agreeably to order,
The House proceeded to the second reading and consideration of House bill No. 1839, entitled:

An Act making an appropriation to The United States Constitution 175th Anniversary Commission of Pennsylvania.

And said bill having been read at length the second time and agreed to,
Ordered, to be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House bill No. 1841, entitled:

An Act amending "The General Appropriation Act of 1961" approved May 25, 1961 (Appropriation Act No. 5-A), changing certain amounts appropriated to the Department of Public Instruction and the Department of Revenue and making an appropriation to the Department of Public Instruction for community colleges.

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.
The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1842, entitled:

An Act exempting civil defense facilities from State and local taxes fixing the manner of certifying such facilities for tax exemptions and imposing powers and duties on the State Council of Civil Defense and certain county and other local officials.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 603, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for payment of contributions to the school employes retirement fund on account of school employes on leave of absence for professional study.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 628, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," classifying film film strips transparencies records and tapes as school supplies of the first class.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 637, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," authorizing the reservation of funds for out-of-state travel expenses.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 695, entitled:

An Act amending the act of March 19, 1949 (P. L. 30), entitled "Public School Code of 1949," further providing for the election of district superintendents and assistant superintendents in districts of the third class.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 708, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for apportionment of rental obligations in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 726, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for the use of moneys in the State School Fund of Pennsylvania for making grants to certain school districts.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 789, entitled:

An Act amending the act of May 15, 1933 (P. L. 624), entitled as amended "Banking Code," authorizing banks and bank and trust companies to purchase shares of capital in certain corporations or associations engaged in financial operations subject to conditions and further providing for the acquisition in whole or in part of mortgage loans by a bank or bank and trust company.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 790, entitled:

An Act amending the act of May 13, 1915 (P. L. 286), entitled "Child Labor Law," further prescribing work in which minors may engage providing for the issuance of special permits for minors engaging in the entertainment and related fields changing provisions relating to working hours employment certificates regulations prescribing penalties and providing a short title.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 830, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for laboratory schools of State-owned colleges and providing for payments in connection therewith.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

REPORTS FROM COMMITTEE

Mrs. PASHLEY from the Committee on State Government, reported as amended, Senate bill No. 852, entitled:

An Act authorizing the Department of Property and

Supplies with the approval fo the Governor to sell and convey land situate in Derry Township Mifflin County Pennsylvania.

Mr. TAYLOR from the Committee on Motor Vehicles, reported as committed, House bill No. 103, entitled:

An Act amending "The Vehicle Code," approved April 29, 1959 (P. L. 58), providing for the granting of restricted operators' licenses in certain other cases.

Mrs. PASHLEY from the Committee on State Government, reported as committed, House bill No. 1689, entitled:

An Act regulating the maintenance of junk and scrap yards and prescribing penalties.

Mr. PRICE from the Committee on State Government, reported as committed, Senate bill No. 407, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to grant an easement over certain land situate in the City of Philadelphia County of Philadelphia.

Mr. PURSLEY from the Committee on Counties, reported as committed, Senate bill No. 610, entitled:

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code," further providing for change in classification of counties upon change in population.

Mr. POLASKI from the Committee on State Government, reported as committed, Senate bill No. 823, entitled:

An Act amending the act of June 15, 1961 (Act No. 207), entitled "Inheritance and Estate Tax Act of 1961," making a continuing appropriation for the payment of refunds of taxes to which the Commonwealth is not rightfully or equitably entitled.

Mr. RUBIN from the Committee on Banking and Building and Loan Associations, reported as committed, Senate bill No. 860, entitled:

An Act amending the act of May 15, 1933 (P. L. 624), entitled as amended "Banking Code," further providing for authorized investments and limitations on loans.

BILLS ON FIRST READING

Agreeably to order,
The House proceeded to the first reading and consideration of House bill No. 103, entitled:

An Act amending "The Vehicle Code," approved April 29, 1959 (P. L. 58), providing for the restricted operators' licenses in certain other cases.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House bill No. 1689, entitled:

An Act regulating the maintenance of junk and scrap yards and prescribing penalties.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of Senate bill No. 407, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to grant an easement over certain land situate in the City of Philadelphia County of Philadelphia.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of Senate bill No. 610, entitled:

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code," further providing for change in classification of counties upon change in population.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of Senate bill No. 823, entitled:

An Act amending the act of June 15, 1961 (Act No. 207), entitled "Inheritance and Estate Tax Act of 1961," making a continuing appropriation for the payment of refunds of taxes to which the Commonwealth is not rightfully or equitably entitled.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of Senate bill No. 860, entitled:

An Act amending the act of May 15, 1933 (P. L. 624), entitled as amended "Banking Code," further providing for authorized investments and limitations on loans.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. STONE asked and obtained permission for the Committee on Welfare to meet during the session of the House.

STATEMENT BY SPEAKER

The SPEAKER. While the House is at ease, the Chair would like to make a statement.

We think the expedition to New York was a success. We believe there will be funds available for other journeys during the remainder of this year and next year. We would like to send one group of members of the House on an expedition to gain information, to Ohio, Indiana and Illinois. That probably would take a week. We would like to send another delegation to Kansas and Nebraska; that would take a week. Nebraska is interesting, it just has one chamber, unless it has changed that recently. Then, another to Wisconsin and Minnesota. Wisconsin presents a very interesting study. We would like to take in North Dakota and South Dakota; Montana and Idaho; Washington and Oregon; California and Arizona.

We could compile a library of useful information and by such an expedition we would have members of the House who could help us utilize that information. Whether or not we will be able to do that we do not know. I think we can. At least we will try.

BIRTHDAYS

The SPEAKER. We have two birthdays today, the gentleman from Philadelphia, Mr. J. A. Sullivan.

Dr. Gengler, I am going to ask you to direct.

Mr. DENGLER. Mr. Speaker, the gentlemen whose birthdays are today are Mr. Sullivan and Mr. Rutherford, so I think we can sing "Happy Birthday, Dear Joe and Gene." How about that?

(Members sang "Happy Birthday," led by Mr. Dengler)

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Sullivan.

Mr. J. A. SULLIVAN. Mr. Speaker, I wish to thank everyone here for their kindness, and I am very, very happy to be with such a wonderful group of people. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Rutherford.

Mr. RUTHERFORD. Mr. Speaker, and members of the House, I thank you for the birthday greetings. Also, I take this opportunity to thank them for the very warm way they have received me in my freshman year in the legislature. I might add, Mr. Speaker, that as August 9 is my birthday, I never expected to have the pleasure of celebrating it here among the dignified members of the House. Thank you.

The SPEAKER. On behalf of the House, the Chair accepts the compliment.

REPORT FROM COMMITTEE

Mr. CAPANO from the Committee on Welfare, re-reported as amended, House bill No. 1803, entitled:

An Act relating to certain charitable organizations requiring the registration of such organizations regulating the solicitation of moneys and property by or on behalf of charitable organizations establishing a Commission on Charitable Organizations and an Advisory Council on Charitable Organizations and placing duties upon the Department of State.

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, we are ready to call up bills that will be voted on before we break for lunch and caucus. I request permission, Mr. Speaker, to turn to page 7, Senate bill No. 605.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 605, entitled:

An Act amending the act of January 29, 1844 (P. L. 25), entitled "An act supplementary to an act to incorporate the president and directors of the water pipes in Aaronsburg" permitting additional persons to vote for the directors further providing who shall be taxed increasing one tax providing for flat rates and tap on charges requiring approval of rates by the Public Utility Commission and repealing inconsistent legislation.

On the question,

Shall the bill pass finally?

Mr. TOMPKINS. Mr. Speaker, I should like to interrogate the majority leader.

The SPEAKER. Will the majority leader permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. TOMPKINS. Has this bill been amended in the House?

Mr. McCANN. Mr. Speaker, it is my understanding that Senate bill 605, present printer's No. 1140, has been amended in the House.

Mr. TOMPKINS. I thank the gentleman.

Mr. Speaker, the only point of my inquiry is a constitutional one. I am very much in favor of the bill, but I would hate to see it go through and find that it would be declared unconstitutional because of some procedural defect.

This is considered as local legislation under the Constitution, and I understand that before the bill was introduced in the Senate it was properly advertised. This bill is on a par with the amendments that were offered on the Berks County prison bill, and I believe the ruling of the Chair at that time was that the amendments would also have to be advertised before the bill could be acted upon. I am only trying to clarify a constitutional question so the bill later might not be tied up in an entanglement. Could we have a ruling of the Chair on that question?

RULING BY SPEAKER

The SPEAKER. The Chair would be of the opinion that the precedent would indicate that the changes in the bill would call for re-advertisement. That is the opinion of the Chair.

Mr. TOMPKINS. If that is the ruling the only question I have is, were the amendments advertised in connection with this bill?

Mr. McCANN. Mr. Speaker, I cannot answer the question. I wanted this cleared before we voted on the bill. Therefore, if the bill is in proper order we want to vote it. If it is not, we want to make it proper in every way. I asked Mr. Tompkins to bring the question up so we would clear very carefully, so these folks would have the right kind of legislation as per their advertisement.

Mr. TOMPKINS. Mr. Speaker, would not the proper course then be to check the record to find out whether or not these amendments had also been advertised? I know the original proposal introduced was advertised before it was introduced in the Senate.

The SPEAKER. There is proof of publication. Does the amendment in any way change the import of the bill?

Mr. TOMPKINS. Mr. Speaker, that I do not know. I do not have a copy of the bill before me.

The SPEAKER. If the amendment was simply technical, just a typographical error or something like that, in the opinion of the Chair, if it did not change in any way the intent of the bill, the purpose of the bill, it could be acted upon now, but I think the matter is one that should be chceked upon and ascertained.

For what purpose does the gentleman from Philadelphia, Mr. McCormack, rise?

Mr. McCORMACK. Mr. Speaker, after reviewing the amendments to this bill, if the minority whip and the majority leader would listen, they might possibly learn something.

The SPEAKER. From whom?

Mr. McCORMACK. From a Philadelphia lawyer, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. McCORMACK. As I said, Mr. Speaker, after a cursory examination of the amendments in this bill, and reading the bill, which indicates that it is local and special legislation and subject to the constitutional provision, and in light of the decision made by this House with respect

to House bill, I believe, 850, there is no question in my mind that under the precedent established this bill would truly be unconstitutional, that is, this amendment. It would have to be re-advertised and I agree with the statement made by the Speaker, because in the Berks County Prison Board amendment, that merely provided for a referendum, but in this case it changes the name of the town, the township, and it also includes public utility amendments. So it is my belief, Mr. Speaker, that clearly this would require a re-advertisement, and unless you change the bill to its original form you are flying in the face of the constitution.

The SPEAKER. The Chair would suggest that—

BILL POSTPONED

Mr. TOMPKINS. Mr. Speaker, I move that Senate bill 605, printer's No. 1140, be placed upon the final passage postponed calendar until we get this issue clarified.

The motion was agreed to.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Tompkins for Mr. STRAUSSER for today.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair notes the presence in the hall of the House of a former member, Magistrate Ralph Dennis from Philadelphia. Will the gentleman please rise?

REPORTS FROM COMMITTEE

Mrs. MARKLEY from the Committee on Welfare, re-reported as amended, Senate bill No. 200, entitled:

An Act amending the act of June 24, 1937 (P. L. 2051), entitled as amended "Public Assistance Law," making eligible for assistance certain persons in public medical institutions and regulating obligations for and payment of certain funds.

Mrs. MARKLEY from the Committee on Welfare, reported as committed, Senate bill No. 672, entitled:

An Act amending the act of June 24, 1937 (P. L. 2045), entitled as amended "The Support Law," prescribing liabilities for assistance with respect to medical assistance for the aged.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 672, entitled:

An Act amending the act of June 24, 1937 (P. L. 2045), entitled as amended "The Support Law," prescribing liabilities for assistance with respect to medical assistance for the aged.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 698, entitled:

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code," making it illegal to buy, sell, alter or attempt to obtain by fraudulent means a diploma, certificate or similar instrument prohibiting certain fraudulent acts pertaining to licensing, registration or certification of any person and providing penalties.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—199

Adams,	Fulmer,	Lee, A. M.,	Renwick,
Anderson, J. H.,	Gailey,	Lee, K. B.,	Riley,
Anderson, S. A.,	Gallagher,	Leonard,	Rovansek,
Arlene,	Gelfand,	Limper,	Royer,
Auker,	George,	Lippincott,	Rubin,
Bachman,	Gibb,	Long, Wm. Jas.,	Rudisill,
Backenstoe,	Gibbons,	Long, Wm. Jos.,	Rutherford,
Blair,	Goldstein, J. H.,	Lutty,	Scarcelli,
Boies,	Goldstein, M. H.,	Magee,	Schaaf,
Bonner,	Goodrich,	Manbeck,	Schuster,
Bossert,	Gramlich,	Markley,	Seltzer,
Bower,	Gray,	Marsh,	Shelton,
Bowman,	Greenlee,	Maxwell,	Sherman,
Breth,	Gremminger,	May,	Shupnik,
Buchanan,	Gross,	McCandless,	Simmons,
Bush,	Guesman,	McCann,	Slack,
Capano,	Guthrie,	McCormack,	Snare,
Capitolo,	Hamilton,	McDevitt,	Stank,
Cauley,	Hankins,	McDonald,	Stimmel,
Cianfrani,	Hartley,	McInroy,	Stiteler,
Cioffi,	Haudenshield,	McKeever,	Stone,
Clarke,	Heffner,	McLaughlin,	Sullivan, J. A.,
Comer,	Helm,	McNally,	Sullivan, T. F.,
Cooley,	Henzel,	Meholchick,	Taylor,
Crossin,	Hocker,	Merry,	Thompson,
Curwood,	Holl,	Miller,	Tomascik,
Davis,	Holliday,	Monroe,	Tompkins,
Dengler,	Holman,	Morley,	Trusio,
Dennison,	Horst,	Mullen,	Ujobai,
Donaldson,	Irvis,	Munley,	Varner,
Dougherty,	Isaacs,	Murphy,	Verona,
Doughten,	Jenkins,	Musto,	Wall,
Down,	Jim,	Needham,	Walsh,
Edwards,	Johnson, A. W.,	O'Dell,	Wargo,
Eilberg,	Johnson, R. P.,	O'Donnell, J. A.,	Weidner,
Elvey,	Jones,	O'Donnell, J. P.,	Welsh,
Eshback,	Keiser,	Odorisio,	Wescott,
Eshleman,	Kelly,	Ogilvie,	Whittaker,
Esler,	Kernaghan,	Parlante,	Willard,
Ewing,	Kessler,	Pashley,	Willaredt,
Farabaugh,	King,	Perry,	Williams, A. D.,
Fetterolf,	Kistler,	Petrosky,	Williams, E. S.,
Filo,	Klein,	Piper,	Wilt,
Fineman,	Knecht,	Polaski,	Wood,
Flynn,	Kooker,	Polen,	Worley,
Forester,	Kornick,	Prendergast,	Wynd,
Foor,	Korns,	Price,	Zember,
Fox,	Kramer,	Pursley,	Zimmerman,
Frascella,	Lamb,	Reibman,	Andrews,
Fry,	Lawson,	Reidenbach,	Speaker

NAYS—0

NOT VOTING—11

Ashton,	Kamyk,	Murray,	Strausser,
Branca,	Mihm,	Sakulsky,	Yetter,
Heavey,	Mills,	Steckel,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

BILLS ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on final passage of House bill No. 318, entitled:

An Act amending the "Third Class County Board Assessment Law," approved June 26, 1931 (P. L. 1379), imposing certain minimum limitations on making assessments.

On the question recurring,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I would like to say a few words about this bill.

If I understand the bill, Mr. Speaker, it means that in all the counties back home the assessment of real estate would have to be at least 30 percent of the fair market value as determined by the proper agency. In other words, I am thinking now of my own county; we are assessed at 25 percent and we are getting along very well. Eventually we may go to 30 percent, but if we do, it is our business. We want to do it; we do not want anybody in Harrisburg telling us we have to do it.

That is the reason I am against this bill for third class counties and I am against it as far as my county is concerned. We will run our own business up there and I do not think this legislature should tell us that we have to assess 30 percent. There will be other penalties put on us if they do. Therefore, I am against the bill and I am asking everybody to vote against the bill.

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, I would like to have permission to speak both on House Bills 318 and 407 together.

Mr. Speaker, H.B. 318 pertains to third class counties' Boards of Assessment only. It provides for a minimum of 30 percent. H.B. 407 pertains to the fourth to eighth class counties and it provides for a minimum of 30 percent.

This would cover all the Commonwealth of Pennsylvania counties. In the Commonwealth at the present time there are only 11 counties that do not have an assessment of 30 percent or more. There is no question that this law would say that this is what you shall do, but the county commissioners have the full right to set the percentage of assessment on the market value of property within their counties. But the school districts of the Commonwealth receive their taxes from the percentage of assessment of the property in their districts.

Now disregarding those 11 counties in Pennsylvania, all others go from 30 percent to as high as 75 percent, which is the maximum under the law. This proposal as first introduced, I believe, called for 60 percent minimum and 75 percent maximum, and the compromise is 30 percent minimum, leaving the maximum as it is today.

The average assessment across the Commonwealth of Pennsylvania is 42 percent. Now I realize that what the gentleman stated is correct, that in his county 14 is less than that, and I believe Centre County is less than that. There are 11 counties—I don't have the list—but there are 11 counties that are less than 30 percent.

I believe we should in every way possible try to help the school districts in the Commonwealth by increasing the minimum assessment percentage. Yes, you will say that they have a right to go to court and get additional millage, which they do, but this is also helpful to them in many of these areas in securing some help in securing the revenues that they are seeking. To the other counties, other than the eleven, this piece of legislation does not do a single thing.

Therefore, I ask that the membership vote in favor of this legislation if they believe it is worthy of consideration.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Schaaf.

Mr. SCHAAF. Mr. Speaker, I am just going to take a moment, but I cannot help but make a couple of observations which I think are prompted by the results on these two bills on Monday.

I stand four-square behind the majority leader in what he says, not because he is a member of my side, but because I think he makes sense.

Mr. Speaker, in the brief months, actually, that I have been in this General Assembly this subject of taxation, both local and statewide, has proved certainly the most fascinating and, of course, the most complex that a legislator will ever find whatever his stock in trade may be outside of this General Assembly.

We have had a Governor's Committee report. The Department of Internal Affairs publishes a monthly bulletin which has on occasion some articles of real value. There have been other studies and other comments in the newspaper and otherwise about this subject matter, but the general concensus of opinion, non-partisan, thoughtful opinion, seems to be that the financing of government and education in Pennsylvania is a twofold responsibility, certainly, on the one hand, that of the State itself, and, on the other hand, local government.

Mr. Speaker, I realize the historical background, the reasoning, the theory of over-taxation on a local basis, but for the life of me, Mr. Speaker, in logic I cannot see the reason for, or the sophistry, if you will, of the proportionate or percentage assessment. There is no need for it, Mr. Speaker, but, nevertheless, as I say, I think I do appreciate that there is the fear that there will be overtaxation and local government will gouge the residents too deeply, too strenuously. Consequently, they use this artificial formula.

But, Mr. Speaker, this is, at least in my opinion, nothing less than sophisticated nonsense. Whether a person owns a $10,000 home and if his assessment is on $10,000 and the millage is set at two mills, or whether he receives a tax bill and the assessment is listed at $2,000 and the assessment is 20 percent of the real value and the millage is ten times as much, I do not think makes a particle of difference.

There seems to be a peculiar saving grace in that tax bill or in that assessment notice that we are keeping your assessments low, and so forth, but I do not see where it serves any real advantage.

Mr. Speaker, if we are to have a fair and equitable taxation in this Commonwealth wherein all goods and all properties, irrespective of where they may be situated, are treated identically so that the child, if you will, in Philadelphia receives the same quality and character of education as does, for example, the child in Cameron County, Mr. Tompkins' district, then, certainly there should be some steps taken to put a proper base on local taxation.

Mr. Speaker, if I had my way, I would like to see 100 percent assessment, as I have indicated. I think this is a step in the right direction. I think it should be supported, particularly by you people who reside in the rural areas,

where you have so much to gain from the educational program which is presently on this calendar. I think that you people should be vitally interested in this bill because it is a step in the right direction.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Lippincott.

Mr. LIPPINCOTT. Mr. Speaker, I would like to interrogate the majority leader.

The SPEAKER. Will the majority leader permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. LIPPINCOTT. Mr. Speaker, referring to H.B. 318, will the gentleman state when this bill would become effective if passed?

Mr. McCANN. May I have a moment to check whether it says "effective immediately" or not?

Mr. LIPPINCOTT. I might say that the bill does not have any effective date in it. So would the gentleman agree that it would then become effective September 1, if passed?

Mr. McCANN. That would be correct, and, therefore—I believe I had that corrected—it would be effective September of this year. The program for this year is completed, which means that in 1962 would be the raise to 30 percent, if the county is not now assessed at 30 percent.

Mr. LIPPINCOTT. Does the gentleman realize that in third class counties, to which H.B. 318 is applicable, there is no general reassessment law as there is in fourth to eighth class counties? Is the gentleman aware of that distinction?

Mr. McCANN. I am, and the third class counties use a different system of doing their reassessment program within their counties, that is correct.

Mr. LIPPINCOTT. Would the gentleman agree then that if a county has less than 30 percent, a third class county, would mean a complete and total reassessment of that county?

Mr. McCANN. Unless it is in a county where they do a third of it a year, I suppose if the county had none of it done, that would be true. If it had a part of it done, then it would be a part of their reassessment program.

Mr. LIPPINCOTT. I thank the gentleman.

Mr. Speaker, the reason I oppose this bill, as Mr. Johnson indicated, is because of the tremendous impact this would have in the third class counties which are not under the fourth to eighth class county assessment law.

I think there probably is merit in increasing the assessments, but in our county, for example, the assessments are about 28.5 percent of market value. The result of this bill would mean a total reassessment for the entire county and, in addition to the expense of that, it would disrupt the gradual increasing and equalizing reassessments that we have been doing for years.

I might also say, in answer to the gentleman's remarks about the school districts, I dare say there are few counties that have a higher percent of local effort for their school districts than our county. It seems to me that in third class counties this is a very bad bill because of the tremendous impact it would have.

I do not take a position one way or the other so far as the other bill is concerned, but we feel very strongly that this would upset our county tremendously, and I ask the members to vote against the bill.

The SPEAKER. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, inasmuch as the majority leader covered both of these bills, I want to speak particularly on H.B. 407.

This bill provides that a floor of 30 percent on the assessment must be placed on the market value of real estate by the county commissioners when they are making the assessment. Now, Mr. Speaker, if they can make it 30 percent, they can also make it 50 percent, they can also make it 100 percent, by mandate from Harrisburg, and when you do that, even at 30 percent, you are taking out of the hands of the people the right to run their own government. It is wrong. For too long we have been shoving the people around, we have been telling them what they can and cannot do.

Up in Cameron County with a 25 percent assessment, and we do not have that, but any county that is operating on a 25 percent assessment of the market value, if they are getting enough money with which to operate their county with that amount of assessment, then I say to you that is their business, not our business. We have no right to tell them how much assessment they have to levy in order to raise the money to operate their government. If they can do it on 20 percent, more power to them, it they can run their own government and be free men in the operation of their government, instead of being sent a lot of mandates and shackles from Harrisburg. It is time we cut out this kind of monkey business. It is time we cut out this kind of power play against our local governments.

Now I come to the schools. If they are not up to the standards provided by the Tax Equalization Board, which was created for the purpose of making the local effort come up to the state contribution, then they lose their state contribution, and that is their sad state of affairs, not ours, and it should not be ours in Harrisburg. We try to set a standard by which they can get subsidies, and, if they do not comply, that is their business; it is not our business. If they see fit to operate in that manner, I say to you we have no business to try and tell them otherwise.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Schaaf.

Mr. SCHAAF. Mr. Speaker, without getting excited on these two issues, I would like to suggest to the gentleman from Cameron that, first of all, so long as we have representative government in this General Assembly and we each represent legislative districts, we are not going to take anything away from the people because we represent these very people.

Secondly, Mr. Speaker, so long as we are called upon to provide upwards of 50 percent of the money which is spent locally for public education, then I believe we not only have the right but we certainly have the duty to determine what is done locally.

Mr. Speaker, I cannot help but refer back a couple of months to a discussion which took place regarding the State Tax Equalization Board. I cannot help but make the further observation that if we had fair and uniform assessment throughout the Commonwealth of Pennsylvania we would not need the State Tax Equalization Board.

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, it is very nice to be able

to argue from one point of view, but let us say you sit in office as the elected county commissioner. You have your responsibility and you set the percentage of assessment. When you set it, the law provides that that covers all the townships, the boroughs, the cities and the school districts in that county. Now you sit in the other chair as a school director and you plead and you appeal, and, therefore, your answer is just as the gentleman from Cameron, Mr. Tompkins, stated, we run our local government ourselves, we set the percentage and this is the percentage we set.

In fact, I am proud to say that the gentleman's debate on one point of view is excellent, but his county can speak well because it is assessed at 50 percent of its market value, according to the records. There are only 11 counties in this Commonwealth that are assessed at less than 30 percent, although there are many at 30 percent. In fact, some counties are, in 1961, changing the percentage from, perhaps, 25 to 30, 30 to 35, and some are just completing their appraisement program which will set their percentage when they are done.

It is easy to say we have no responsibility, but I believe when you are the elected representative you also have a responsibility to the school directors, the borough councilmen, the township supervisors and the commissioners of the county. This bill is a very little bill that only tightens the law, where it was from 0 to 75 to a minimum of 30, leaving the maximum at 75. No county can place more than that, as the gentleman is well aware, in the assessment percentage. I know that the county commissioners' organization immediately takes the position, we do not want you telling us what to do. I say to them, they do not want us by one resolution to tell them what to do in this field, but they turn around and ask us in another to set the salaries and do this so they can say to their people back home, "the legislature did it." That I am proud to say I did because I voted for it. What is "good for the goose is good for the gander," and both must stand the responsibility. I stand for that responsibility of saying that this is good legislation and I am voting for it.

The SPEAKER. The Chair recognizes the gentleman from Cameron.

Mr. TOMPKINS. Mr. Speaker, there are two items I want to separate in my remarks.

No. 1, the latter statement that the gentleman made about us sitting down and fixing their salaries. Mr. Speaker, that is a matter of constitutional requirement, and, for the information of the members of this House, the present Speaker of this House and myself co-sponsored legislation in 1959, as well as in 1961, to send that responsibility back to the counties and let them fix their own salaries, instead of having it done down here by constitutional mandate.

If they want to correct that situation, we have provided the machinery by which it can be done, and I hope they will go ahead and do it.

No. 2, you are trying to separate a school situation here against all the rights of your county government, just as the majority leader mentioned, in the form of your borough councils, your township supervisors and your counties.

If your argument is going to prevail, and I have tried to point it out, if the Tax Equalization Board in Harrisburg, tries to control a lot of subsidies they get back home based upon the assessments they have, the rest of your county government should have the right to run its own affairs without us down here telling them how much of an assessment they have to levy.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Boies.

Mr. BOIES. Mr. Speaker, it so happens that I sat in a hearing of the Tax Equalization Board just yesterday, and it seems to me from what I can understand of the proceedings that the assessed valuation of a school district, of a municipality, has a great deal to do with the decision of the Tax Equalization Board in setting the property valuation on which the school subsidy is figured.

It seems to me if this is true that all assessed valuations should be on the same level. Why should one school district have an assessed valuation of three or four times what another one has? I agree with the gentleman from Erie that all assessed valuations should be the same and the millage should be set according to the needs.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Kramer.

Mr. KRAMER. Mr. Speaker, all during this week we have been in the throes of deciding in our own hearts and minds what we are going to do about the education program. The newspapers have been filled with articles about education, the need for it and where the money is coming from. Rumors have been flying aplenty in the halls of this House.

I am much interested in the statements of the gentleman from Cameron, that we would like to have the local people pass on these tax measures. Well, Mr. Speaker, speaking for my constituents in Pittsburgh, we would welcome that because we think we would get a fairer shake out of this whole educational program if we could provide for our own education with our own tax dollars.

We in Pittsburgh are supplying the State with about $25.5 million in sales taxes and do you know what we get back under this very unfair subsidy program? We get back a little over $6 million. If we could use all of that $25 million for education in Pittsburgh we would be pretty well off and we would not have had to come to this legislature here two weeks ago and ask you people to help us pass a wage tax on our taxpayers who are already overburdened.

We of Pittsburgh have a school system that dates away back. We have 110 schools and 10 of those 110 have been condemned by the Department of Public Safety. They termed those 10 buildings combustible and told us that if we did not tear them down they would not be responsible for the deaths of any of our little kids in Pittsburgh. Some of our little kids are using not second-hand books but fifth-hand books. Why? Because we do not have enough money. And why do we not have enough money? Part of that problem is what I deem to be the very unfair formula for distributing the tax money.

So, Mr. Speaker, if Mr. Tompkins would like to have the local people decide how their taxes should be raised and how they should be spent, we of Pittsburgh will go for that all the way.

We are not against the general principle of the state subsidy. We belive that all children in this great State should have a wonderful, good education, but what troubles us, Mr. Speaker, is this: We from Pittsburgh drive out into the outskirts and go along some of our

county roads and come to a cornfield. There in the middle of that cornfield is a beautiful new edifice dedicated to education. It has air conditioning, television, hi-fi, and football fields with grass. We do not have one football field in the city of Pittsburgh in our high school system that has grass, and I have the scars to prove it. It has auditoriums, music rooms with the auditoriums, cafeteria, buses, tennis courts, swimming pool, the works. One evening for diversion I rode with some of our friends out along the road toward Carlisle. I do not know the name of the school—

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman from McKean, Mr. Johnson, rise?

Mr. A. W. JOHNSON. I rise to a point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. A. W. JOHNSON. The gentleman is not talking on these two bills. They do not even affect the city of Pittsburgh or Allegheny County.

The SPEAKER. That is correct. However, I think the discussion so far as several gentlemen have spoken has been a bit wide of the matter under discussion. The Chair has been very lenient and, while the minority leader is technically right, I hope the gentleman will be permitted to proceed.

Mr. A. W. JOHNSON. I will withdraw my objection and let the gentleman proceed.

The SPEAKER. I would suggest that the gentleman keep within the scope of these particular bills rather than the entire problem which we face.

Mr. KRAMER. Mr. Speaker, the minority leader's statements concerning the things I have been talking about are very interesting. You know, the modern definition of a real good tax is one where I get everything and I do not pay anything. That is a real good tax and, if he says that this State school subsidy formula is not affecting Pittsburgh, then he does not know the facts because we are paying the way.

The SPEAKER. The Chair would say that the subsidy formula is not properly a matter for prolonged discussion. The Chair sympathizes with the gentleman but would suggest that he confine himself to these two bills.

Mr. KRAMER. Mr. Speaker, it is part of the overall package that we have been talking about all this week. Now that the door was opened by the gentleman on my right, I think I have a right to continue this subject. If you want to cut me off, then do so and I will save it for a later bill.

The SPEAKER. The Chair has no desire to cut any member off. The Chair, however, does have certain responsibilities to keep the discussion within the range and the purview of the bills pending. If the Chair abdicates that responsibility, we face interminable debate on all sorts of subjects which are not before the House.

The Chair does not want to cut anybody off, but he does like to have the bills that are before the House the subject of discussion.

Mr. KRAMER. Then, Mr. Speaker, I will conclude with this statement: that a vote for this bill is a vote for education in the right direction.

The SPEAKER. The Chair thanks the gentleman.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. McCormack.

Mr. McCORMACK. Mr. Speaker, when I later cast my vote against 1789 I would like to incorporate that speech as the reasons why.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—130

Adams,	Gailey,	Long, Wm. Jas.,	Reibman,
Anderson, S. A.,	Gallagher,	Lutty,	Reidenbach,
Arlene,	Gelfand,	Magee,	Riley,
Bachman,	George,	Manbeck,	Rovansek,
Backenstoe,	Gibb,	Maxwell,	Rutherford,
Blair,	Goldstein, M. H.,	McCandless,	Sakulsky,
Boles,	Gray,	McCann,	Scarcelli,
Bonner,	Greenlee,	McCormack,	Schaaf,
Breth,	Gremminger,	McDevitt,	Schuster,
Buchanan,	Guesman,	McDonald,	Seltzer,
Capitolo,	Hamilton,	McKeever,	Shelton,
Cauley,	Hankins,	McLaughlin,	Sherman,
Cianfrani,	Hartley,	McNally,	Simmons,
Cioffi,	Haudenshield,	Meholchick,	Stimmel,
Clarke,	Heffner,	Merry,	Stone,
Comer,	Henzel,	Monroe,	Sullivan, J. A.,
Cooley,	Holl,	Morley,	Sullivan, T. F.,
Crossin,	Irvis,	Mullen,	Taylor,
Curwood,	Jenkins,	Munley,	Thompson,
Donaldson,	Jim,	Murray,	Tomascik,
Dougherty,	Johnson, R. P.,	Musto,	Verona,
Doughten,	Jones,	Needham,	Walsh,
Down,	Kelly,	O'Dell,	Wargo,
Ellberg,	King,	O'Donnell, J. A.,	Weidner,
Eshleman,	Kistler,	O'Donnell, J. P.,	Welsh,
Esler,	Klein,	Parlante,	Willard,
Ewing,	Kooker,	Pashley,	Williams, A. D.,
Farabaugh,	Kornick,	Perry,	Williams, E. S.,
Filo,	Kramer,	Petrosky,	Wilt,
Fineman,	Lamb,	Piper,	Zember,
Forester,	Lawson,	Polaski,	Zimmerman,
Frascella,	Leonard,	Prendergast,	Andrews,
Fry,	Limper,		Speaker

NAYS—65

Anderson, J. H.,	Fulmer,	Knecht,	Renwick,
Auker,	Gibbons,	Korns,	Shupnik,
Bossert,	Goldstein, J. H.,	Lee, A. M.,	Slack,
Bower,	Goodrich,	Lee, K. B.,	Snare,
Bowman,	Gross,	Lippincott,	Stank,
Bush,	Guthrie,	Markley,	Stiteler,
Capano,	Helm,	Marsh,	Tompkins,
Davis,	Hocker,	May,	Ujobai,
Dengler,	Holliday,	McInroy,	Varner,
Dennison,	Holman,	Miller,	Wall,
Edwards,	Horst,	Murphy,	Wescott,
Elvey,	Isaacs,	Odorisio,	Whittaker,
Eshback,	Johnson, A. W.,	Ogilvie,	Willaredt,
Fetterolf,	Keiser,	Polen,	Wood,
Flynn,	Kernaghan,	Price,	Worley,
Foor,	Kessler,	Pursley,	Wynd,
Fox,			

NOT VOTING—15

Ashton,	Kamyk,	Royer,	Strausser,
Branca,	Long, Wm. Jos.,	Rubin,	Trusio,
Gramlich,	Mihm,	Rudisill,	Yetter,
Heavey,	Mills,	Steckel,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on final passage of House bill No. 407, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571), imposing certain temporary restrictions on the taxing authorities of political subdivisions affected by the provisions of said act.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—133

Adams,	Gallagher,	Lutty,	Reibman,
Anderson, S. A.,	Gelfand,	Magee,	Reidenbach,
Arlene,	Gibb,	Manbeck,	Riley,
Bachman,	Goldstein, M. H.,	Markley,	Rovansek,
Backenstoe,	Gramlich,	Maxwell,	Rubin,
Blair,	Gray,	May,	Rutherford,
Boles,	Greenlee,	McCandless,	Sakulsky,
Bonner,	Gremminger,	McCann,	Scarcelli,
Breth,	Guesman,	McCormack,	Schaaf,
Buchanan,	Hamilton,	McDevitt,	Schuster,
Capitolo,	Hankins,	McDonald,	Seltzer,
Cauley,	Hartley,	McKeever,	Shelton,
Cianfrani,	Haudenshield,	McLaughlin,	Sherman,
Cioffi,	Heffner,	McNally,	Shupnik,
Clarke,	Henzel,	Meholchick,	Simmons,
Comer,	Holl,	Merry,	Stimmel,
Cooley,	Irvis,	Monroe,	Stone,
Crossin,	Jenkins,	Morley,	Sullivan, J. A.,
Curwood,	Jim,	Mullen,	Sullivan, T. F.,
Donaldson,	Jones,	Munley,	Taylor,
Dougherty,	Kelly,	Murray,	Thompson,
Doughten,	King,	Musto,	Tomascik,
Down,	Kistler,	Needham,	Verona,
Eilberg,	Klein,	O'Dell,	Walsh,
Eshleman,	Kooker,	O'Donnell, J. A.,	Wargo,
Esler,	Kornick,	O'Donnell, J. P.,	Weidner,
Ewing,	Kramer,	Parlante,	Welsh,
Farabaugh,	Lamb,	Pashley,	Willard,
Filo,	Lawson,	Perry,	Williams, A. D.,
Fineman,	Leonard,	Petrosky,	Williams, E. S.,
Forester,	Limper,	Piper,	Wilt,
Frascella,	Long, Wm. Jas.,	Polaski,	Zember,
Fry,	Long, Wm. Jos.,	Prendergast,	Andrews,
Galley,			Speaker

NAYS—65

Anderson, J. H.,	Fulmer,	Kernaghan,	Renwick,
Auker,	George,	Kessler,	Slack,
Bossert,	Gibbons,	Knecht,	Snare,
Bower,	Goldstein, J. H.,	Korns,	Stank,
Bowman,	Goodrich,	Lee, A. M.,	Stiteler,
Bush,	Gross,	Lee, K. B.,	Tompkins,
Capano,	Guthrie,	Lippincott,	Ujobai,
Davis,	Helm,	Marsh,	Varner,
Dengler,	Hocker,	McInroy,	Wall,
Dennison,	Holliday,	Miller,	Wescott,
Edwards,	Holman,	Murphy,	Whittaker,
Elvey,	Horst,	Odorisio,	Willaredt,
Eshback,	Isaacs,	Ogilvie,	Wood,
Fetterolf,	Johnson, A. W.,	Polen,	Worley,
Flynn,	Johnson, R. P.,	Price,	Wynd,
Foor,	Keiser,	Pursley,	Zimmerman,
Fox,			

NOT VOTING—12

Ashton,	Kamyk,	Royer,	Strausser,
Branca,	Mihm,	Rudisill,	Trusio,
Heavey,	Mills,	Steckel,	Yetter,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on final passage of House bill No. 1790, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333), providing for the use of different colored ballots and machine labels so as to distinguish political parties in primary elections.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—104

Anderson, S. A.,	Fry,	Lutty,	Prendergast,
Arlene,	Fulmer,	Maxwell,	Reibman,
Bachman	Galley,	May,	Reidenbach,
Boles,	Gallagher,	McCann,	Renwick,
Bonner,	Gelfand,	McCormack,	Riley,
Breth,	Gray,	McDevitt,	Rovansek,
Capano,	Greenlee,	McDonald	Sakulsky,
Capitolo,	Gremminger,	McKeever,	Scarcelli,
Cauley,	Guesman,	McLaughlin,	Schaaf,
Cianfrani,	Hamilton,	McNally,	Schuster,
Cioffi,	Hankins,	Meholchick,	Shelton,
Clarke,	Hartley,	Monroe,	Sherman,
Comer,	Irvis,	Morley,	Shupnik,
Cooley,	Jenkins,	Mullen,	Snare,
Crossin,	Jim,	Munley,	Stank,
Curwood,	Jones,	Murray,	Stone,
Dougherty,	Kelly,	Musto,	Sullivan, J. A.,
Doughten,	Klein,	Needham,	Sullivan, T. F.,
Eilberg,	Kornick,	O'Donnell, J. A.,	Taylor,
Eshback,	Kramer,	O'Donnell, J. P.,	Tomascik,
Farabaugh,	Lamb,	Parlante,	Trusio,
Filo,	Lawson,	Pashley,	Verona,
Fineman,	Leonard,	Perry,	Walsh,
Flynn,	Limper,	Petrosky,	Wargo,
Foerster,	Long, Wm. Jas.,	Polaski,	Welsh,
Frascella,	Long, Wm. Jos.,	Polen,	Andrews,
			Speaker

NAYS—94

Adams,	Gibb,	Kistler,	Seltzer,
Anderson, J. H.	Gibbons,	Knecht,	Simmons,
Auker,	Goldstein, J. H.,	Kooker,	Slack,
Backenstoe,	Goldstein, M. H.,	Korns,	Stimmel,
Blair,	Goodrich,	Lee, A. M.,	Stiteler,
Bossert,	Gramlich,	Lee, K. B.,	Thompson,
Bower,	Gross,	Lippincott,	Tompkins,
Bowman,	Guthrie,	Magee,	Ujobai,
Buchanan,	Haudenshield,	Manbeck,	Varner,
Bush,	Heffner,	Markley,	Wall,
Davis,	Helm,	Marsh,	Weidner,
Dengler,	Henzel,	McCandless,	Wescott,
Dennison,	Hocker,	McInroy,	Whittaker,
Donaldson,	Holl,	Merry,	Willard,
Down,	Holliday,	Miller,	Willaredt,
Edwards,	Holman,	Murphy,	Williams, A. D.,
Elvey,	Horst,	O'Dell,	Williams, E. S.,
Eshleman,	Isaacs,	Odorisio,	Wilt,
Esler,	Johnson, A. W.,	Ogilvie,	Wood,
Ewing,	Johnson, R. P.,	Piper,	Worley,
Fetterolf,	Keiser,	Price,	Wynd,
Foor,	Kernaghan,	Pursley,	Zember,
Fox,	Kessler,	Rutherford,	Zimmerman,
George,	King,		

NOT VOTING—12

Ashton,	Kamyk,	Royer,	Steckel,
Branca,	Mihm,	Rubin,	Strausser,
Heavey,	Mills,	Rudisill,	Yetter,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on final passage of Senate bill No. 84, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145), entitled as amended "Local Tax Enabling Law," changing the overall limit of tax revenues for certain taxing districts.

On the question recurring,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, I argued against this bill the last time and I am going to restate a couple of my arguments against this bill.

This bill goes more deeply into the very question we have been debating. This bill changes the formula for the raising of money under the "tax anything" law from a formula of 15 mills against the assessed valuation of property and changes it to a 12-mill formula against the market value of the property. I want to say that in this case the schools are not affected because they already have that formula and this bill goes back into the other elements of your local government which are not involved in your schools, such as your boroughs and your townships and your county government. In effect, you have just passed bills here to authorze a floor of 30-percent assessed values on real estate. A 15-percent value against a 30-percent assessment, or a 15-mill formula against a 30-percent assessment and a 12-mill value against a market value in effect authorizes a tripling of the taxes for other branches of government other than the schools under the provisions of this bill, and I do not think it is right and I think it ought to be defeated for the second time.

Mr. McCANN. Mr. Speaker, the gentleman's explanation on S.B. 84 pertaining to school districts is correct, but in your local townships and your boroughs, under the proposed change here, the amount of the local tax they would be allowed to levy would be based on market value, and let us take the situation that was debated a moment ago.

If you have a minimum of 30 percent, or roughly one-third of the market value, if you had a million-dollar assessment percentage, you would have roughly $3 million market value or a little more. This proposal would be under that situation a triplicate allowance of what they may be able to raise in taxation. But let us take in the situation of Cameron County, it could only be twice as much because it is 50 percent. In the case of Clearfield County it could only be a quarter more because it is 75 percent. In the case of Northampton County it could only, at the maximum, be 40 percent because it is 60 percent now of market value, so the statement that it triples it or would be a triple addition would be correct in that situation. In my own county it would be 35 percent of market value, being the assessed value, and to change it to market value under this proposal would make it, of course, roughly almost three times. But this is allowing them to do it in this field and giving them that right. I believe the legislation is very good because you will be helping the districts.

And who proposes these taxes in the districts? Only three classes of votes—the township commissioners of a first-class township, the borough councilmen of a borough, the supervisors of a second-class township. I believe that is correct because the school district is not affected in them. On that ground I say to you that if you think this bill has merit, which I believe it does, you should know something about your own county, your own district that you represent, and you should vote "aye" if you think it is worthy of consideration in your own county. It is quite all right to vote "no" if you believe you should not give this right to these people to raise the revenues that they properly need. Then I believe you should vote against it. I personally believe that it is good legislation and will vote for it.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Polaski.

Mr. POLASKI. I shall yield to the gentleman from Cameron, Mr. Tompkins, if he wishes to answer Mr. McCann.

Mr. TOMPKINS. I thank the gentleman.

Mr. Speaker, I want to clarify one more point under this bill.

We had a companion bill when this bill was up the first time which did not pass. It provided that the percentage of borrowing which a municipality could make would be against the market value instead of the assessed value. Some voted for that bill because they thought it was an approach to the control of authorities. Be that as it may, I want to say here that this bill has absolutely nothing to do with anything regarding authorities because such authorities as your borough or your township might set up are only those authorities which are self-liquidating out of their own particular revenue, either for sewer, water, electric or otherwise, so this bill here does not in any way, and will not in any way, affect anything that we might have in mind regarding the control of authorities.

Mr. POLASKI. Mr. Speaker, S.B. 84, coming on the heels of the consideration of H.B. 318 and H.B. 407, is at a very bad disadvantage. However, let me remind you that in 318 you are mandating an assessment ceiling of 30 percent. Here you are mandating a 12-mills obligation against your market value but you are not mandating the implementation of that entire ceiling. This bill, I agree with Mr. Tompkins, appears to be a very radical bill taxwise because you could actually triple the assessment. Let me tell you this, when it comes to further imposition of real estate taxes in your local communities, this could turn out to be a very conservative bill. In this bill we are giving the opportunity to local communities to resort to Act 481 instead of imposing further real estate tax millage or assessments. From that standpoint I believe this is a very conservative measure in that manner and I think that the members of the House should vote for it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—132

Adams,	Fox,	Lee, A. M.,	Rovansek,
Anderson, S. A.,	Frascella,	Leonard,	Rubin,
Ariene,	Fry,	Limper,	Rudisill,
Bachman,	Gailey,	Long, Wm. Jas.,	Sakulsky,
Backenstoe,	Gallagher,	Long, Wm. Jos.,	Scarcelli,
Blair,	Gelfand,	Lutty,	Schaaf,
Boles,	Gibb,	Magee,	Schuster,
Bonner,	Gibbons,	Manbeck,	Seltzer,
Bossert,	Goldstein, M. H.,	Markley,	Shelton,
Bower,	Gray,	Maxwell,	Sherman,
Bowman,	Greenlee,	May,	Simmons,
Breth,	Gremminger,	McCandless,	Snare,
Buchanan,	Guesman,	McCann,	Stank,
Bush,	Hamilton,	McCormack,	Stimmel,
Capitolo,	Hankins,	McDevitt,	Stone,
Cauley,	Hartley,	McDonald,	Sullivan, J. A.,
Cianfrani,	Haudenshield,	McKeever,	Sullivan, T. F.,

Cioffi,	Heffner,	McLaughlin,	Taylor,
Clarke,	Henzel,	McNally,	Thompson,
Comer,	Holl,	Monroe,	Tomascik,
Cooley,	Irvis,	Morley,	Verona,
Crossin,	Jim,	Mullen,	Walsh,
Donaldson,	Johnson, R. P.,	O'Donnell, J. A.,	Weidner,
Dougherty,	Jones,	O'Donnell, J. P.,	Welsh,
Doughten,	Kelly,	Parlante,	Wescott,
Down,	King,	Pashley,	Whittaker,
Eilberg,	Klein,	Perry,	Willaredt,
Esler,	Knecht,	Petrosky,	Williams, A. D.,
Ewing,	Kooker,	Polaski,	Williams, E. S.,
Farabaugh,	Kornick,	Polen,	Wilt,
Filo,	Kramer,	Prendergast,	Wood,
Fineman,	Lamb,	Reibman,	Wynd,
Foerster,	Lawson,	Riley,	Andrews, Speaker

NAYS—66

Anderson, J. H.,	Gramlich,	Lippincott,	Pursley,
Capano,	Gross,	Marsh,	Reidenbach,
Curwood,	Guthrie,	McInroy,	Renwick,
Davis,	Helm,	Meholchick,	Rutherford,
Dengler,	Hocker,	Merry,	Shupnik,
Dennison,	Holliday,	Miller,	Slack,
Edwards,	Holman,	Munley,	Stiteler,
Elvey,	Horst,	Murphy,	Tompkins,
Eshback,	Isaacs,	Murray,	Ujobai,
Eshleman,	Jenkins,	Musto,	Varner,
Fetterolf,	Johnson, A. W.,	Needham,	Wall,
Flynn,	Keiser,	O'Dell,	Wargo,
Foor,	Kernaghan,	Odorisio,	Willard,
Fulmer,	Kessler,	Ogilvie,	Worley,
George,	Kistler,	Piper,	Zember,
Goldstein, J. H.,	Korns,	Price,	Zimmerman,
Goodrich,	Lee, K. B.,		

NOT VOTING—12

Ashton,	Heavey,	Mills,	Strausser,
Auker,	Kamyk,	Royer,	Trusio,
Branca,	Mihm,	Steckel,	Yetter,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on final passage of Senate bill No. 697, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for reconsideration of decisions in annexation proceedings.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—111

Anderson, S. A.,	Gibbons,	Markley,	Riley,
Arlene,	Goldstein, M. H.,	Maxwell,	Rovansek,
Bachman,	Gray,	McCann,	Rubin,
Backenstoe,	Greenlee,	McCormack,	Rudisill,
Bonner,	Gremminger,	McDevitt,	Rutherford,
Bowman,	Guesman,	McDonald,	Sakulsky,
Breth,	Hamilton,	McKeever,	Scarcelli,
Capano,	Hankins,	McLaughlin,	Schaaf,
Capitolo,	Hartley,	Meholchick,	Schuster,
Cauley,	Haudenshield,	Monroe,	Shelton,
Cianfrani,	Heavey,	Morley,	Sherman,
Cioffi,	Henzel,	Mullen,	Shupnik,
Clarke,	Holl,	Munley,	Stank,
Comer,	Irvis,	Murphy,	Stimmel,
Crossin,	Jim,	Musto,	Stone,
Curwood,	Jones,	Needham,	Sullivan, J. A.,
Dougherty,	Kelly,	O'Donnell, J. A.,	Sullivan, T. F.,
Doughten,	Klein,	O'Donnell, J. P.,	Taylor,
Eilberg,	Knecht,	Ogilvie,	Tomascik,
Filo,	Kramer,	Parlante,	Trusio,
Fineman,	Lamb,	Pashley,	Verona,
Flynn,	Lawson,	Perry,	Walsh,
Forester,	Lee, A. M.,	Petrosky,	Wargo,
Frascella,	Leonard,	Polaski,	Welsh,
Fry,	Limper,	Polen,	Willaredt,
Galley,	Long, Wm. Jas.,	Prendergast,	Williams, A. D.,
Gallagher,	Long, Wm. Jos.,	Reibman,	Andrews, Speaker
Gelfand,	Lutty,	Reidenbach,	

NAYS—85

Adams,	Fox,	King,	Seltzer,
Anderson, J. H.,	Fulmer,	Kistler,	Simmons,
Auker,	George,	Kooker,	Slack,
Blair,	Gibb,	Korns,	Snare,
Bossert,	Goldstein, J. H.,	Lee, K. B.,	Stiteler,
Bower,	Goodrich,	Lippincott,	Thompson,
Buchanan,	Gramlich,	Magee,	Tompkins,
Bush,	Gross,	Manbeck,	Ujobai,
Davis,	Guthrie,	Marsh,	Varner,
Dengler,	Helm,	May,	Wall,
Dennison,	Hocker,	McCandless,	Weidner,
Donaldson,	Holliday,	McInroy,	Wescott,
Down,	Holman,	Merry,	Whittaker,
Edwards,	Horst,	Miller,	Willard,
Elvey,	Isaacs,	Murray,	Williams, E. S.,
Eshback,	Jenkins,	O'Dell,	Wilt,
Eshleman,	Johnson, A. W.,	Odorisio,	Wood,
Esler,	Johnson, R. P.,	Piper,	Worley,
Ewing,	Keiser,	Price,	Wynd,
Farabaugh,	Kernaghan,	Pursley,	Zember,
Fetterolf,	Kessler,	Renwick,	Zimmerman,
Foor,			

NOT VOTING—14

Ashton,	Heffner,	Mihm,	Steckel,
Boles,	Kamyk,	Mills,	Strausser,
Branca,	Kornick,	Royer,	Yetter,
Cooley,	McNally,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1219, entitled:

An Act amending the "State Empployes' Retirement Code of 1959," approved June 1, 1959 (P. L. 392), preventing the diminution of the present value of a superannuation retirement allowance for all classes of membership.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—185

Adams,	Gallagher,	Lamb,	Prendergast,
Anderson, J. H.,	Gelfand,	Lawson,	Pursley,
Anderson, S. A.,	George,	Lee, A. M.,	Reibman,
Arlene,	Gibb,	Lee, K. B.,	Reidenbach,
Bachman,	Gibbons,	Leonard,	Riley,
Backenstoe,	Goldstein, J. H.,	Limper,	Rubin,
Blair,	Goldstein, M. H.,	Lippincott,	Rudisill,
Bonner,	Goodrich,	Long, Wm. Jas.,	Rutherford,
Bossert,	Gramlich,	Long, Wm. Jos.,	Sakulsky,
Bower,	Gray,	Lutty,	Scarcelli,
Bowman,	Greenlee,	Magee,	Schaaf,
Breth,	Gremminger,	Manbeck,	Schuster,
Buchanan,	Guesman,	Markley,	Seltzer,
Bush,	Guthrie,	Marsh,	Shelton,
Capano,	Hamilton,	Maxwell,	Sherman,

Capitolo,	Hankins,	May,	Shupnik,
Cauley,	Hartley,	McCandless,	Simmons,
Cianfrani,	Haudenshield,	McCann,	Slack,
Cioffi,	Heavey,	McCormack,	Snare,
Clarke,	Heffner,	McDevitt,	Stank,
Comer,	Helm,	McDonald,	Stimmel,
Cooley,	Henzel,	McInroy,	Stone,
Crossin,	Hocker,	McKeever,	Sullivan, J. A.,
Curwood,	Holl,	McLaughlin,	Taylor,
Davis,	Holliday,	Meholchick,	Thompson,
Dengler,	Holman,	Merry,	Tomascik,
Dennison,	Horst,	Miller,	Tompkins,
Donaldson,	Irvis,	Monroe,	Ujobai,
Dougherty,	Isaacs,	Morley,	Varner,
Doughten,	Jenkins,	Mullen,	Verona,
Down,	Jim,	Munley,	Wall,
Edwards,	Johnson, A. W.,	Murphy,	Weidner,
Eilberg,	Johnson, R. P.,	Murray,	Welsh,
Elvey,	Jones,	Musto,	Wescott,
Eshleman,	Keiser,	Needham,	Whittaker,
Esler,	Kelly,	O'Dell,	Willard,
Ewing,	Kernaghan,	O'Donnell, J. A.,	Willaredt,
Fetterolf,	Kessler,	O'Donnell, J. P.,	Williams, A. D.,
Filo,	King,	Odorisio,	Williams, E. S.,
Fineman,	Kistler,	Ogilvie,	Wilt,
Flynn,	Klein,	Parlante,	Wood,
Foerster,	Knecht,	Perry,	Worley,
Foor,	Kooker,	Petrosky,	Wynd,
Fox,	Kornick,	Piper,	Zember,
Frascella,	Korns,	Polaski,	Zimmerman,
Fry,	Kramer,	Polen,	Andrews,
Fulmer,			Speaker

NAYS—12

Farabaugh,	McNally,	Renwick,	Sullivan, T. F.,
Gailey,	Pashley,	Rovansek,	Walsh,
Gross,	Price,	Stiteler,	Wargo,

NOT VOTING—13

Ashton,	Eshback,	Mills,	Strausser,
Auker,	Kamyk,	Royer,	Trusio,
Boles,	Mihm,	Steckel,	Yetter,
Branca,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 298, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code," providing for the ordering and sale of miniature bottles to certain licensees.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—126

Adams,	Fulmer,	Lippincott,	Piper,
Anderson, S. A.,	Gailey,	Long, Wm. Jas.,	Polaski,
Arlene,	Gallagher,	Long, Wm. Jos.,	Polen,
Bachman,	Gelfand,	Lutty,	Prendergast,
Backenstoe,	Gibb,	Magee,	Reidenbach,
Blair,	Gibbons,	Markley,	Renwick,
Bonner,	Gray,	Marsh,	Riley,
Bossert,	Greenlee,	Maxwell,	Rovansek,
Capano,	Gremminger,	McCann,	Rubin,
Cauley,	Guesman,	McCormack,	Rudisill,
Cianfrani,	Hankins,	McDevitt,	Sakulsky,
Cioffi,	Hartley,	McDonald,	Schaaf,
Clarke,	Heavey,	McKeever,	Schuster,
Comer,	Henzel,	McLaughlin,	Shelton,
Cooley,	Holl,	McNally,	Sherman,
Crossin,	Horst,	Meholchick,	Shupnik,
Curwood,	Irvis,	Monroe,	Slack,
Dengler,	Isaacs,	Morley,	Snare,
Dennison,	Jim,	Mullen,	Stank,
Donaldson,	Johnson, R. P.,	Murphy,	Stimmel,
Dougherty,	Jones,	Murray,	Stone,
Doughten,	Kelly,	Musto,	Sullivan, J. A.,
Eilberg,	Kernaghan,	Needham,	Sullivan, T. F.,
Eshback,	King,	O'Dell,	Taylor,
Esler,	Klein,	O'Donnell, J. A.,	Ujobai,
Farabaugh,	Kornick,	O'Donnell, J. P.,	Welsh,
Fetterolf,	Kramer,	Odorisio,	Willaredt,
Fineman,	Lamb,	Parlante,	Williams, A. D.,
Flynn,	Lawson,	Pashley,	Wilt,
Foerster,	Lee, A. M.,	Perry,	Zember,
Frascella,	Leonard,	Petrosky,	Andrews,
Fry,	Limper,		Speaker

NAYS—73

Anderson, J. H.,	Goldstein, J. H.,	Knecht,	Simmons,
Auker,	Goldstein, M. H.,	Kooker,	Stiteler,
Boles,	Goodrich,	Korns,	Thompson,
Bower,	Gramlich,	Lee, K. B.,	Tompkins,
Bowman,	Gross,	Manbeck,	Varner,
Breth,	Guthrie,	May,	Verona,
Buchanan,	Hamilton,	McCandless,	Wall,
Bush,	Haudenshield,	McInroy,	Walsh,
Capitolo,	Heffner,	Merry,	Wargo,
Davis,	Helm,	Miller,	Weidner,
Down,	Hocker,	Munley,	Wescott,
Edwards,	Holliday,	Ogilvie,	Whittaker,
Elvey,	Holman,	Price,	Willard,
Eshleman,	Jenkins,	Pursley,	Williams, E. S.,
Ewing,	Johnson, A. W.,	Reibman,	Wood,
Filo,	Keiser,	Rutherford,	Worley,
Foor,	Kessler,	Scarcelli,	Wynd,
Fox,	Kistler,	Seltzer,	Zimmerman,
George,			

NOT VOTING—11

Ashton,	Mihm,	Steckel,	Trusio,
Branca,	Mills,	Strausser,	Yetter,
Kamyk,	Royer,	Tomascik,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

CAUCUSES

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, at this point I am going to ask for a recess and I ask that the Democratic members bring their calendars with them and come to the caucus room as soon as they can because the caucus will be on the educational program which will be voted on this afternoon.

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, we will call for an additional caucus. We will eat first; we will divide it 45 minutes for lunch and 45 minutes for caucus. Come to our caucus room at a quarter of two.

Mr. McCANN. Mr. Speaker, may I ask the minority leader if he will attempt to cover the Conference Committee Reports so they may be voted today in addition to the bills on concurrence in Senate amendments that you may desire to vote on today.

Mr. A. W. JOHNSON. That is right.

RECESS

The SPEAKER. Without objection, the Chair now declares a recess of one hour and a half.

The Chair hears none.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 114.

An Act reenacting and amending section 13 and Article VII of Chapter II of the act of December 15, 1959 (P. L. 1779), entitled "The Fish Law of 1959" removing the requirement that fishermen be licensed in order to fish in certain regulated fishing lakes further regulating the issuance of permits or bills of sale for fish caught in such lakes, changing penalties relating to such lakes and harmonizing language of existing law.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

STATEMENT

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Goldstein.

Mr. M. H. GOLDSTEIN. Mr. Speaker, I had made arrangements with Mr. McCann and Mr. Johnson, the respective floor leaders, to present a discharge resolution relative to H.B. No. 330. Due to the lateness of the hour and the fact that there are so many other important matters, I am going to postpone introduction of this particular discharge resolution until next week.

The SPEAKER. The Chair thanks the gentleman.

Mr. McCANN. Mr. Speaker, I thank the gentleman very kindly for his cooperation on this discharge resolution.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 990

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House Bill No. 990.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives.

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 990, entitled: "An act amending the act of April 12, 1951 (P. L. 90), entitled 'An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages, and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances, and in certain cases, for search and seizure without warrant; * * *' prohibiting the offer and sale of malt and brewed beverages below cost by distributors and imporating distributors and fixing penalties."

Respectfully submit the following bill as report:

PETER J. CAMIEL,
JOHN J. HALUSKA,
JOHN T. VAN SANT,
(Committee on the part of the Senate.)
VINCENT F. SCARCELLI,
MARION E. MARKLEY,
THOMAS A. FRASCELLA,
(Committee on the part of the House of Representatives.)

An Act Amending the act of April 12, 1951 (P. L. 90), entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending, revising, consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" prohibiting the offer and sale of malt and brewed beverages below cost by distributors and importing distributors and fixing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Article IV act of April 12, 1951 (P. L. 90), known as the "Liquor Code" is amended by adding after subdivision (C) a new subdivision to read.

ARTICLE IV

Licenses and Regulations Liquor
Alcohol and Malt and Brewed Beverages

* * *

(C.1) Sales by Distributors
and Importing Distributors

Section 480 Unfair Competition It is hereby declared that any offer or sale of malt or brewed beverages in the Commonwealth of Pennsylvania by distributors or importing distributors at less than cost as defined in this act is an unfair method of competition contrary to public policy and in contravention of the policy of this act.

Section 481 Costs Cost to the distributor or importing distributor shall mean the invoice cost of the malt or brewed beverages including all hauling charges not otherwise contained in the invoice cost to which shall be added a mark-up to cover the cost of doing business.

Section 482 Cost of Doing Business Cost of doing business is hereby defined as all costs incurred in the conduct of such business which shall include but not by way of limitation the following items of expense labor (including salaries of the individual owner partners executives and officers) rent interest charges depreciation selling costs maintenance of equipment delivery costs charges for all types of licenses and permits taxes insurance and advertising.

Section 483 Offer to Sell Malt or Brewed Beverages It shall hereafter be unlawful for any distributor or importing distributor to offer or sell any malt or brewed beverages below cost or to sell or offer to sell malt or brewed beverages in combination with any other item unless the cost for such item is established in accordance with the provisions of this act.

Section 484 Prices for Malt and Brewed Beverages It shall be unlawful for any importing distributor owning or controlling a brand of malt or brewed beverage and acting in the capacity as an original supplier thereof to offer or sell such brand product at a price less than that established under the provisions of this act by a secondary distributor or importing distributor who has purchased the brand product involved from the original supplies and where the said original supplies is in direct competition with such secondary distributor or importing distributor nor shall any such distributor or importing distributor purchasing

a brand product from an original supplier thereof offer or sell such brand product at a price less than that established by the original supplier.

Section 485 Cost Survey by Board The board is hereby empowered to direct a cost survey pursuant to recognized statistical and cost accounting practices for any geographical marketing area within the Commonwealth to determine and establish on the basis of actual existing conditions a mark-up to cover the cost of doing business in such area which mark-up in the absence of proof of a lower cost shall be deemed to be prima facie evidence thereof.

Section 486 Investigation Evidence In any case in which the board has reason to believe that any distributor or importing distributor of malt or brewed beverages or any agent of such licensee is offering or selling any malt or brewed beverages in this Commonwealth at less than cost as defined in this act the board shall have power to investigate and to order the immediate discontinuance of any such practice found to exist and further to punish such licensee in the same manner as herein provided in section 494.

Section 487 Records Examinations Prohibitions to Sell All distributors or importing distributors shall hereafter be required to maintain on forms prescribed by the board all necessary data and information by means of which such licensee has determined his cost under the provisions of this act. The board or any agent appointed in writing by it is hereby authorized to examine the books, papers, invoices and other records of any distributor or importing distributor doing business in this Commonwealth or any agent of such licensee either upon submission thereof to the board or in and upon any premises where the same may be located in order to determine the cost of such malt or brewed beverages and any person in possession of such books, papers, invoices and other records is hereby directed and required to give the board or its duly appointed agent the means facilities and opportunities for such examination. Any such licensee who refuses to permit the board or any agent appointed by it in writing to examine its books, paper, invoices and other records or who fails neglects or refuses to cease and desist in the sale of malt or brewed beverages in violation of this act when so ordered by the board may be prohibited by the board from selling malt or brewed beverages.

On the question.

Will the House adopt the report of the Committee of Conference?

The SPEAKER. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, just so the members have a chance to refer to the bill we are voting on, it is a conference committee report, page 18, H.B. 990, dealing with the fair trade practices of public distributors.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Cameron, Mr. Tompkins, rise?

Mr. TOMPKINS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOMPKINS. Mr. Speaker, are there a couple more conference committee reports coming up? I would like to know, and I think the members would like to know, if the conference committee report should be rejected by this House, what is the consequence? Is the bill a dead bill or does it go back to its original form?

The SPEAKER. The Chair is of the opinion that if the conference committee report falls, then the matter is within the province of the House. If the bill falls the conference committee is rejected, and we would then, at once, I imagine, appoint a new conference committee.

Mr. TOMPKINS. The procedure then would be to appoint a new conference committee, is that right?

The SPEAKER. If that is the disposition of the House, and if the other house was so minded.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—157

Anderson, S. A.,	Guesman,	Markley,	Renwick,
Arlene,	Hamilton,	Marsh,	Riley,
Auker,	Hankins,	Maxwell,	Rovansek,
Bachman,	Hartley,	May,	Royer,
Backenstoe,	Haudenshield,	McCandless,	Rubin,
Boies,	Heavey,	McCann,	Rudisill,
Bonner,	Heffner,	McCormack,	Rutherford,
Bower,	Holliday,	McDevitt,	Sakulsky,
Buchanan,	Holman,	McDonald,	Scarcelli,
Bush,	Horst,	McInroy,	Schaaf,
Capano,	Irvis,	McKeever,	Schuster,
Cauley,	Isaacs,	McLaughlin,	Seltzer,
Cianfrani,	Jenkins,	McNally,	Shelton,
Cioffi,	Jim,	Meholchick,	Sherman,
Clarke,	Johnson, A. W.,	Miller,	Shupnik,
Comer,	Johnson, R. P.,	Mills,	Simmons,
Crossin,	Jones,	Monroe,	Slack,
Dengler,	Kelly,	Morley,	Snare,
Dennison,	Kernaghan,	Mullen,	Stank,
Dougherty,	Kessler,	Munley,	Stimmel,
Doughten,	King,	Murphy,	Stone,
Ellberg,	Kistler,	Murray,	Sullivan, J. A.,
Elvey,	Klein,	Musto,	Sullivan, T. F.,
Farabaugh,	Knecht,	Needham,	Taylor,
Filo,	Kooker,	O'Donnell, J. A.,	Thompson,
Fineman,	Kornick,	O'Donnell, J. P.,	Tomascik,
Flynn,	Kramer,	Odorisio,	Trusio,
Foerster,	Lamb,	Pariante,	Ujobai,
Frascella,	Lawson,	Pashley,	Varner,
Fulmer,	Lee, A. M.,	Perry,	Verona,
Gailey,	Lee, K. B.,	Petrosky,	Walsh,
Gallagher,	Leonard,	Piper,	Wargo,
Gelfand,	Limper,	Polaski,	Weidner,
George,	Lippincott,	Polen,	Welsh,
Gibbons,	Long, Wm. Jas.,	Prendergast,	Wescott,
Goldstein, M. H.,	Long, Wm. Jos.,	Price,	Whittaker,
Goodrich,	Lutty,	Pursley,	Williams, E. S.,
Gray,	Magee,	Reibman,	Zember,
Greenlee,	Manbeck,	Reidenbach,	Andrews,
Gremminger,			Speaker

NAYS—37

Anderson, J. H.,	Fetterolf,	Helm,	Tompkins,
Blair,	Foor,	Henzel,	Wall,
Bossert,	Fox,	Holl,	Willard,
Davis,	Fry,	Keiser,	Willaredt,
Donaldson,	Gibb,	Korns,	Williams, A. D.,
Down,	Goldstein, J. H.,	Merry,	Wilt,
Edwards,	Gramlich,	O'Dell,	Wood,
Eshleman,	Gross,	Ogilive,	Worley,
Esler,	Guthrie,	Stiteler,	Zimmerman,
Ewing,			

NOT VOTING—16

Adams,	Breth,	Eshback,	Steckel,
Ashton,	Capitolo,	Hocker,	Strausser,
Bowman,	Cooley,	Kamyk,	Wynd,
Branca,	Curwood,	Mihm,	Yetter,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 104

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on Senate Bill No. 104.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 104, entitled: "An act amending the act of April 29, 1959 (P. L. 58), entitled 'An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors' changing the permitted length of vehicles operated in combination and granting the power to the Secretary of Highways to establish speed limits."

Respectfully submit the following bill as our report:

CHARLES R. WEINER,
JAMES S. BERGER,
GUS YATRON,
(Committee on the part of the Senate.)
JAMES J. DOUGHERTY,
ANTHONY J. PETROSKY,
ALBERT W. JOHNSON,
(Committee on the part of the House of Representatives.)

An Act Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors" changing the permitted length of vehicles operated in combination and granting the power to the Secretary of Highways to establish speed limits.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Subsection (c) of section 902 act of April 29, 1959 (P. L. 58), known as "The Vehicle Code" amended July 21, 1959 (P. L. 551), and October 13, 1959 (P. L. 1312), is amended to read.

Section 902 Size of Vehicles, Tractors and Loads.

* * *

(c) No motor vehicle or tractor except motor buses, motor omnibuses and fire department equipment shall exceed a total maximum length including any load thereon of four hundred twenty (420) inches [excepting that a semi-trailer designed exclusively for carrying motor vehicles may exceed such total maximum length by not more than thirty (30) inches and excepting that semi-trailers designed exclusively for carrying livestock may exceed such total maximum length by not more than sixty (60) inches and] No trailer or semi-trailer shall exceed a total maximum length including any load thereon of four hundred eighty (480) inches excepting that a refrigerating device attached to the front exterior of a semi-trailer shall be disregarded in measuring the length of the semi-trailer if the presence or absence of such device would not affect the length of the combination of vehicles in which such semi-trailer is operated. No combination of two (2) vehicles or tractors inclusive of load and bumpers coupled together shall exceed a total maximum length of six hundred (600) inches excepting that until but not after January 1, 1967, a combination of a trailer or semi-trailer and a truck-tractor which truck-tractor is properly registerd in Pennsylvania on the effective date of this act may be of a total maximum length of six hundred sixty (660) inches inclusive of load and bumpers coupled together. Nothing in this subsection shall prohibit the transportation by a combination of vehicles of articles impossible of dismemberment which do not exceed seventy (70) feet.

(1) No motor vehicle or tractor except a tractor of the first class shall be operated upon a highway drawing or having attached thereto more than one (1) other vehicle, Provided, That a trailer not exceeding ten (10) feet in length may be attached to one (1) motor vehicle for the purpose of towing another vehicle requiring service to which such trailer is also attached. And provided further That not more than two truck tractors, empty commercial motor vehicles or the chassis therefor may be attached to and transported by a truck, tractor, commercial motor vehicle or the chassis therefor if the rear wheels of the vehicles so transported are the only wheels thereof which touch the road surface and the overall length of such combination of vehicles does not exceed fifty (50) feet in length.

(2) The distance between any two (2) vehicles or between a tractor and another vehicle one of which is towing or drawing the other shall not exceed fifteen (15) feet from one (1) vehicle to the other except when the load on the towed vehicle is coupled directly to and is not more than five (5) feet from the towing vehicle. Whenever the connection consists of a chain rope bar or cable there shall be displayed upon such connection a flag not less than twelve (12) inches in length and width. Every trailer while being drawn upon the highway shall be so attached to the vehicle drawing the same as to prevent the wheels of such trailer from deflecting more than six (6) inches from the path of the drawing vehicle's wheels.

* * *

Penalty Any person violating any of the provisions of subsection (a), (b), (c), (d) or (e) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten dollars ($10.00) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days. Such fine shall be in addition to any penalty imposed by any other section or subsection of this act.

Section 2 Clause (8) subsection (b) section 1002 of the act known as "The Vehicle Code", is amended to read.

Section 1002 Restriction as to Speed.

* * *

(b) Subject to the provisions of subsection (a) of this section speeds in excess of the maximum limits hereinafter provided shall be unlawful.

* * *

(8) The Secretary of Highways may after due investigation establish [further restricted speed zones] any speed limit on State highways [outside of business and residence districts] where traffic conditions or other conditions of the highway make it [unsafe] safe to operate motor vehicles at the [maximum] speeds other than as provided by this act.

Any such established [restricted] speed [zone] limit shall be indicated by the erection of official signs spaced not less than one-eighth (⅛) of a mile apart on the right-hand side of the highway facing the traffic to be controlled and at the end of the [restricted] speed zone there shall be an official sign indicating the end of such [restricted] speed zone except on that limited access highways the signs shall be placed at the beginning and end of said limited access highways and at reasonable intervals in the discretion of the Secretary of Highways.

* * *

Section 3 This act shall take effect, December 31, 1961.

On the question,

Will the House adopt the report of the Committee of Conference?

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Williams.

Mr. A. D. WILLIAMS, Jr. Mr. Speaker, I would like to address myself to S.B. 104, which we have been discussing for the last few weeks.

We are faced today with a minor dilemma. Modern up-to-date truck transportation in Pennsylvania requires that Pennsylvania join the other States of the Union in permitting the much needed 40-foot trailer. The unions of Pennsylvania, the truckers, the trailer manufacturers, the depressed economic areas and the consuming public will all benefit.

It is unfortunate that political maneuvering has forced a compromise in this legislation which will allow for a five year period the existing 15-foot, more or less, tractors to pull these new trailers. However, in the interest of all

of Pennsylvania this is vitally needed legislation and should be passed.

Fortunately this compromise will last for only five years. It applies only to those tractors presently registered in Pennsylvania or registered before December 31 of this year. The number of these old tractors will diminish by obsolescence and replacement each year during these five years, and any problems created thereby will, of course, decrease each year for the next five years. Whenever a compromise is drafted to satisfy everyone, as I think this has attempted to do, it seldom does satisfy everyone.

This is the best bill that we could apparently get under these circumstances, and I ask that the members on both sides support it.

The SPEAKER. Does the gentleman from Allegheny, Mr. Filo, desire to be recognized?

Mr. FILO. Mr. Speaker, I would like to interrogate the gentleman from Bucks, Mr. Williams.

The SPEAKER. The gentleman will proceed.

Mr. FILO. Mr. Speaker, will the gentleman tell us actually what changes have transpired in this bill since it left the House?

Mr. A. D. WILLIAMS, Jr. Yes, I will. As I understand it, the bill has been amended by the conference committee to permit 40-foot trailers in Pennsylvania; that is, to permit trailers with an overall length of 480 inches. In addition there has been a provision made so that the entire rig, both the tractor, which is the pulling mechanism, and the trailer, which is what the goods are hauled in, the two together can be of an overall length of 55 feet. That is what the law says: 660 inches overall length. Now as a practical matter I am advised that even with the largest existing tractors in use today, pulling the new 40-foot trailers, the overall length is only approximately 52 feet.

Mr. FILO. I would like to interrogate the gentleman further, Mr. Speaker.

When the bill left here we increased the trailer length by five foot, and now that it has been lengthened another five foot, which would make it 55 feet with the trailer and tractor, are there any provisions made as to the safety of operating it or their angle on the highways of Pennsylvania?

Mr. A. D. WILLIAMS, Jr. I think the only answer I can give the gentleman, Mr. Speaker, is that Mr. O. D. Shipley, who is the recognized expert on safety matters on the highways of Pennsylvania, has made a statement which appears in the Pittsburgh papers today and which has appeared in the local Harrisburg papers saying that he has been able to find no violation of any safety rules in this new proposal. I would say that we all know the people behind this compromise version. There are people in the trucking industry who own 15-foot tractors and we know that those tractors will have a useful life of say 3, or 4 or 5 years, and they simply want the chance to use those tractors with the new trailers for the next five years, and five years from now this problem will be solved and we will be back to the overall 50-foot limit for the entire rig, both tractor and trailer. I think in the interim you will find that there are fewer and fewer of these oversized rigs each day as the old tractors become obsolescent.

Mr. FILO. I thank the gentleman, Mr. Speaker.

I appeared on the floor of the House before when this same legislation was considered. I did mention to the members of the House that I would vote for such legislation if there was a safety angle provided along with increased length of these tractors and trailers. I say to you that since this has not transpired, you are going to find such carnage on the highways of Pennsylvania that you will think a third war has started.

I want to bring to your attention an item in the Pittsburgh Press, of Wednesday, August 2: "One Killed, Two Hurt on Parkway". And I predict, Mr. Speaker, that if this bill passes, you are going to have daily headlines in the newspapers throughout the State of Pennsylvania because of the safety angle.

If you want to do something for the State of Pennsylvania, we have been going along with the Governor's program adding safety to the State of Pennsylvania, giving your children and my children a safer place to walk to drive in. I want to say this about O. D. Shipley: There is a man who has been preaching safety in Pennsylvania. When he comes out with a statement that this does not hinder the safety of Pennsylvanians, he is a crackpot. I think you all agree with me.

Mr. SPEAKER, I earnestly hope the members will heed some of the statements that I have made, and vote against this legislation. I thank you.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Gailey.

Mr. GAILEY. Mr. Speaker, I was one of the constitutional majority which voted for this bill on its initial passage, allowing 40-foot trailers to be used on our highways. I do not think I need to remind anyone here that at that time the overall length of the rig remained at its present limitation of 50 feet.

From all that I have been able to discover from safety reports, from informed people, from industry and safety engineers, by and large it is the overall length of the rig that determines the safety factor.

I regret to state that I cannot vote for this Conference Committee Report before us. I was convinced then, as I am now, that the use of 40-foot trailers in Pennsylvania would be beneficial to our economy, and that restricting the trailer to 35 feet, as before, was outmoded. By the same token, I am firmly convinced that the overall limitation of 50 feet is realistic and particularly in view of the increasing truck traffic on our highways, the increase to 55 feet is outright dangerous.

This has been presented to us as a compromise. I suggest to the members of the House that this is not a compromise; this represents an abject surrender when you consider it from the standpoint of the people who have to use these highways in conjunction with these trucks.

I ask the members on both sides of the aisle to oppose this Conference Committee Report.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—135

Anderson, J. H.,	Gallagher,	Lee, K. B.,	Royer,
Anderson, S. A.,	George,	Limper,	Rubin,
Arlene,	Goldstein, J. H.,	Long, Wm. Jas.,	Rutherford,
Auker,	Goodrich,	Long, Wm. Jos.,	Sakulsky,
Bachman,	Gramlich,	Lutty,	Scarcelli,
Backenstoe,	Gray,	Magee,	Seltzer,
Bonner,	Greenlee,	Manbeck,	Shelton,

Breth,	Gremminger,	Markley,	Sherman,
Buchanan,	Guesman,	Marsh,	Simmons,
Bush,	Guthrie,	Maxwell,	Slack,
Capano,	Hamilton,	May,	Snare,
Capitolo,	Hankins,	McCandless,	Stank,
Cauley,	Hartley,	McCann,	Stimmel,
Cioffi,	Heavey,	McDevitt,	Stiteler,
Clarke,	Heffner,	McDonald,	Stone,
Comer,	Helm,	McInroy,	Sullivan, T. F.,
Cooley,	Henzel,	McKeever,	Tomascik,
Crossin,	Holl,	McLaughlin,	Tompkins,
Curwood,	Holliday,	McNally,	Trusio,
Davis,	Holman,	Meholchick,	Ujobai,
Dennison,	Horst,	Merry,	Varner,
Dougherty,	Irvis,	Mills,	Wargo,
Doughten,	Jim,	Monroe,	Weidner,
Down,	Johnson, A. W.,	Murray,	Welsh,
Eilberg,	Johnson, R. P.,	O'Dell,	Wescott,
Elvey,	Kelly,	O'Donnell, J. A.,	Whittaker,
Eshback,	King,	Parlante,	Willard,
Ewing,	Klein,	Perry,	Willaredt,
Farabaugh,	Knecht,	Petrosky,	Williams, A. D.,
Fetterolf,	Kooker,	Piper,	Williams, E. S.,
Flynn,	Kornick,	Polen,	Wynd,
Foor,	Korns,	Price,	Zember,
Frascella,	Kramer,	Reidenbach,	Andrews,
Fry,	Lawson,	Rovansek,	Speaker

NAYS—65

Blair,	Gibb,	McCormack,	Renwick,
Boles,	Gibbons,	Miller,	Riley,
Bossert,	Goldstein, M. H.,	Morley,	Rudisill,
Bower,	Gross,	Mullen,	Schaaf,
Cianfrani,	Haudenshield,	Munley,	Schuster,
Dengler,	Hocker,	Murphy,	Shupnik,
Donaldson,	Isaacs,	Musto,	Sullivan, J. A.,
Edwards,	Jenkins,	Needham,	Taylor,
Eshleman,	Jones,	O'Donnell, J. P.,	Thompson,
Esler,	Keiser,	Odorisio,	Verona,
Filo,	Kernaghan,	Ogilvie,	Wall,
Fineman,	Kessler,	Pashley,	Walsh,
Foerster,	Kistler,	Polaski,	Wilt,
Fox,	Lee, A. M.,	Prendergast,	Wood,
Fulmer,	Leonard,	Pursley,	Worley,
Gailey,	Lippincott,	Reibman,	Zimmerman,
Gelfand,			

NOT VOTING—10

Adams,	Branca,	Mihm,	Strausser,
Ashton,	Kamyk,	Steckel,	Yetter,
Bowman,	Lamb,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

Mr. ADAMS. Mr. Speaker, I wish to have it spread upon the record that I would have voted "aye" on S.B. 104 if I had not been detained on other business which kept me from my seat.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

EDUCATION BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1789, entitled:

An Act to provide revenue for educationl purposes by imposing an excise tax on rents royalties interest dividends and capital gains from investment capital as defined of individual residents of the Commonwealth and of estates and trusts fixing the rates of tax thereon providing for the reporting and payment of tax interest and penalties assessments collections liens reviews, appeals, refunds and penalties and conferring powers and imposing duties upon the Department of Revenue fiduciaries, partnerships, associations and individuals.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, I should like to interrogate either the majority leader or the gentleman from Washington, Mr. Polen.

The SPEAKER. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, as I understand it, this HB 1789 is a tax measure designed to raise moneys for the educational program, is that right?

Mr. POLEN. That is correct, Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, from time to time we have had circulated and given to us information that this measure would raise approximately $28 million, is that right?

Mr. POLEN. Mr. Speaker, this measure, as amended, would raise approximately $25.6 million.

Mr. TOMPKINS. They have given us a breakdown sheet as to how it would be allocated. I believe $18 million for subsidies and so much for other items.

Mr. POLEN. That is correct, Mr. Speaker.

Mr. TOMPKINS. Would any portion of this revenue from this particular measure, if it should pass, be used for any other educational program?

Mr. POLEN. Mr. Speaker, the bill earmarks the entire revenue in 1789 for education. If I understand the gentleman's question, would it be used for other than school subsidies?

Mr. TOMPKINS. Mr. Speaker, I will pinpoint this specifically. The Governor, when he submitted the education program to this Assembly, stated that there were certain portions of the education committee's report that could be implemented by executive order. I have a letter from the Governor, under date of June 5, wherein I inquired as to what particular portions of the Governor's committee report would be implemented by executive order. He lists about seven different items specifically, which they are presently working on, but he does not list the entire package that can be taken care of, nor does he state what other items he can take care of, with the exception that he has the committee working on that to look into it. The point of my inquiry is this: How much money is it going to take to finance whatever the Governor might put into effect by executive decree?

Mr. POLEN. Mr. Speaker, it is my understanding that there will be no additional costs on the items he will put in by executive decree.

Mr. TOMPKINS. Well, have those items, does the gentleman know, already been taken care of in the budget? I am going to mention specifically some of the things he has mentioned in his letter.

Mr. POLEN. Mr. Speaker, it is my understanding that anything that would be changed by executive order would be from funds that are presently included in the budget for the Department of Public Instruction.

Mr. TOMPKINS. Are they set forth as such in the budget?

Mr. POLEN. No, Mr. Speaker, in the budget the majority of those would be under general governmental operations and there is no breakdown.

Mr. TOMPKINS. Let us find out a thing or two here. For instance, a state committee has been established to develop a state program in educational television. Has

any money been provided for such a program? If so, where?

Mr. POLEN. Nothing specifically, Mr. Speaker.

Mr. TOMPKINS. I did not get that answer, I am sorry.

Mr. POLEN. Nothing specifically to that item.

Mr. TOMPKINS. He states that the department has completed a study for regional film libraries. How much will they cost?

Mr. POLEN. Mr. Speaker, I have no information as to what that particular item would cost. It would be out of the general governmental operations.

Mr. TOMPKINS. It is not specified in the general fund operation that this particular money is in there for this particular purpose, is it?

Mr. POLEN. Mr. Speaker, I believe what the gentleman is trying to get at is how will this $25.6 million be spent, and if that is what he is trying to find out I will be glad to give it to him right now.

Mr. TOMPKINS. The reason I am interrogating, Mr. Speaker, is the fact that I do not find any of these items mentioned in the Governor's letter contained in the report which has been submitted to us as to the breakdown of this $25 million or $28 million.

Mr. POLEN. Mr. Speaker, I have the specific items that are covered in this $25.6 million which is an amendment to the General Appropriations bill, HB 1841, and I would be glad to read them off for the gentleman.

Mr. TOMPKINS. I should be very happy to hear them.

Mr. POLEN. One item would be, for community colleges, $1 million.

Mr. TOMPKINS. What was that item?

Mr. POLEN. Community colleges.

Mr. TOMPKINS. Very well.

Mr. POLEN. The increase in salaries for the State college faculty, $620,000; for the interim subsidies as contained in HB 1807, $18,600,000; for the increase in the school construction subsidy, $2,600,000; an increase for Penn State University expansion, $1.5; for higher education bureau and revamping of the Department of Public Instruction, $700,000; and all of that amounts to $25,020,000, and we also have included in the general appropriations bill supplement, that is HB 1841, $600,000 for the administration and the cost of collection of HB 1789. That makes a total of $25,620,000.

Mr. TOMPKINS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, what I am trying to get at is this, and this is something which we forever and perpetually have difficulties on in this General Assembly in Pennsylvania, and I want to tell you it is one of the things that impressed me with the New York budget. When we asked a question of this kind, we could turn to the budget and find out how much was provided for it, but here is a list of seven different items which the Governor has said he is going to implement by executive order. In my letter of request to the Governor I asked him to tell me how much each program is going to cost but he avoided that subject. He has not said how much any of this is going to cost and there is a lot in here that is going to cost a lot of money. Now either there is a lot of fat in the budget that is going to cover these programs, or they are going to try to cover it out of the program of some of this tax measure. I say to you it is time we had the privilege of being informed where our money is being spent, how it is being spent, whether it be by appropriation from this General Assembly or whether the Governor does it by executive order. He cannot do anything by executive order unless he has the money. Where is he going to get the money to do the things that he himself says he is going to do, let alone to do the things that are in the program that is before this General Assembly? I say to you that we do not have a full, well-rounded picture today of any part or portion of what this whole program is going to cost for the next year. I want a full picture before I am forced to vote for a tax measure to provide a lot of money for a program that we do not know what it is all about yet. I furthermore want to serve notice here and now, two years ago I voted for a 4 percent sales tax, which, at the time I voted for it, was supposed to include $28 million for education, but due to misinformation which was given to us which we later found out, after we had voted for the tax, they found they had made a miscalculation, and we found that we had a phantom on our hands so far as $28 million for education was concerned.

Mr. Speaker, I do not propose to stand here today and vote for a tax program or a tax measure that they say is going to raise so much money without knowing where it is going to be spent and how it is going to be spent, and as of now we do not know the answer to that question.

Should this tax measure pass and the educational program fails, I say to you the Governor would have a big smile on his face that we would have given him enough money to wipe out the deficit which now exists.

What kind of a scheme is going on here? What kind of a program are you trying to put across? When are you going to stop trying to kid the members of this General Assembly and the public? It is high time we know what we are going to spend this money for before we are asked to vote for it.

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, there are others who are also going to debate either for or against the measure, but I certainly take exception to the situation in which a committee composed of Republican and Democratic House members specifically outlined what the $25.6 million would be yielded by HB 1789 was going to be spent for.

You are now at the crossroads where you cannot any longer say you are for education and you run around the Commonwealth and you plead and tell the people for what you stand, because if this is what you stand for, you have to agree that you have to pay for it, and when you do that you have to provide the revenue-raising measures, either this one or some other bill that will pay for the program you stand for.

I have no objection to HB 1807 which will provide $18.6 million additional for the public school system for the coming year. I am in favor of the community college plan as outlined in the Select Committee's Education Report. I am in favor of the additional revenue for Penn State University, even though I am not extremely happy with the letter sent to the members of the General Assembly by Dr. Walker. I am in full agreement with the program they have outlined to spend $25.6 million and I will vote for the tax measure that will provide that revenue.

Now, if you have other programs and you have other amendments to bills that will provide further additional

money for education, we also must raise the revenue to pay for them. I see no objection to that because here in 1961, when we talk about education and its needs, we certainly are starting to move in another world in which our children will be faced with much different problems than we were in our generation. I do not say that this will make the greatest system on earth, and I do not say that this revenue-raising measure will be the final goal of education. There will be others in other years. This program will be here to face you and me and others who may be in this House and in the Senate, and the constitution says that all revenue-raising measures shall originate in the House of Representatives and this is where HB 1789 started.

We have not debated the merits of the bill. I guess it has been rather well discussed in caucuses and in private conferences: it has been argued pro and con in many fields, but I will say to you that I ask you to vote on a bipartisan basis, that if you believe in this education program, vote for this revenue-raising measure. If you do not want to do anything for education, if you are saying flatly, no, or if you have another proposition to present as to how to pay for it, then vote against it, but make sure that you stand up and take one position or the other; do not carry water on both shoulders, today, tomorrow, next month or next year in this situation.

I know quite well, as you do, that it is difficult to find any compromise. I know quite well that people are sincere and members on this committee and members of the House are extremely unhappy in not being able to do everything they want to do, or in not being able to do some of the things they think should be done, but this is the interim program outlined in that report.

If you believe in that report, if you believe in this program, I ask you to vote "aye" on this revenue-raising measure.

The SPEAKER. Of course, there is a parliamentary way of the House, if it is so minded, to get an immediate vote, and I think that is ever the position on the part of the House. It is the way it should be employed. Otherwise, we should extend the courtesy to members on both sides of the House who desire to be heard until the House itself terminates debate. The Chair will never do so voluntarily on his own.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Gailey.

Mr. GAILEY. Mr. Speaker, members of the House, it is with great reluctance that I advise the House that I am going to vote against this tax bill. Ordinarily members get up, I know, and say with great reluctance they are going to vote for tax measures. That is because nobody likes to vote for tax measures.

Mr. Speaker, so my position may be absolutely clear, I want to show on the record that I would vote for this tax bill provided it supported the program with which I agreed. I want to assure the members of this House also that should this bill pass, with my vote in opposition, that I will not vote for the program. I do not want to be in the position of voting against tax bills and for appropriations. I think this has been a false position, one which I have never adhered to and I do not intend to begin it now.

The gentleman from Cameron has discussed certain aspects of this program which this bill is supposed to pay for. The bill itself specifically states that it is for education. I think, under the circumstances, therefore, it would not be out of order for me, without going into any detail, to discuss very briefly the program this tax measure supports.

It is going to grieve me very deeply to vote against aid to community colleges—I am a firm believer in that program—and against increased aid for Pennsylvania State University and to increase teachers' salaries; but I believe just as deeply that the present subsidy formula under which this State operates is inequitable and discriminatory in the very highest degree. I am further convinced that until this subsidy formula is changed, we are never to have the kind of educational program here in Pennsylvania which the people of this Commonwealth deserve and I think want.

It is my further feeling that so long as we continue to operate under the present subsidy schedule there is going to be no basic change in our State laws with regard to education, and I suggest to the members of the House here that when we vote today, if we do vote on these bills that this tax bill measure is designed to support, including House bill, I believe it is, 1807, the extension of the subsidy program, that when we do that we are going to see go out of the window any chance within the next few years for a logical and constructive change in our State laws insofar as they apply to subsidies to our local school districts.

I suggest to the members of this House that, should this program be passed, we are also going to see go out the window the other education bills mandating much needed changes in the organization of school districts.

I suggest to the members of the House further that to vote for the program that this tax bill supports, and it seems to me in order to vote for the program you must vote for the tax bill, represents surrender to the status quo. Pennsylvania will go along with the same sort of program in the same old—I was going to say, rut; it is not quite that bad—the same old track that we have been following for the last decade. I think only until we ourselves make up our minds that our educational laws need to be overhauled and done in a constructive manner and done, quite frankly, basically along the lines suggested by the governor's committee on education, until such time I will not vote for taxes to support the present program. I think, as I said previously, to do so represents surrender to the status quo. It is a status quo that we cannot very much longer afford to continue with. I think the need is great and we may gain time in getting out of this session by voting for this tax measure and these bills, but I suggest that the changes in our school laws which must come in the future are going to be long delayed by voting for it.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Mullen.

Mr. MULLEN. Mr. Speaker, I oppose the particular program that is now before us for various reasons. Primarily I oppose it because I think the education program, as submitted to us by the Governor's committee and by our own committee of the House and Senate, is very unjust and unfair.

First of all, they begin with the premise that we are going to take care of all the children of Pennsylvania. We are going to try to see that every child is given an equal

opportunity to have a very fine education. Then what do they do? They immediately confine their report to the public school children. They exclude almost 30 percent of our children of school age, those children who attend our private schools. That may not be a serious problem in certain areas of the State, especially the rural areas, where you have few private schools. On the other hand, where you have a large urban area, such as Philadelphia, where 39 per cent of the children of school age are attending private and parochial schools, I think it is basically unfair because, first of all, the private and parochial schools have the same problems that the public schools face moneywise. They need the schools, they need the facilities, they need the teachers. What are we going to do about those people? For example, starting next month in the metropolitan area of Philadelphia consisting of Philadelphia, Bucks, Delaware and Montgomery and Chester Counties, we have an enrollment in the Catholic schools alone of 262,700 students. No provisions have been made for them, nor have we ever considered any provisions for them.

I respectfully suggest to the members of the Assembly that any program that is supposed to take care of all the children of the State certainly must take into consideration the problems that we face in the large urban areas with the private and parochial school students. Now, of course, I realize we have a constitutional prohibition which seems to be the bugaboo whenever this problem is brought up, but I do not think it is a problem that cannot be licked constitutional-wise.

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Heavey, rise?

Mr. HEAVEY. Mr. Speaker, we cannot hear the gentleman in the back of the House there is so much confusion and noise.

The SPEAKER. The Chair would suggest that the members of the House could expedite the proceedings by listening to whomever happens to have the floor rather than listening to their companions sitting next to them. The Chair hopes that the members will be given the attention.

I have been informed that the Chair is in error. It is the guests who are causing the noise. If that is the fact I would like to know what our Sergeant-at-Arms are doing. The Chair cannot police the rear of the House from the rostrum.

The gentleman will proceed.

Mr. MULLEN. Mr. Speaker, I was discussing the constitutional question that seems to be raised every time this subject is considered.

I feel that basically we can overcome that constitutional prohibition in one of two ways. First of all, I think we can provide school construction for the private and parochial schools, especially for the colleges, through the medium which we have employed in the last ten years which has been very beneficial to our colleges, that is, through the General State Authority.

The SPEAKER. The Chair must remind the gentleman that we are now discussing the revenue measures, not the way the revenues will be spent.

Mr. MULLEN. I think, Mr. Speaker, that we are discussing the education problem as a whole, and we are trying to confine our remarks to that as well as the revenue-raising measure which is necessary to finance it. I will try to abide by the Chair's decision.

The SPEAKER. I think we should discuss how the money is spent after we have raised it.

Mr. MULLEN. Well, Mr. Speaker, I do feel that before we adopt any educational program in this House, aid to private and parochial schools certainly should be given very serious consideration. Now it may be that we may not be able to assist them, but, at the same time we must recognize the fact that they also have monetary problems and that we, in all justice to the taxpayers, certainly ought to give them some consideration.

I might say that in the city of Philadelphia alone, 39 percent of the students in the coming months will be in private and parochial schools. We anticipate that within the next ten years there will be a 75 percent increase, within the next ten years over a 50 percent increase in the city of Philadelphia alone, in those who will be attending private schools.

Therefore I suggest to the members of the General Assembly that before they adopt any program at all that some consideration be given to the private and parochial schools.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Schaaf.

Mr. SCHAAF. Thank you, Mr. Speaker. I want to address a few very brief remarks to my colleagues on the other side of the House.

I cannot help but observe the spirit of bipartisanship and perhaps non-partisanship which has permeated not only this particular item of revenue-raising legislation, but certainly the whole educational package program. We are all aware of the fact that the program received its start, its impetus, from the General Assembly in 1959. Thereafter the Governor appointed a bipartisan citizens' committee and subsequent to the issuance of its report, we here in the House and the leadership of the other body also appointed a bipartisan select committee to grind out, if you will, the very bills which are before us at the present time.

Mr. Speaker, I am also reminded that it is those fourth class school districts about which our minority leader spoke so ably and so forcefully at times which will, in all probability, benefit most by the program that is before us now.

I hope that this same spirit of bipartisanship, or if you will, non-partisanship, is reflected here this afternoon. I feel that it should be brought home quite clearly that we here on our side of the House have not been dunned, have not been pressured. We are reflecting, I thing in all cases, irrespective of which way we might vote, whether we vote in the manner requested by the gentleman from York or as requested by the gentleman from Philadelphia, or whether we vote in a different direction, we here on our side of the House are reflecting our respective convictions on this issue. I trust that the other side, whom I believe have much more to gain and a greater benefit to obtain, will likewise reflect their convictions on this measure. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Eilberg.

Mr. EILBERG. Mr. Speaker, it is my opinion also that the program, the bill before us, 1789, implements the spirit of the bipartisan Governor's Committee. That committee worked for more than a year and spent a great deal of time, effort and money in developing the program that is

before us. I also, as did the last speaker, urge everyone on both sides of the House to continue that bipartisan spirit by voting for HB 1789.

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. We realize that this is an important day, that this is an important measure.

Do not think the question before us today is whether we are for this program or whether we are not for it, or whether we on this side have to join with everybody else and vote for something that we do not want to vote for, perhaps, just in the spirit of bipartisanship, or nonpartisanship, or whatever you want to call it. The question before us today is not whether we favor this education program; the question is, do we favor this particular tax?

I was listening around the House here as everybody was speaking. I personally and a good many here, have probably voted for more taxes—there is a group of us here that has voted for more taxes on the people of Pennsylvania than anybody else in the House. Those of us who have been here since 1947 have seen our budget jump from $200-some million a biennium to almost $2 billion in a biennium. So do not ever say that the minority leader or any of the members on this side have not been willing to stand up and vote for a tax program to finance this great Commonwealth of ours.

I know we were down on the sales tax, you people were in 1953, and made us drag in people to vote for it on stretchers, but that is not what I am going to argue here today. That tax has gone up to $800 million every two years and the State of Pennsylvania would be in frightful shape today if we on this side had not stood up and had the guts to put on a broad-base tax which this Commonwealth had to have at that time and still must have.

Now here we are with a tax bill today. The question is not whether we favor this education program or not. There probably is not a person in this House who is going to vote against the program, except maybe the reorganization plan, and the cuts across school district lines and cuts right into the very heart of your school districts and your school directors, and that is probably the most critical thing on this calendar. The question is, do we want to vote for this particular tax program?

I joined with Mr. Tompkins, and eighteen of us joined with you, in the '59 Session and gave you votes for a broadening of the base of the sales tax. I grant you it did not hurt me politically, apparently. The people realized we had to have the money and we are back here. I do not think any of use were defeated on this side of the House, at least, because we gave votes for that tax program.

The question is, do we want to give votes for this one today? I am not saying that there will never be any votes on this side for taxes for education, because we in the past have shown you people that we have the courage to stand up and vote for taxes at the proper time for a proper purpose.

Now what about this tax bill? Education today—the spirit of education—is equal opportunity for education for all, equality of education, and that means equality of payment.

Now I want to get down to this bill. There is no equality of payment in this bill. You have cleverly singled out one small segment of the population of this State who by thrift, and by economy, and by good judgment and business acumen have been able to accumulate a little something and you are saying they are the ones who are going to finance this education program. That is not equality of payment nor a broadening of equality of educational opportunities as I see it. I could be wrong.

Now last week in my home county there was a business manufacturer who had been here two or three years, came in across the line and put up a big plant in my county. He said, "What are you doing to us in Harrisburg? We were enticed to come into Pennsylvania because of your favorable business climate. What have you done to us? You have accelerated our corporate net income tax; you have accelerated what capital stock tax we have to pay on our non-manufacturing assets; you have increased our unemployment compensation; you have passed a lot of bills in the House down there which, if they become law, would practically put industry on its knees in Pennsylvania." And now if we, after paying the CNI and all those other taxes, happen to make a little money and pay a dividend, you want to single us out and take two percent of that. We say that is not treating us very fair.

I think that makes a lot of sense if we are trying to have a favorable business climate in Pennsylvania, if we are going to put a classified income tax on that limited group of people in this State.

Here is another thing about this tax bill. There is some question as to whether it is constitutional and whether it will be stricken down by the courts now that you have ripped interest out of it, because of lack of reasonableness of an exemption. Why would you exempt interest as return on investment income and tax rents and royalties and dividends and then the fruits or gains from investment of capital, yet you deduct interest from it and that makes an unreasonable classification where the courts could well say that it is unconstitutional.

Now in the sales tax I grant you we have made exemptions down to ten cents, and things like that, but under the theory of de minimis, that the courts will not look for trifles, you can make certain small exemptions in a tax law. But here you are exempting three or four million dollars worth of tax items out of a tax bill, out of returns from investment income, which is patently a violation of reasonableness as to a classification in the law.

I could go on and on about this tax bill. I think personally that it is an unfair bill and I am saying again, repeating, we have not asked our caucus to be against taxes as such and I do not want an atmosphere created here today where if we vote against this tax bill the press and you people will go out of here and say the Republicans are against this education program. That is not true. The only issue before us right this minute is, do we favor this particular tax? It has nothing to do with the education program whatsoever. I want that definitely understood. There are many on this side who are going to vote against this tax because they feel that it is eminently an unfair piece of taxation to ask this particular class of people to pay for an education program and, therefore, we think it is not a fair tax to put on the people. Therefore, many of us on this side are going to vote "no" on this particular tax.

The SPEAKER. One other member of the House who had listed himself as one of those who desire to speak,

in fact, he was the first, the gentleman from Berks, Mr. Piper. Does he desire to be recognized? He was the first person in the House to list himself as desiring the floor.

Mr. PIPER. Thank you, Mr. Speaker.

I want it distinctly understood that I am not opposed to our educational needs, but I think inadequate time has been taken to study the implications of the education bills, the sponsors of which claims to be more economical for the educational districts. But in the same breath they state that anywhere from $50 million to $500 million a year for the next ten years will be needed to put this program into effect.

It does seem to me that before such a massive program is enacted, committing the legislature to automatically increase appropriations for education, that more time should be taken to study the individual merits of all sections of the bill. The benefits are broad. Therefore, the expenses of the bill should probably be broad based.

HB 1789 taxes only a small segment of our people for the benefit of all the people. This bill would impose a 2 percent tax on returns from investments, which are defined to be interest, dividends, royalties and rentals. It would be payable by individual residents of the Commonwealth and by estates and trusts consisting of the property of the persons domiciled in the Commonwealth when the trust was created or who were domiciled at the time of their death.

This act is objectionable in many particulars.

In the first place, it taxes income of some individuals depending upon invested capital and not the income of others depending on wages. Furthermore, because the tax is tied into the income returned to the Federal Government, it would exempt investments in state and municipal securities, but would tax the income from all other types of investment. There is very serious doubt as to the constitutionality of this three-fold classification under the uniformity clause of the Pennsylvania Constitution.

In the second place, the tax would be most burdensome on those persons of very moderate means who rent rooms, converted apartments, or who take back mortgages in the sale of properties, a very common situation among retired persons. Furthermore, and in this connection, the tax would have a tendency to dry up individual sources of mortgage money, which are quite important in the economy of non-urban areas.

In the third place, the whole act is of questionable constitutionality under the 14th Amendment, because it taxes the privilege of residing and owning property in the Commonwealth.

This bill would also be detrimental to the trust business in Pennsylvania.

I, therefore, am not opposed to voting for a tax bill for educational needs, but I am opposed to voting for this tax which only taxes a certain few of our people. I urge everybody to vote against bill 1789. Thank you.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—78

Anderson, S. A.,	Flynn,	Lee, K. B.,	Polaski,
Arlene,	Foerster,	Leonard,	Reibman,
Bachman,	Fox,	Limper,	Riley,
Boles,	Gallagher,	Long, Wm. Jas.,	Rovansek,
Bonner,	Gray,	Long, Wm. Jos.,	Rubin,
Breth,	Greenlee,	Lutty,	Sakulsky,
Capano,	Gremminger,	Maxwell,	Scarcelli,
Capitolo,	Guesman,	McDonald,	Schaaf,
Cauley,	Hamilton,	McLaughlin,	Schuster,
Cianfrani,	Hankins,	McNally,	Shelton,
Cioffi,	Heavey,	Meholchick,	Shupnik,
Clarke,	Irvis,	Mills,	Stone,
Comer,	Jim,	Monroe,	Sullivan, T. F.,
Cooley,	Jones,	Munley,	Tomascik,
Curwood,	Kelly,	Murphy,	Trusio,
Dougherty,	Klein,	Murray,	Verona,
Doughten,	Kornick,	Musto,	Wargo,
Eilberg,	Kramer,	O'Donnell, J. A.,	Welsh,
Farabaugh,	Lamb,	Parlante,	Andrews,
Filo,	Lawson,		Speaker

NAYS—124

Adams,	Gibbons,	Magee,	Rudisill,
Anderson, J. H.,	Goldstein, J. H.,	Manbeck,	Rutherford,
Auker,	Goldstein, M. H.,	Markley,	Seltzer,
Backenstoe,	Goodrich,	Marsh,	Sherman,
Blair,	Gramlich,	May,	Simmons,
Bossert,	Gross,	McCandless,	Slack,
Bower,	Guthrie,	McCann,	Snare,
Buchanan,	Hartley,	McCormack,	Stank,
Bush,	Haudenshield,	McDevitt,	Stimmel,
Crossin,	Heffner,	McInroy,	Stiteler,
Davis,	Helm,	McKeever,	Sullivan, J. A.,
Dengler,	Henzel,	Merry,	Taylor,
Dennison,	Hocker,	Miller,	Thompson,
Donaldson,	Holl,	Morley,	Tompkins,
Down,	Holliday,	Mullen,	Ujobai,
Edwards,	Holman,	Needham,	Varner,
Elvey,	Horst,	O'Dell,	Wall,
Ezhback,	Isaacs,	O'Donnell, J. P.,	Walsh,
Ezhleman,	Jenkins,	Odorisio,	Weidner,
Esler,	Johnson, A. W.,	Ogilvie,	Wescott,
Ewing,	Johnson, R. P.,	Pashley,	Whittaker,
Fetterolf,	Keiser,	Perry,	Willard,
Fineman,	Kernaghan,	Petrosky,	Willaredt,
Foor,	Kessler,	Piper,	Williams, A. D.,
Frascella,	King,	Polen,	Williams, E. S.,
Fry,	Kistler,	Prendergast,	Wilt,
Fulmer,	Knecht,	Price,	Wood,
Gailey,	Kooker,	Pursley,	Worley,
Gelfand,	Korns,	Reidenbach,	Wynd,
George,	Lee, A. M.,	Renwick,	Zember,
Gibb,	Lippincott,	Royer,	Zimmerman,

NOT VOTING—8

Ashton,	Branca,	Mihm,	Strausser,
Bowman,	Kamyk,	Steckel,	Yetter,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Mr. ADAMS. Mr. Speaker, I tried to obtain recognition on the previous bill before the roll call but failed to do so. Mr. Speaker, I would like to file my reasons for voting "no" on the bill.

The SPEAKER. The gentleman's reasons will be filed.

The Chair very loudly asked if there was anyone else who desired recognition and no one rose.

REASONS FOR VOTE

Mr. ADAMS filed the following reasons for his vote on House bill No. 1789:

This bill, House bill 1789, is grossly unfair and discriminatory as it singles out a class of people which includes widows and aged pensioners and social security recipients who live on fixed and limitted and many times inadequate income, and attempts to place the entire new tax burden upon them.

The SPEAKER. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, I am sorry I overlooked rerequesting a leave of absence just after caucus, before the vote on this last bill, and would like to do so now.

LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Tompkins for Mr. BOWMAN for the remainder of the day.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 715

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House bill No. 715.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House bill No. 715, entitled: "An act amending the act of June 1, 1959 (P. L. 392), entitled 'An act relating to the retirement of State employes; amending, revising, consolidating and changing the laws relating thereto,' providing for the creation of a dual coverage group and the right of certain members to elect dual coverage."

Respectfully submit the following bill as our report:

JOSEPH D. RIPP,
MARTIN SILVERT,
GEO. N. WADE,
(Committee on the part of the Senate.)
J. DEAN POLEN,
ROBERT K. HAMILTON,
ADAM T. BOWER,
(Committee on the part of the House of Representatives.)

An Act amending the act of June 1, 1959 (P. L. 392), entitled "An act relating to the retirement of State employes amending revising consolidating and changing the laws relating thereto" providing for the elimination of certain reductions in allowances in the case of members of the joint coverage group who elect to make additional contributions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 302 act of June 1, 1959 (P. L. 392), known as the "State Employes' Retirement Code of 1959" is amended by adding at the end thereof a new subsection to read

Section 302 Members Contributions on Account of Past Service

* * *

(3) Any member of the joint coverage group who elects according to the provisions of article V section 506 subsection (1.1) to receive a superannuation retirement allowance or a withdrawal allowance without the reduction provided for in article IV section 403 subsection (1) shall make a lump-sum payment to the retirement board equal to the difference between the amount of the accumulated deductions to his credit in the members' annuity savings account as of the last date for which compensation was paid and the amount which would have been to his credit in such account if contributions had been made without the reduction provided for in article III section 301 subsection (4)

Section 2 Section 403 of the act is amended by adding at the end thereof a new subsection to read

Section 403 Reduction of Superannuation Retirement Allowances and Withdrawal Allowances on Account of Social Security Old Age Insurance Benefits (Primary Insurance Amount)

* * *

(3) The reduction provided for in subsection (1) of this section shall not apply to the superannuation retirement allowance or the withdrawal allowance of any member of the joint coverage group who elects according to the provisions of article V section 506 subsection (1) to receive an allowance without such reduction provided that payment is made according to the provisions of article III section 302 subsection (3)

Section 3 Section 506 of the act is amended by adding after subsection (1) a new subsection to read

Section 506 Duties of State Employes

* * *

(1.1) Any member of the joint coverage group who applies for a superannuation retirement allowance or a withdrawal allowance may elect to receive such allowance without the reduction provided for in article IV section 403 subsection (1) provided that he shall file with his application for such allowance a request for certification of the lump-sum payment required according to the provisions of article III section 302 subsection (3) and shall make payment of such amount within thirty (30) days of such certification

* * *

Section 4 This act shall take effect July 1, 1962.

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—194

Adams,	Fulmer,	Leonard,	Reidenbach,
Anderson, J. H.,	Gailey,	Limper,	Renwick,
Anderson, S. A.,	Gallagher,	Long, Wm. Jas.,	Riley,
Arlene,	Gelfand,	Long, Wm. Jos.,	Rovansek,
Auker,	George,	Lutty,	Royer,
Bachman,	Gibbons,	Magee,	Rubin,
Backenstoe,	Goldstein, J. H.,	Manbeck,	Rudisill,
Blair,	Goodrich,	Markley,	Rutherford,
Boles,	Gramlich,	Marsh,	Sakulsky,
Bonner,	Gray,	Maxwell,	Scarcelli,
Bossert,	Greenlee,	May,	Schaaf,
Bower,	Gremminger,	McCandless,	Schuster,
Breth,	Guesman,	McCann,	Seltzer,
Buchanan,	Guthrie,	McCormack,	Shelton,
Bush,	Hamilton,	McDevitt,	Sherman,
Capano,	Hankins,	McDonald,	Shupnik,
Capitolo,	Hartley,	McInroy,	Simmons,
Cauley,	Haudenshield,	McKeever,	Slack,
Cianfrani,	Heavey,	McLaughlin,	Snare,
Cioffi,	Heffner,	McNally,	Stank,
Clarke,	Helm,	Meholchick,	Stimmel,
Comer,	Henzel,	Merry,	Stone,
Cooley,	Hocker,	Miller,	Sullivan, J. A.,
Crossin,	Holl,	Mills,	Sullivan, T. F.,
Curwood,	Holliday,	Monroe,	Taylor,
Davis,	Holman,	Morley,	Thompson,
Dengler,	Horst,	Mullen,	Tomascik,
Dennison,	Irvis,	Munley,	Tompkins,
Donaldson,	Jenkins,	Murphy,	Trusio,
Dougherty,	Jim,	Murray,	Ujobai,
Doughten,	Johnson, A. W.,	Musto,	Varner,
Down,	Johnson, R. P.,	Needham,	Verona,
Edwards,	Jones,	O'Dell,	Wall,
Eilberg,	Keiser,	O'Donnell, J. A.,	Walsh,
Elvey,	Kelly,	O'Donnell, J. P.,	Wargo,
Eshback,	Kernaghan,	Odorisio,	Weidner,
Eshleman,	Kessler,	Ogilvie,	Welsh,
Esler,	King,	Parlante,	Wescott.
Ewing,	Kistler,	Pashley,	Whittaker,
Farabaugh,	Klein,	Perry,	Willard,
Fetterolf,	Knecht,	Petrosky,	Willaredt,
Filo,	Kooker,	Piper,	Williams, A. D.,
Fineman,	Kornick,	Polaski,	Williams, E. S.,
Flynn,	Korns,	Polen,	Wilt,
Foerster,	Kramer,	Prendergast,	Wood,
Foor,	Lamb,	Price,	Wynd,
Fox,	Lawson,	Pursley,	Zember,
Frascella,	Lee, A. M.,	Reibman,	Andrews, Speaker
Fry,	Lee, K. B.,		

NAYS—4

Gross,	Stiteler,	Worley,	Zimmerman,

NOT VOTING—12

Ashton,	Gibb,	Kamyk,	Steckel,
Bowman,	Goldstein, M. H.,	Lippincott,	Strausser,
Branca,	Isaacs,	Mihm,	Yetter,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

Mr. HELM IN THE CHAIR

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 716

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House bill No. 716.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House bill No. 716, entitled: "An act amending the act of June 1, 1959 (P. L. 350), entitled 'An act relating to the retirement of public school employes amending, revising, consolidating and changing the laws relating thereto, providing for the creation of a dual coverage group and the right of certain members to elect dual coverage."

Respectfully submit the following bill as our report:

JOSEPH D. RIPP,
MARTIN SILVERT,
GEORGE N. WADE,
(Committee on the part of the Senate.)
J. DEAN POLEN,
ROBERT K. HAMILTON,
ADAM T. BOWER,
(Committee on the part of the House of Representatives.)

An Act amending the act of June 1, 1959 (P. L. 350), entitled "An act relating to the retirement of public school employes amending revising consolidating and changing the laws relating thereto" providing for the elimination of certain reductions in allowances in the case of members of the joint coverage group who elect to make additional contributions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 302 act of June 1, 1959 (P. L. 350), known as the "Public School Employes' Retirement Code of 1959" is amended by adding at the end thereof a new subsection to read

Section 302 Members' contributions on account of past service

* * *

(8) Any member of the joint coverage group who elects according to the provisions of article V section 505 subsection (4.1) to receive a superannuation retirement allowance or a withdrawal allowance without the reduction provided for in article IV section 403 subsection (1) shall make a lump-sum payment to the retirement board equal to the difference between the amount of the accumulated deductions to his credit in the member's annuity savings account as of the last date for which compensation was paid and the amount which would have been to his credit in such account if contributions had been made without the reduction provided for in article III section 301 subsection (4)

Section 2 Section 403 of the act is amended by adding at the end thereof a new subsection to read

Section 403 Reduction of Superannuation Retirement Allowances and Withdrawal Allowances on Account of Social Security Old Age Insurance Benefits (Primary Insurance Amount)

* * *

(3) The reduction provided for in subsection (1) of this section shall not apply to the superannuation retirement allowance or the withdrawal allowance of any member of the joint coverage group who elects according to the provisions of article V section 505 subsection (4.1) to receive an allowance without such reduction provided that payment is made according to the provisions of article III section 302 subsection (8)

Section 3 Section 505 of the act is amended by adding after subsection (4) a new subsection to read

Section 505 Duties of School Employes

* * *

(4.1) Any member of the joint coverage group who applies for a superannuation retirement allowance or a withdrawal allowance may elect to receive such allowance without the reduction provided for in article IV section 403 subsection (1) provided that he shall file with his application for such allowance a request for certification of the lump-sum payment required according to the provisions of article III section 302 subsection (8) and shall make payment of such amount within thirty (30) days of such certification

* * *

Section 4 This act shall take effect July 1, 1962.

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—195

Adams,	Fulmer,	Lee, A. M.,	Riley,
Anderson, J. H.	Galley,	Lee, K. B.,	Rovansek,
Anderson, S. A.,	Gallagher,	Leonard,	Royer,
Arlene,	Gelfand,	Limper,	Rubin,
Auker,	George,	Long, Wm. Jas.,	Rudisill,
Bachman	Gibb,	Long, Wm. Jos.,	Rutherford,
Backenstoe,	Gibbons,	Magee,	Sakulsky,
Blair,	Goldstein, J. H.,	Manbeck,	Scarcelli,
Boles,	Goodrich,	Markley,	Schaaf,
Bonner,	Gramlich,	Marsh,	Schuster,
Bossert,	Gray,	May,	Seltzer,
Bower,	Greenlee,	McCandless,	Shelton,
Breth,	Gremminger,	McCann,	Sherman,
Buchanan,	Gross,	McCormack,	Shupnik,
Bush,	Guesman,	McDevitt,	Simmons,
Capano,	Guthrie,	McDonald	Slack,
Capitolo,	Hamilton,	McInroy,	Snare,
Cauley,	Hankins,	McKeever,	Stank,
Cianfrani,	Hartley,	McLaughlin,	Stimmel,
Cioffi,	Haudenshield,	McNally,	Stiteler,
Clarke,	Heavey,	Meholchick,	Stone,
Comer,	Heffner,	Merry,	Sullivan, J. A.,
Cooley,	Helm,	Miller,	Sullivan, T. F.,
Crossin,	Henzel,	Monroe,	Taylor,
Curwood,	Hocker,	Morley,	Thompson,
Davis,	Holl,	Mullen,	Tomascik,
Dengler,	Holliday,	Munley,	Tompkins,
Dennison,	Holman,	Murphy,	Ujobai,
Donaldson,	Horst,	Murray,	Varner,
Dougherty,	Irvis,	Musto,	Verona,
Doughten,	Jenkins,	Needham,	Wall,
Down,	Jim,	O'Dell,	Walsh,
Edwards,	Johnson, A. W.,	O'Donnell, J. A.,	Wargo,
Ellberg,	Johnson, R. P.,	O'Donnell, J. P.,	Weidner,
Elvey,	Jones,	Odorisio,	Welsh,
Eshback,	Keiser,	Ogilvie,	Wescott,
Eshleman,	Kelly,	Parlante,	Whittaker,
Esler,	Kernaghan,	Pashley,	Willard,
Ewing,	Kessler,	Perry,	Willaredt,
Farabaugh,	King,	Petrosky,	Williams, A. D.,
Fetterolf,	Kistler,	Piper,	Williams, E. S.,
Filo,	Klein,	Polaski,	Wilt,
Fineman,	Knecht,	Polen,	Wood,
Flynn,	Kooker,	Prendergast,	Worley,
Foerster,	Kornick,	Price,	Wynd,
Foor,	Korns,	Pursley,	Zember,
Fox,	Kramer,	Reibman,	Zimmerman,
Frascella,	Lamb,	Reidenbach,	Andrews,
Fry,	Lawson,	Renwick,	Speaker

NAYS—0

NOT VOTING—15

Ashton,	Isaacs,	Maxwell,	Strausser,
Bowman,	Kamyk,	Mihm,	Trusio,
Branca,	Lippincott,	Mills,	Yetter,
Goldstein, M. H.,	Lutty,	Steckel,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 81.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts, relating to the ownership, possession and use of vehicles and tractors" requiring certain commercial motor vehicles, truck tractors, trailers and semi-trailers to be marked with the names and addresses of the owners or operators and prescribing penalties.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 1, line 5, by inserting after the word "requiring" the word "certain"; line 5, by striking out after the word "vehicle" the word "and"; line 6, by inserting after the part word "tors" the words "trailers and semi-trailers"; line 7, by inserting after the word "operators" the words "and prescribing penalties"; Section 1, page 2, line 4, by striking out after the word "Commercial" the words "vehicles or truck tractors" and inserting in lieu thereof the words "motor vehicles, truck tractors, trailers and semi-trailers"; line 7, by striking out after the word "vehicle" the words "or truck tractor" and inserting in lieu thereof the words "truck tractor, trailer or semi-trailer"; line 12, by inserting after the word 'commercial" the word "motor"; line 12, by striking out after the word "vehicles" the words "or truck tractors" and inserting in lieu thereof the words "truck tractors, trailers or semi-trailers"; line 15, by striking out after the second word "Commission" the words "nor shall the provisions of this section apply to" and inserting in lieu thereof the following: "(B) or to"; line 16, by inserting after the word "commercial" the word "motor"; line 17, by striking out at the beginning of the line the words "or truck tractors used in agriculture" and inserting in lieu thereof the following: "truck tractors, trailers or semi-trailers used in agriculture (C) or to commercial motor vehicles, truck tractors, trailers or semi-trailers which are clearly identified by the name or trade name of the registered owner or to (D) commercial motor vehicles, truck tractors, trailers or semi-trailers being demonstrated or delivered by manufacturer or dealer thereof"; page 3, line 13, by adding Section 2, as follows: "Section 2 This act shall take effect June 30, 1962."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, our members in caucus had agreed that we would concur in HB 81. Mr. Heavey of Philadelphia and Mr. Lee of Philadelphia came to me and indicated that the word "operator" had been left out and they had asked that we non-concur for the purpose of going to a conference committee to place this word in the report. Therefore, I move that we non-concur in compliance with Mr. Heavey's request.

Mr. TOMPKINS. Mr. Speaker, we ask the members on our side to non-concur.

On the question,

Will the House agree to the motion?

It was agreed to.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 320.

An Act amending the act of May 29, 1956 (P. L. 1804), entitled "An act providing for the establishment of police pension funds or pension annuities in certain boroughs, towns and townships and the regulation and maintenance thereof providing for an actuary continuance of existing funds or transfer thereof to funds herein established prescribing rights of beneficiaries contributions by members providing for expenses of administration continuation of existing authority to provide annuity contracts credit for military service refunds exempting allowances from judicial process and repealing certain acts" changing the age at which a member of a police force may retire.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 2, line 14, by inserting after the word "or" the following: "if an actuarial study of the cost shows that such reduction in age is feasible".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—179

Adams,	Fulmer,	Lee, A. M.,	Rovansek,
Anderson, S. A.,	Gailey,	Lee, K. B.,	Royer,
Anderson, J. H.	Gallagher,	Limper,	Rubin,
Arlene,	Gelfand,	Long, Wm. Jas.,	Rudisill,
Auker,	George,	Long, Wm. Jos.,	Rutherford,
Bachman	Gibbons,	Magee,	Sakulsky,
Backenstoe,	Gramlich,	Manbeck,	Scarcelli,
Blair,	Goldstein, J. H.,	Markley,	Schaaf,
Boles,	Goodrich,	Marsh,	Schuster,
Bonner,	Gray,	Maxwell,	Seltzer,
Bossert,	Greenlee,	May,	Shelton,
Bower,	Gremminger,	McCandless,	Sherman,
Breth,	Gross,	McCann,	Shupnik,
Buchanan,	Guesman,	McCormack,	Slack,
Bush,	Guthrie,	McDonald	Snare,
Capano,	Hamilton,	McInroy,	Stank,
Capitolo,	Hankins,	McKeever,	Stimmel,
Cianfrani,	Hartley,	McLaughlin,	Stiteler,
Cioffi,	Heavey,	McNally,	Stone,
Clarke,	Heffner,	Meholchick,	Sullivan, J. A.,
Comer,	Helm,	Miller,	Sullivan, T. F.,
Cooley,	Henzel,	Mills,	Taylor,
Crossin,	Hocker,	Monroe,	Tomascik,
Curwood,	Holl,	Morley,	Tompkins,

Davis,	Holliday,	Munley,	Trusio,
Dennison,	Holman,	Murphy,	Ujobai,
Donaldson,	Horst,	Murray,	Varner,
Dougherty,	Irvis,	Musto,	Verona,
Doughten,	Jim,	Needham,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Wargo,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Weidner,
Eilberg,	Jones,	Ogilvie,	Welsh,
Elvey,	Keiser,	Parlante,	Wescott,
Eshback,	Kelly,	Pashley,	Whittaker,
Eshleman,	Kernaghan,	Perry,	Willard,
Ewing,	Kessler,	Petrosky,	Willaredt,
Farabaugh,	King,	Piper,	Williams, A. D.,
Fetterolf,	Kistler,	Polaski,	Williams, E. S.,
Filo,	Klein,	Polen,	Wood,
Flynn,	Knecht,	Prendergast,	Worley,
Foerster,	Kooker,	Price,	Wynd,
Foor,	Kornick,	Pursley,	Zember,
Fox,	Korns,	Reibman,	Zimmerman,
Frascella,	Kramer,	Reidenbach,	Andrews,
Fry,	Lawson,	Renwick,	Speaker

NAYS—5

Dengler,	Merry,	Odorisio,	Walsh,
Lamb,			

NOT VOTING—26

Ashton,	Goldstein, M. H.,	Lutty,	Simmons,
Bowman,	Haudenshield,	McDevitt,	Steckel,
Branca,	Isaacs,	Mihm,	Strausser,
Cauley,	Jenkins,	Mullen,	Thompson,
Esler,	Kamyk,	O'Dell,	Wilt,
Fineman,	Leonard,	Riley,	Yetter,
Gibb,	Lippincott,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1190.

An Act reenacting and amending the act of June 11, 1947 (P. L. 551), entitled "An act relating to the regulation of rates for insurance which may be written by stock or mutual fire marine or fire and marine insurance companies associations or exchanges to rating and advistory organizations to reports by rating organizations and insurers to the Pennsylvania State Police conferring on the Insurance Commissioner the power and duty of supervising and regulating persons associations companies and corporations and of enforcing the provisions of this Act prescribing and regulating the practice and procedure before the commissioner and procedure for review by the courts giving the Court of Common Pleas of Dauphin County exclusive jurisdiction over certain proceedings prescribing penalties and providing for enforcement thereof and repealing inconsistent acts" including domestic mutual fire insurance companies and domestic reciprocals or exchanges within the provisions of the act and providing for a uniform classification of accounts and records.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 2, line 1, by striking out after the word "to" the number "18" and inserting in lieu thereof the number "13"; page 26, by inserting after line 7, the following: "Section 2 The act is amended by adding after section 13 a new section to read"; page 28, by inserting after line 13, the following: "Section 3 Sections 14 to 18 both inclusive of the act are reenacted and amended to read"; page 31, line 16, by striking out after the word "Section" the number "2" and inserting in lieu thereof the number "4".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—161

Anderson, S. A.,	Gailey,	Long, Wm. Jos.,	Rovansek,
Arlene,	Gallagher,	Manbeck,	Royer,
Auker,	Gelfand,	Markley,	Rubin,
Bachman,	Gibbons,	Marsh,	Rudisill,
Backenstoe,	Goldstein, J. H.,	Maxwell,	Rutherford,
Blair,	Goodrich,	May,	Sakulsky,
Boles,	Gramlich,	McCann,	Scarcelli,
Bonner,	Gray,	McCormack,	Schaaf,
Bossert,	Greenlee,	McDevitt,	Schuster,
Bower,	Gremminger,	McInroy,	Seltzer,
Breth,	Guesman,	McKeever,	Shelton,
Bush,	Guthrie,	McLaughlin,	Sherman,
Capano,	Hamilton,	McNally,	Shupnik,
Capitolo,	Hankins,	Meholchick,	Slack,
Cauley,	Hartley,	Miller,	Snare,
Cianfrani,	Heavey,	Mills,	Stank,
Cioffi,	Heffner,	Monroe,	Stimmel,
Clarke,	Helm,	Morley,	Stone,
Comer,	Henzel,	Mullen,	Sullivan, J. A.,
Cooley,	Hocker,	Munley,	Sullivan, T. F.,
Crossin,	Holl,	Murphy,	Taylor,
Curwood,	Holliday,	Murray,	Tomascik,
Davis,	Irvis,	Musto,	Tompkins,
Dengler,	Jim,	Needham,	Ujobai,
Dennison,	Johnson, A. W.,	O'Dell,	Varner,
Donaldson,	Johnson, R. P.,	O'Donnell, J. A.,	Verona,
Dougherty,	Jones,	O'Donnell, J. P.,	Wargo,
Doughten,	Keiser,	Odorisio,	Weidner,
Down,	Kelly,	Parlante,	Welsh,
Eilberg,	Kernaghan,	Ogilvie,	Wescott,
Eshback,	Kessler,	Pashley,	Whittaker,
Eshleman,	Klein,	Perry,	Willard,
Ewing,	Knecht,	Petrosky,	Willaredt,
Fetterolf,	Kooker,	Piper,	Williams, A. D.,
Filo,	Kornick,	Polaski,	Williams, E. S.,
Fineman,	Kramer,	Polen,	Wood,
Flynn,	Lawson,	Prendergast,	Wynd,
Foerster,	Lee, A. M.,	Price,	Zember,
Frascella,	Lee, K. B.,	Reibman,	Zimmerman,
Fry,	Limper,	Reidenbach,	Andrews,
Fulmer,			Speaker

NAYS—23

Adams,	Foor,	King,	Renwick,
Anderson, J. H.,	Fox,	Kistler,	Stiteler,
Buchanan,	George,	Korns,	Wall,
Edwards,	Gross,	Magee,	Walsh,
Elvey,	Holman,	McCandless,	Worley,
Farabaugh,	Horst,	Merry,	

NOT VOTING—26

Ashton,	Isaacs,	Lutty,	Steckel,
Bowman,	Jenkins,	McDonald,	Strausser,
Branca,	Kamyk,	Mihm,	Thompson,
Esler,	Lamb,	Pursley,	Trusio,
Gibb,	Leonard,	Riley,	Wilt,
Goldstein, M. H.,	Lippincott,	Simmons,	Yetter,
Haudenshield,	Long, Wm. Jas.,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1446.

An Act amending the act of June 19, 1931 (P. L. 589) entitled as amended "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops and barber schools and apprentices and students therein regulating compensation for service rendered conferring certain powers and duties on the Department of Public Instruction and providing penalties" providing credit toward student or apprentice registration periods in certain cases.

With the information that the Senate has passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend bill, section 1, page 2, line 9, by striking out after the word "barbering" the following: "under the immediate supervision of a licensed barber"; line 16, by striking out after the word "barbering" the following: "under the immediate supervision of a licensed barber".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—187

Adams,	Fulmer,	Lee, A. M.,	Royer,
Anderson, J. H.,	Galley,	Lee, K. B.,	Rubin,
Anderson, S. A.,	Gallagher,	Limper,	Rudisill,
Arlene,	Gelfand,	Long, Wm. Jas.,	Rutherford,
Auker,	George,	Long, Wm. Jos.,	Sakulsky,
Bachman,	Gibbons,	Magee,	Scarcelli,
Backenstoe,	Goldstein, J. H.,	Manbeck,	Schaaf,
Blair,	Goodrich,	Markley,	Schuster,
Bonner,	Gramlich,	Marsh,	Seltzer,
Bossert,	Gray,	Maxwell,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Breth,	Gremminger,	McCandless,	Shupnik,
Buchanan,	Gross,	McCann,	Simmons,
Bush,	Guesman,	McDevitt,	Slack,
Capano,	Guthrie,	McInroy,	Snare,
Capitolo,	Hamilton,	McKeever,	Stank,
Cauley,	Hankins,	McLaughlin,	Stimmel,
Cianfrani,	Hartley,	McNally,	Stiteler,
Cioffi,	Haudenshield,	Meholchick,	Stone,
Clarke,	Heavey,	Merry,	Sullivan, J. A.,
Comer,	Heffner,	Miller,	Sullivan, T. P.,
Cooley,	Helm,	Mills,	Taylor,
Crossin,	Henzel,	Monroe,	Tomascik,
Curwood,	Hocker,	Mullen,	Tompkins,
Davis,	Holl,	Munley,	Trusio,
Dengler,	Holliday,	Murphy,	Ujobai,
Dennison,	Holman,	Musto,	Varner,
Donaldson,	Horst,	Needham,	Verona,
Dougherty,	Irvis,	O'Dell,	Wall,
Doughten,	Jim,	O'Donnell, J. A.,	Walsh,
Down,	Johnson, A. W.,	O'Donnell, J. P.,	Wargo,
Edwards,	Johnson, R. P.,	Odorisio,	Weidner,
Eilberg,	Jones,	Ogilvie,	Welsh,
Elvey,	Keiser,	Parlante,	Wescott,
Eshback,	Kelly,	Pashley,	Whittaker,
Eshleman,	Kernaghan,	Perry,	Willard,
Ewing,	Kessler,	Petrosky,	Willaredt,
Farabaugh,	King,	Piper,	Williams, A. D.,
Fetterolf,	Kistler,	Polaski,	Williams, E. S.,
Filo,	Klein,	Polen,	Wilt,
Fineman,	Knecht,	Prendergast,	Wood,
Flynn,	Kooker,	Price,	Worley,
Foerster,	Kornick,	Pursley,	Wynd,
Foor,	Korns,	Reibman,	Zember,
Fox,	Kramer,	Reidenbach,	Zimmerman,
Frascella,	Lamb,	Renwick,	Andrews,
Fry,	Lawson,	Rovansek,	Speaker

NAYS—1

McCormack,

NOT VOTING—22

Ashton,	Goldstein, M. H.,	Lutty,	Riley,
Boles,	Isaacs,	McDonald,	Steckel,
Bowman,	Jenkins,	Mihm,	Strausser,
Branca,	Kamyk,	Morley,	Thompson,
Esler,	Leonard,	Murray,	Yetter,
Gibb,	Lippincott,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

Mr. McCORMACK. Mr. Speaker, having voted under a misapprehension, I wish to be recorded as voting "aye."

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1617.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code the Tractor Code the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership possession and use of vehicles and tractors" providing for the issuance of temporary registration plates or markers for vehicles which are not to be registered in Pennsylvania removing the requirement that application for annual registration plates must be made for such vehicle and providing that persons receiving such plates or markers shall not be relieved from certain taxes.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 1, line 7, by striking out after the part word "sylvania" the word "and"; line 8, by inserting after the word "vehicles" the following: "and providing that persons receiving such plates or markers shall not be relieved from certain taxes"; Section 1, page 3, line 6, by inserting after the word "Pennsylvania" the following: "if the vehicle is not to be registered in Pennsylvania a statement setting forth such fact shall accompany the copy of the temporary registration plate or marker certificate"; page 4, line 1, by inserting Section 2 as follows:

"Section 2 The provisions of this act shall not be construed to relieve the person receiving the temporary registration plate or marker certificate of any tax imposed under the provisions of the act of March 6, 1956 (P. L. 1228) known as the "Selective Sales and Use Tax Act".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—181

Adams,	Gailey,	Lee, A. M.,	Renwick,
Anderson, J. H.,	Gallagher,	Lee, K. B.,	Rovansek,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Long, Wm. Jas.,	Rudisill,
Auker,	Gibbons,	Long, Wm. Jos.,	Rutherford,
Bachman,	Goldstein, J. H.,	Magee,	Sakulsky,
Backenstoe,	Goodrich,	Manbeck,	Scarcelli,
Blair,	Gramlich,	Markley,	Schaaf,
Boies,	Gray,	Marsh,	Schuster,
Bonner,	Greenlee,	Maxwell,	Seltzer,
Bossert,	Gremminger,	May,	Shelton,
Bower,	Gross,	McCandless,	Sherman,
Breth,	Guesman,	McCann,	Shupnik,
Buchanan,	Guthrie,	McCormack,	Slack,
Bush,	Hamilton,	McInroy,	Snare,
Capano,	Hankins,	McKeever,	Stank,
Capitolo,	Hartley,	McLaughlin,	Stimmel,
Cauley,	Heavey,	McNally,	Stiteler,
Cianfrani,	Heffner,	Meholchick,	Stone,
Cioffi,	Helm,	Merry,	Sullivan, J. A.,
Clarke,	Henzel,	Miller,	Sullivan, T. F.,
Comer,	Hocker,	Mills,	Taylor,
Cooley,	Holl,	Monroe,	Tomascik,
Crossin,	Holliday,	Morley,	Tompkins,
Curwood,	Holman,	Mullen,	Ujobai,
Davis,	Horst,	Munley,	Varner,
Dengler,	Irvis,	Murphy,	Verona,
Dennison,	Jim,	Musto,	Wall,
Donaldson,	Johnson, A. W.,	Needham,	Walsh,
Doughten,	Johnson, R. P.,	O'Dell,	Wargo,
Down,	Jones,	O'Donnell, J. A.,	Weidner,
Edwards,	Keiser,	O'Donnell, J. P.,	Welsh,
Eilberg,	Kelly,	Odorisio,	Wescott,
Elvey,	Kernaghan,	Ogilvie,	Whittaker,
Eshback,	Kessler,	Parlante,	Willard,
Ewing,	King,	Pashley,	Willaredt,
Farabaugh,	Kistler,	Perry,	Williams, A. D.,
Fetterolf,	Klein,	Petrosky,	Williams, E. S.,
Filo,	Knecht,	Piper,	Wilt,
Flynn,	Kooker,	Polaski,	Wood,
Foerster,	Kornick,	Polen,	Worley,
Foor,	Korns,	Prendergast,	Wynd,
Fox,	Kramer,	Pursley,	Zember,
Frascella,	Lamb,	Reibman,	Zimmerman,
Fry,	Lawson,	Reidenbach,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—29

Ashton,	Goldstein, M. H.,	Lutty,	Royer,
Bowman,	Haudenshield,	McDevitt,	Simmons,
Branca,	Isaacs,	McDonald,	Steckel,
Dougherty,	Jenkins,	Mihm,	Strausser,
Eshleman,	Kamyk,	Murray,	Thompson,
Esler,	Leonard,	Price,	Trusio,
Fineman,	Lippincott,	Riley,	Yetter,
Gibb,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

TIME EXTENDED ON BILL

Mr. McCANN asked and obtained unanimous consent to extend the time five days on House bill No. 640, printer's No. 1345, on page 15 of today's calendar, bills on third reading postponed.

ANNOUNCEMENT

Mr. McCANN. I would like to bring to the attention of the membership before they leave, there is every possibility, without a question of doubt, that this House will be in session four days, and maybe five, next week.

RESOLUTION INTRODUCED AND REFERRED

By Mr. WORLEY (by request.) RESOLUTION No. 98.

In the House of Representatives, August 9, 1961.

The reading and writing of poetry by the citizens of our Commonwealth should be encouraged; therefore be it

Resolved, That the Governor is hereby requested to proclaim December 23d as "Poetry Day" within the Commonwealth of Pennsylvania; and be it further

Resolved, That a copy of this resolution be transmitted to the Honorable David L. Lawrence.

Referred to the Committee on Rules.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed the the Senate has non-concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 486.

An Act amending the act of June 25, 1947 (P. L. 1145), entitled as amended "Local Tax Enabling Act" prescribing the effective date of taxes levied for the first time by any political subdivision limiting appeals by taxpayers to such first tax levies.

And has appointed Messrs. LANE, DEVLIN and STEVENSON a Committee of Conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the difference existing between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 486 and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 486

The SPEAKER pro tempore. The Speaker has appointed as a Committee of Conference on the part of the House, Messrs. POLASKI, McDEVITT and ADAMS.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 716.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" clarifying and changing provisions relating to social studies curriculum.

And has appointed Messrs. SILVERT, SEYLER and SHAFER a Committee of Conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such com-

mittee) on the subject of the difference existing between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 716 and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 716

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. IRVIS, MURPHY and MARSH.

Ordered, that the clerk inform the Senate accordingly.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 382

Mr. WELSH. Mr. Speaker, I move that the vote by which House bill No. 382, printer's No. 2532, entitled:

"An Act to repeal sections 663 and 730 of 'The Penal Code' approved June 24, 1939 (P. L. 872), relating to the imposition of penalties against railroad employes and other persons for certain activities during strikes and against transportation employes for injuries of death resulting from their actions."

was defeated on final passage Tuesday, August 8, 1961, be reconsidered.

Mr. J. A. SULLIVAN. Mr. Speaker, I second the motion.

The SPEAKER pro tempore. How did the gentleman from Philadelphia, Mr. Welsh, vote on the final passage of this bill?

Mr. WELSH. Mr. Speaker, I voted with the prevailing side.

The SPEAKER pro tempore. How did the gentleman from Philadelphia, Mr. Sullivan, vote on the final passage of this bill?

Mr. J. A. SULLIVAN. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. McCANN. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 520, entitled:

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58), granting a credit for certain suspensions toward revocation penalties including motorcycles within the provisions relating to reflectors and reflective materials providing for enforcement of equipment requirements further defining the duty to stop in the event of an accident * * *

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mrs. PASHLEY. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. McCann (for Mr. FINEMAN) asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Title, page 1, fourth and fifth lines of Title, by striking out "granting a credit for certain suspension toward revocation penalties" and inserting: "eliminating duplicate revocations or suspensions arising out of same event or occurrence in certain cases;"

Amend Bill, page 2, lines 1 to 8, by striking out all of said lines and inserting:

Section 1. The act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," is amended by adding after section 616, a new section to read:

Section 616.1. Reduction in Length of Revocation in Certain Cases.—The secretary shall reduce any revocation period he imposes on any operator by the length of time such operator's license had previously been revoked by any court or commission prior to the starting date of the revocation imposed by the secretary, if the duplicate revocations arise out of the same events or occurrences. In the event any operator's license is revoked by a court or commission after or during a period of revocation imposed by the secretary, the revocation period imposed by the court or commission shall be reduced by the length of time the operator had previously had his license revoked by the secretary if the duplicate revocations arise out of the same events or occurrences.

Section 2. Subsection (e) of section 618 of the act, amended April 28, 1961 (P. L. 108), is amended to read:

Section 618. Suspension of Licenses or Operating Privileges.—

* * *

(e) The secretary is hereby authorized after a hearing before the secretary or his representative, or upon failure of the said person to appear at such hearing, to suspend the operator's license or learner's permit of any person licensed in this Commonwealth, upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this Commonwealth, would be grounds for the suspension or revocation of the license of an operator. The secretary shall reduce any suspension period he imposes on any operator by the length of time the operator had previously been suspended by another state prior to the starting date of the suspension imposed by the secretary if the duplicate suspensions arising out of the same events or occurrences, but if the operator's privileges of such person has been suspended in the other state, then such suspension shall be for the same period of time as that provided in the suspension by the other state and no part of the suspension ordered by the secretary shall be served after the expiration of the suspension imposed by the other state.

* * *

Amend Sec. 2, page 2, line 9, by striking out "2" and inserting: "3."

Amend Sec. 3, page 5, line 3, by striking out "3" and inserting "4."

Amend Sec. 4, page 7, line 4, by striking out "4" and inserting "5."

Amend Sec. 5, page 7, line 19, by striking out "5" and inserting "6."

Amend Sec. 6, page 10, line 3, by striking out "6" and inserting "7."

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 191, entitled:

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" including additional buses within the provisions relating to school buses further providing for the operation of school buses and lights located thereon and providing penalties.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. POLEN. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. McCann (for Mr. FINEMAN) asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Title, page 1, fifth line of Title, by inserting after "tors" "requiring the notice of conviction for violations in other states to contain a certified record of the conviction and requiring the same to be made available;"

Amend Bill, page 2, lines 1 to 3, by striking out all of said lines and inserting:

Section 1. Subsection (e) of section 618, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," amended April 28, 1961 (P. L. 108), is amended to read:

Section 618. Suspension of Licenses or Operating Privileges.—

(e) The secretary is hereby authorized after a hearing before the secretary or his representative, or upon failure of the said person to appear at such hearing, to suspend the operator's license or learner's permit of any person licensed in this Commonwealth, upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this Commonwealth, would be grounds for the suspension or revocation of the license of an operator, but if the operator's privileges of such person has been suspended in the other state, then such suspension shall be for the same period of time as that provided in the suspension by the other state and no part of the suspension ordered by the secretary shall be served after the expiration of the suspension imposed by the other state. The notice of the conviction must be sent by the motor vehicle or tractor administrator and contain a certified record of the conviction in such other state and shall be made available to the Pennsylvania operator or his representative.

* * *

Section 2. Clause (9) of subsection (b) of section 840 of the act, amended December 10, 1959 (P. L. 1749), is amended to read:

Amend Sec. 2, page 3, line 19, by striking out "2" and inserting : "3."

Amend Sec. 3, page 7, line 12, by striking out "3" and inserting: "4."

Amend Sec. 4, page 11, line 13, by striking out "4" and inserting: "5."

Amend Sec. 4, page 11, line 14, by inserting after "amendments" "to subsection (e) of section 618 and"

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 1789

Mr. McCANN. Mr. Speaker, I move that the vote by which House bill No. 1789, printer's No. 2582, entitled:

"An Act to provide revenue for educational purposes by imposing an excise tax on rents, royalties, interest, dividends and capital gains from investment capital as defined of individual residents and nonresidents of the Commonwealth and of estates and trusts, fixing the rates of tax thereon, providing for the reporting and payment of tax interest and penalties, assessments, collections, liens, reviews, appeals, refunds and penalties and conferring powers and imposing duties upon the Department of Revenue, fiduciaries, partnerships, associations and individuals."

was defeated on final passage Wednesday, August 9, 1961, be reconsidered.

Mr. POLEN. Mr. Speaker, I second the motion.

The SPEAKER pro tempore. How did the gentleman from Greene, Mr. McCann, vote on the final passage of this bill?

Mr. McCANN. Mr. Speaker, I voted with the prevailing side.

The SPEAKER pro tempore. How did the gentleman from Washington, Mr. Polen, vote on the final passage of this bill?

Mr. POLEN. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. McCANN. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

BILLS AND RESOLUTIONS PASSED OVER

Mr. McCANN. Mr. Speaker, I request that all other bills and resolutions on today's calendar not acted upon be passed over.

The SPEAKER pro tempore. The Chair hears no objection.

ADJOURNMENT

Mr. LAWSON. Mr. Speaker, I move that this House do now adjourn until Monday, August 14, 1961 at 2 p. m., e. s. t.

The motion was agreed to, and (at 4:12 p. m., e. s. t.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

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SENATE

MONDAY, AUGUST 14, 1961.

The Senate met at 2:30 p. m., Eastern Standard Time.

The PRESIDING OFFICER (Joseph D. Ripp) in the Chair.

PRAYER

The Chaplain, REV. PETER VROOM, Pastor of Baptist Temple, Philadelphia, offered the following prayer:

Our God and our Father, we pause now for a moment before the opening of this, another Session of the Pennsylvania State Senate. We do thank Thee for every Member who is here. We pray that we may realize the tremendous task we have before us. We know there is a heavy order of business today.

Help us each to realize our responsibility to the Commonwealth of Pennsylvania; to the Members and the people who make up this great State of Pennsylvania. Also, Lord, help us to realize our responsibility to Thee. Help us to see that we live in difficult times. Help us to realize there is not a problem facing us which is beyond solution, and that we have within our grasp the opportunity to do big things. Help us to recognize the part God wants to play in our activities. We are frail individuals and we make mistakes. However, Thou hast the answer.

So, we pray Thy divine blessing and guidance upon every Member of this Senate. Help them to realize that God stands ready. Make us sensitive to Thy will and to Thy leadership. Then, Lord, help us in all things to give Thee the praise, for we do pray in Thy holy name. Amen.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WEINER and Mr. LANE, further reading was dispensed with, and the Journal was approved.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The Secretary to the Governor being introduced, presented communications in writing from his Excellency, the Governor, advising that the following Senate Bills had been approved and signed by the Governor:

SB 529, 576, 663, 693, 746 and 747.

APPROVAL OF SENATE CONCURRENT RESOLUTION

He also presented communication in writing from his Excellency, the Governor, advising that Senate Concurrent Resolution, recalling from the Governor **SB 735,** had been approved and signed by the Governor, which communication and bill were laid on the table.

SENATE BILL RETURNED WITHOUT APPROVAL

He also presented communication in writing from his Excellency, the Governor, advising that the following Senate Bill had been returned without approval: **SB 462**

The PRESIDING OFFICER. The communication and bill will be laid on the table.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

He also presented communications in writing from his Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBERS OF THE BOARD OF TRUSTEES OF EMBREEVILLE STATE HOSPITAL

August 14, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for appointment as members of the Board of Trustees of Embreeville State Hospital:

Mrs. Constance D. Braendel, Swedesford Road, Malvern, Chester County, until the third Tuesday of January 1965, and until her successor is appointed and qualified, vice Mrs. Janet Payne Whitney, Westtown, resigned.

E. Lewis Burnham, 296 Bair Road, Berwyn, Chester County, until the third Tuesday of January 1963, and until his successor is appointed and qualified. (Reappointment)

DAVID L. LAWRENCE

MEMBER OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE UNIVERSITY

August 14, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward J. Lynett, 1636 North Washington Avenue, Scranton, Lackawanna County, for reappointment as a member of the Board of Trustees of The Pennsylvania State University, until July 1, 1964, and until his successor shall have been appointed and qualified.

DAVID L. LAWRENCE

MEMBER OF THE STATE BOARD OF CHIROPODY EXAMINERS

August 14, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Matthew F. Gutowicz, 2522 East Allegheny Avenue, Philadelphia, Philadelphia County, for reappointment as a member of the State Board of Chiropody Examiners, for the term of four years, and until his successor shall have been appointed and qualified.

DAVID L. LAWRENCE

MEMBER OF THE BOARD OF TRUSTEES OF HAZLETON STATE HOSPITAL

August 14, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph J. Banyas, 437 Hemlock Street, Freeland, Luzerne County, for appointment as a member of the Board of Trustees of Hazleton State Hospital, until the third Tuesday of January 1965, and until his successor is appointed and qualified, vice John Evancho, Jr., Freeland, whose term expired.

DAVID L. LAWRENCE

JUSTICE OF THE PEACE

August 14, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Wayne C. Smith, Star Route, New Hope, Bucks County, for appointment as Justice of the Peace in and for the Township of Solbury, Bucks County, to serve until the first Monday of January 1962, vice William L. Kurtz, resigned.

DAVID L. LAWRENCE

HOUSE MESSAGES

HOUSE ADOPTS REPORTS OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House has adopted Report of Committee of Conference on **SB 104.**

He also informed the Senate that the House has adopted Reports of Committees of Conference on **HB 715, 716** and **990,** which were placed on the Calendar.

HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate, **SB 84, 298, 496** and **697,** with the information that the House has passed the same without amendments.

SENATE BILLS RETURNED WITH AMENDMENTS

He also returned to the Senate, **SB 111, 294** and **698,** with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. The bills, as amended, will be placed on the Calendar.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 320, 1190, 1446** and **1617.**

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO **SB 192,** AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments nonconcurred in by the Senate to **SB 192,** and has appointed Messrs. LIMPER, RENWICK, and WILT, as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO **SB 312,** AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments nonconcurred in by the Senate to **SB 312,** and has appointed Messrs. GAILEY, IRVIS, and GEORGE, as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO **SB 486,** AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments nonconcurred in by the Senate to **SB 486,** and has appointed Messrs. POLASKI, McDEVITT, and ADAMS, as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO **SB 716,** AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments nonconcurred in by the Senate to **SB 716,** and has appointed Messrs. IRVIS, MURPHY, and MARSH as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO HOUSE CONCURRENT RESOLUTION **No. 62,** AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its nonconcurrence in Senate amendments to House Concurrent Resolution **No. 62,** and has appointed Mrs. MUNLEY, Mrs. PASHLEY and Mr. WYND as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the difference existing between the two houses in relation to said resolution.

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO **HB 67,** AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon

its nonconcurrence in Senate amendments to **HB 67**, and has appointed Messrs. NEEDHAM, MUSTO and BOWER, as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE DISCHARGES COMMITTEE OF CONFERENCE ON **HB 678**, AND APPOINTS FREE COMMITTEE OF CONFERENCE

He also informed the Senate that the House has discharged Committee of Conference on **HB 678**, and has appointed Messrs. MUSTO, CROSSIN and HEFFNER, as a Free Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence **HB 65**, which was referred to the Committee on Military Affairs and Aeronautics.

He also presented for concurrence **HB 318** and **407**, which were referred to the Committee on Local Government.

He also presented for concurrence **HB 1219** and **1656**, which were referred to the Committee on State Government.

He also presented for concurrence **HB 1707**, which was referred to the Committee on Highways.

He also presented for concurrence **HB 137, 763, 764, 765, 771, 772, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 800, 801, 924, 1013, 1050, 1177, 1431, 1610, 1708** and **1709**, which were referred to the Committee on Appropriations.

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 81.**

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO **HB 81**

Mr. WEINER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 81, and that a Committee of Conference on the part of the Senate be appointed.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

PERMISSION GRANTED FOR IMMEDIATE CONSIDERATION OF CALENDAR

Mr. WEINER. Mr. President, I request that the Senate do now proceed to the order of business of consideration of today's Calendar.

The PRESIDING OFFICER. There being no objection, we will proceed with consideration of today's Calendar.

CALENDAR

REPORT OF COMMITTEE OF CONFERENCE

SB 88 (Pr. No. 1117)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 88, entitled:

An Act amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes, amending, revising, consolidating and changing the laws relating thereto," abolishing county institution districts in counties of the fourth, fifth and sixth classes, transferring their property, powers, duties and obligations to counties, prescribing certain further duties of county commissioners with regard to persons in foster homes and as to children and youth and regulating payments for care.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Berger,	Kessler,	Murray,	Staisey,
Camiel,	Lane,	Pechan,	Stevenson,
Devlin,	Mahady,	Propert,	Stiefel,
DiSilvestro,	Mallery,	Rooney,	Van Sant,
Donolow,	McCreesh,	Sarraf,	Wagner,
Flack,	McGinnis,	Scott,	Weiner,
Haluska,	McMenamin,	Seyler,	Yatron,
Hays,	Mullin,	Silvert,	Ripp,
Kalman,			Presiding Officer

NAYS—13

Bell,	Keller,	Shafer,	Wade,
Chapman,	Kromer,	Stroup,	Ware, III,
Fleming,	Madigan,	Taylor,	Wolfe,
Hawbaker,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

FINAL PASSAGE CALENDAR

BILL ON FINAL PASSAGE

SB 247 (Pr. No. 258)—On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

HB 1082—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

HB 1402—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

ANNOUNCEMENT CONCERNING SUBMISSION OF AMENDMENTS TO HIGHWAY OMNIBUS BILL

Mr. ROONEY. Mr. President, tomorrow morning at 11:30 a. m., the Committee on Highways will meet, ostensibly to bring out the Highway Codification Bills, House Bill No. 1259 and House Bill No. 1707.

All of the amendments to the Omnibus Bill—House Bill No. 1707—still are not in. The girls in Representative Comer's office, and in my office, are going to be working for the next seven or eight hours, trying to prepare these final amendments. Therefore, if any of the Senators have any amendments to the Omnibus Bill, I wish they would return them to my desk immediately.

THIRD READING CALENDAR

APPROPRIATION BILL ON THIRD READING AND FINAL PASSAGE

HB 1198 (Pr. No. 1370)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Stalsey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

EDUCATION BILLS OVER IN ORDER

SB 130, 646, 683, 688, 690, 734, HB 810, SB 867 and **HB 1377**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILLS OVER IN ORDER

HB 95 and **161**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

SB 195 (Pr. No. 1185)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Stalsey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

SB 353—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILL ON THIRD READING AND FINAL PASSAGE

SB 375 (Pr. No. 1154)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. STIEFEL. Mr. President, I want to make an appeal to the Membership of the Senate to favor this bill with its passage. This bill has had a long odyssey in the Senate of Pennsylvania. In the beginning, it was knocked with curses and now it is being blessed by most of the members of the industry. I am speaking of the so-called Collection Agency Bill.

I enjoyed the signal good fortune of having the opponents of this bill come to a public hearing, which was conducted by Senator Donolow, and then leave as friends and offer amendments which improved the bill. Of course, we owe a debt of gratitude to Senator Seyler who made it possible, because he is the Senator representing this group from York. It was Mr. Connoly and a few other citizens of fine repute and respect, throughout Pennsylvania, who came to help with the passage of this bill.

Out of fifty States, thirty-three States regulate collection agencies. In Pennsylvania, which is bordered by Ohio and New Jersey where this has been regulated, some shady elements have come across the Delaware to Philadelphia to conduct collection agencies. They then engage in disputed and shady practices. The main purpose of this bill is to regulate these people.

This is one of the finest bills prepared. What I used as a base—the Wisconsin law—has been improved to such an extent that the proposed bill is far superior to any other in the United States. I believe this is a very timely measure and will be of great service to the citizenry of Pennsylvania.

Mr. SEYLER. Mr. President, Senator Stiefel, in his discussion of this bill, adverted to the fact that at one stage in the bill's progress, he had the cooperation of some people

from my own county. I would like to say that the people with whom he conferred are people who have been in the forefront of the collection agency business. They are people who have had many, many years of experience and who have held important positions in the State organization.

It is now my opinion, Mr. President, as a result of the excellent work done by the Senator and the conferees on this bill, that we have an outstanding bill. It is a bill which, if passed, will serve as a model I believe for all of the States in the Union. I believe it will be the best bill in the Country. I think this opinion is held not only by those legitimate collection people, who are members of the State association and who are 100 per cent for it, but also in the eyes of the Banking Department, the Insurance Commission and others, who have found occasion to examine the bill and who have referred to it as being a model bill.

Therefore, Mr. President, I would hope that my colleagues would join Senator Stiefel in supporting this bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bell,	Fleming,	McCreesh,	Seyler,
Berger,	Haluska,	McGinnis,	Shafer,
Camiel,	Hawbaker,	Mullin,	Staisey,
Chapman,	Hays,	Murray,	Stiefel,
Confair,	Kalman,	Pechan,	Taylor,
Devlin,	Keller,	Rooney,	Van Sant,
DiSilvestro,	Lane,	Sarraf,	Ware, III,
Donolow,	Mahady,	Sesler,	

NAYS—17

Ehrgood,	Mallery,	Silvert,	Wagner,
Flack,	McMenamin,	Stevenson,	Weiner,
Kessler,	Propert,	Stroup,	Wolfe,
Kromer,	Scott,	Wade,	Ripp,
Madigan,			Presiding Officer

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

SB 413 (Pr. No. 1169)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Messrs. WEINER, SARRAF and DEVLIN, by unanimous consent, offered the following amendments:

> Amend second line of title page 1 by striking out the word "amending" and inserting "Repealing Section 5.1 of".
>
> Amend title page 2 by striking out in the ninth line the words "changing the number of signatures required on a petition" and all of the following lines of title and inserting "Relating to the dissolution of a withdrawal from certain departments of health".
>
> Amend Section 1, page 2, line 3, by striking out the words "amended to read" and inserting "repealed".
>
> Amend Section 1, page 2, lines 4 and 5 by striking out said lines.
>
> Amend Section 1, pages 3 and 4, by striking out both of said pages.
>
> Amend Section 1, page 5, by striking out lines 1 to 17 inclusive.

On the question,

Will the Senate agree to the amendments?

Mr. BERGER. Mr. President, from a hasty reading of these amendments, it would appear that striking out all of the material on pages 3 and page 4 would remove all of the referendum features from the bill. This, Mr. President, would be the same form of the bill that we defeated here some time ago.

Consquently, Mr. President, I believe the insertion of these amendments would simply strike out the one per cent referendum and leave no referendum whatsoever. Wheras, this bill now provides for a ten per cent referendum, which I believe was the original intent when the gentlemen who introduced the bill had it drawn. Therefore, Mr. President, I would ask my colleagues to vote "no" on these amendments.

Mr. President, I ask for a roll call.

Mr. WEINER. Mr. President, I would like to point out to the gentleman that this bill, Senate Bill No. 413, remains as a ripper to the county health plan in the sense that you can get ten per cent of the electorate to put this on the ballot and then campaign against it. Usually those campaigns, where they have taken place, have been pretty well financed and have usually been successful.

I believe the gentleman here who probably knows more about it than anyone else is Senator Pechan, as this happened in Butler County. After a county health program was set up, the question of whether to retain it was put on the ballot. There was a campaign that operated with real drive—the same as a political campaign—and the program was ripped out.

The same type situation never came to fruition in a county that is closer to Philadelphia—in Montgomery County. This tore the county asunder and the program never even went into effect, I think much of the county's detriment. However, I think the people there will have to make up their own minds about that, as they were the losers by this.

These amendments simply bring this bill back to where House Bill No. 1496 was, which would not permit a ripper to take place. We feel that is more to be desired because of the money spent, both by the State and the local area, in setting up this type of program. When you need so few people to rip it out, I think you can gain a number of persons who would come to a primary election and do real damage to the public health program, which is really preventive medicine operating for the general good.

I would think my colleagues would want to follow along the line of protecting this type of a situation rather than doing anything to hinder it. Therefore, I would suggest to them that if they feel these are bad amendments and do not want to go along with this bill, I will agree with them that we recommit it to committee. They can then bring back House Bill No. 1496,—which they can very easily do—and we will be glad to give them the same twenty-five votes that we did before to help pass it. That is our position in this matter, and I wanted to make it perfectly clear for the record.

Mr. BERGER. Mr. President, I do not remember that the gentleman gave twenty-five votes to help pass that bill, because it was defeated. However, Mr. President, I can hardly agree that this bill is a ripper bill in its present form, when you provide that a petition of ten per cent of the highest total vote cast for any county office at the

last municipal election shall place it on the ballot for a referendum.

Mr. President, that is not a ripper bill. It is a referendum bill, and it makes the referendum more difficult by requiring ten times more than the present law requires.

Mr. EHRGOOD. Mr. President, in this referendum feature, it is important to note that it does provide for ten per cent of the highest vote cast. I would merely draw to the attention of this Chamber the fact that, by analogy, in providing for the referendum for the Sunday sale of liquor in hotels in Philadelphia and Pittsburgh, the proponents of that bill, after a great deal of crying to the Members of the Legislature, had the 1959 bill amended to provide that only 25,000 votes would be needed to get the question on the ballot.

This provides for a great many more signatures to get it on the ballot. I would state that undoubtedly in Philadelphia, for example, out of 800,000 to 1,000,000 votes, we can easily see the differentiation.

Mr. WEINER. Mr. President, I can see where the confusion arises in the gentleman's mind in trying to equate a liquor measure with a health measure. I want to dispel that confusion immediately. There is no expenditure on the part of the State or the local government whatsoever in setting up a license for the sale of liquor on Sunday and letting the electorate decide on that. I think it is certainly infinitely more complex and certainly more expensive, after you have set up a county health program, to have the people rip it out. There is no comparison, because in one case you have an individual who expends his own funds and he may or may not do well in the business. On the other hand, you have the county expending the money and you have the State expending the money. After you have had this program set up, and possibly even flourishing and moving at a good rate, to have a small number of people rip it out or have the ability to rip it out I think is something to be abhorred.

Mr. PECHAN. Mr. President I just cannot go along with the thinking of the Majority Leader. You will all recall that just two years ago, the city of Philadelphia had its own health unit. They did not want to have a thing to do with the State until they had gotten into such a situation that they needed money. If you will recall, the Commonwealth gave the city of Philadelphia three and one-half millions of dollars, and they became a county health unit.

I cannot quite understand how in two years this county health unit business has become such a wonderful thing. I would like everyone of you to come to the County of Butler and talk to a majority of the people. They will tell you that some $214,000 a year was spent foolishly. I do not say that we do not need a health unit. I think if they are set up properly and if they are administered properly, the people will, in the long run, get something for their money.

I hate to repeat myself, Mr. President. However, you will recall that Butler County—in fact, throughout the Commonwealth—was used as a pilot. A foundation gave Butler County $50,000 to start a county health unit. They did such a good job on the $50,000 that the county adopted the plan, but, in last year's budget, they spent some $214,000 and they got nothing but a bunch of statistics. When you went to see the head of the health department, you could not get to see him. He set himself up as a little dictator. I do not say that the man did not have the ability. He is now, I think, in the State of New Jersey. In any event, the majority of the people of Butler County—the vote was 19,000 to 14,000—voted to throw the health department out.

Certainly, there are many, many good reasons why we should have some restrictions; for instance, on sewage. However, I want to say to you that I can show you letters I received from people who were having open sewage going through their homes. This was done before we had the county health unit. When they had the county health unit, the county health unit told them there was nothing they could do about it.

I think if we want to do a real job, we would give power to the State Department of Health so they could go into these areas and make some changes and remedy some of these nasty conditions which exist. It is my understanding that the township supervisors can come into an area and restrict some of this bad sewerage that is going on and the cesspools that are inadequate and misplaced. However, the Department of Health, under Doctor Wilbar, does not have that authority. It does not make sense to me.

When the Department of Health can come up and show us that the county health units are a good thing—for instance, take Allegheny County. I want to commend Allegheny County for the very, very fine job that they do. If I lived in Allegheny County, I would not vote against their present setup. Certainly, if I lived in Butler County, I would have voted against the unit, as most of the people did.

It seems to me that one of the great lures of the two big counties is the seventy-five cents per capita subsidy if they have a county health unit. In so far as doing a good job in Butler County, they did not do it. It can be done probably when the State sets up regulations which will make this thing workable. It must not only be workable, but it must give the people something for their money, when they spent some one-quarter of a million dollars in a little county like Butler.

Mr. FLEMING. Mr. President, certainly not by the wildest stretch of the imagination can this be designated as a ripper bill. This is dealing entirely with the problem of a referendum. I, along with my several Democratic colleagues from Allegheny County, introduced this bill some months ago, and, for reasons best known to themselves, several of my colleagues from Allegheny County decided to be against this bill.

I merely want to draw to the attention of the Members of this Senate that the two Democratic Commissioners of Allegheny County, Doctor McClelland and Mr. McGrady, under whose supervision the county health department operates, just on Thursday of this last week came out in favor of this bill. I may not be quoting correctly, but the fact is this: Doctor McClelland said in a newspaper article that he could see nothing wrong with a referendum vote, and further that certainly when you were requiring ten per cent of the highest number of voters who voted in the last election to sign a petition to place it before the people, he could see nothing wrong with such a procedure. Also, he felt that if the county health unit was doing a good job, it had nothing to fear from a referendum vote, but would be getting a vote of confidence from the people. With that statement, I completely concur.

Senator Pechan and I offered amendments last week which materially strengthened this bill. We provide in the amendments—if any Member will look at them—that the

referendum cannot be repeated more often than once in five years.

I think this is a good bill as it is now. I would certainly join with my colleague, the Minority Leader, Senator Berger, in asking the Members of this Senate to vote against these amendments.

Mr. PECHAN. Mr. President, I do not want to prolong this discussion too much. However, Senator Fleming brought out the fact that under the amendments which he and I offered last week, a referendum cannot be brought up more than once every five years.

As I stated here on the floor last week, a Mr. Broughton, who is very much interested in this health business, wrote to me two years ago, when, through my committee, this phase of the county health referendum was placed in a bill, allowing Philadelphia to receive three and one-half million dollars. I think I quoted from Mr. Broughton's letter in which he stated that he had no fear that if a county health unit were in effect for five years, the people would vote it down. I, at his insistence, offered that amendment. It was his amendment which I put into the bill, in 1959. As you will recall, that bill passed the Senate by a vote of 50-0.

It is hard for me to understand, when I look at the sponsors of this bill—namely, Senator Sarraf, Senator Devlin, Senator Ripp, Senator Staisey, Senator McGinnis and Senator Fleming—how they can vote against a bill which they introduced. I surely did not ask them to introduce it. Why they now have a change of heart, I do not know.

Mr. DEVLIN. Mr. President, just to make a few further remarks on the subject, I think possibly why Mr. Broughton has changed his position, as Senator Pechan reports it to have been two years ago, is because of the matter which he conveyed to Senator Sarraf, myself and the other sponsors of Senate Bill No. 413, originally. After we introduced the bill, he said that despite this increase in the percentage from one to ten, it is impossible to acquire or maintain a good staff, without giving them the tenure which is not threatened by the possibility of a referendum either next year, five years or every five years. That is the reason why we asked for and advocated House Bill No. 1496, and that is the reason why these amendments are being offered. We are inserting these amendments in order to confirm their position and to agree with their position that they will not be able to keep or acquire the necessary staff to give us a good health program, unless we can guarantee them that there will be no referendum to jeopardize them every five years.

Mr. WEINER. Mr. President, I belive the gentleman was delving back into ancient history and, therefore, he must be aware of the fact that this was the only way we could get the bill—by going along with this minimal amendment. At that time, the votes were on the other side of the aisle and there was no other way for us to get it. In other words, if we did not take that bill, we would have had no bill whatsoever. Therefore, we went along with the best possible minimum we could get.

I also would like to point out that this is the only type of legislation that I know of, especially dealing with such a complex subject as this, which has a ripper provision right inside the legislation itself. As the gentleman from Lebanon previously pointed out, regarding the minimum number needed to get the electorate to vote on a situation under the Liquor Control Code, I think there was no ripper in that. The referendum was in there in order to install it. Even then it is no ripper, once the people have put it in. In this legislation, we have the county putting it in, but we also have a ripper which can tear it out after it has been installed by the people and the money is spent.

I would also like to point out to the Senator that the county health program is enforced in the city of Philadelphia and has been working very well for a number of years. It was working very well before the Commonwealth gave them any money at all. Finally, when the State condescended to do so, it is even working better than before.

I have no fear that this will ever happen to upset the program as we have it in Philadelphia, because preventive medicine, as the good Doctor knows, is necessary. I think he should be one who would advocate that these professional people who come in be allowed to work on this program and be allowed to participate in it, without having the fear that they are being jeopardized every day they are there because somebody is going to get a number of signatures and start a campaign to destroy it.

Mr. MULLIN. Mr. President, I desire to interrogate the gentleman from Armstrong, Senator Pechan.

The PRESIDING OFFICER. Will the gentleman from Armstrong, Mr. Pechan, permit himself to be interrogated?

Mr. PECHAN. I will, Mr. President.

Mr. MULLIN. Senator Pechan, did you say that in Butler County they appointed an incompetent health board and, subsequently, they were voted out because of that reason?

Mr. PECHAN. I did not say that it was because of incompetency. I said that the head of the department set himself up as a dictator and would not allow the people to come in. I mean, you could not get in to see him. He just set himself up as a dictator.

Mr. MULLIN. Would you say that a person who sets himself up as a dictator is competent?

Mr. PECHAN. Did you ask whether he would be incompetent?

Mr. MULLIN. Is he competent or incompetent?

Mr. PECHAN. I guess there are some dictators who are pretty competent.

Mr. MULLIN. If he is incompetent, he would not be competent to do his work. You stated that the person who was appointed refused to solve any of the health problems in the county and, subsequently, was voted out.

Mr. PECHAN. I did not say that he did not solve any of them. The people with health problems did not have their problems solved, and whether it was because of his personality or whether it was because of his incompetency, I do not know. However, the people of Butler were not satisfied with what they were receiving for their money.

Mr. MULLIN. Are the Butler County Commissioners controlled by the Republican Party or the Democratic Party?

Mr. PECHAN. I want to tell you something very peculiar about Butler County. It is a Republican county, but the President of the Board of Commissioners is a very fine, competent, young Democrat by the name of Jim Green. No doubt you know him. He is an associate of Miss Genevieve Blatt. They are so democratic in Butler County that they made this minority Commissioner the President of the Board of Commissioners. That is a peculiar situation, is it not?

Mr. MULLIN. It is not peculiar in some upstate counties where you cannot tell the minority commissioner from the majority commissioner. However, certainly the board itself, which was appointed, if they did not do their work and did not do it properly, would you not admit that they were incompetent?

Mr. PECHAN. The board had nothing to do with it.

Mr. MULLIN. I am referring to the health board.

Mr. PECHAN. We had one man as the Director of Health, but his name escapes me. I never met the man. I do not know how long he was there. We had a Republican doctor who took over. Since you are bringing in politics, let me say to you that this doctor was a practicing physician in Butler County and he did a tremendous job. The people were satisfied. For some reason or other, when the Administration changed in Harrisburg, mind you, they let this Republican physician go and brought in somebody—I do not know where he came from—and made him head of this department of health. The day they brought him in, the county health unit in Butler County went "kerplunk."

Mr. MULLIN. Thank you, Senator Pechan.

I just want to say that there is one way of defeating a county health unit and that is to put incompetents in charge, deliberately, and then have them not do the work for which they are appointed to do. That can happen, especially where the people control the appointment of them. They put this type of person in office for the very purpose of sabotaging the health program.

Mr. PECHAN. Mr. President, I have one more statement and then I promise all forty-nine of the Members that I shall quit.

Senator Devlin brought out the fact that if these amendments are not accepted and we do not pass House Bill No. 1496, then physicians who become directors of the county health units will shy away from those counties where they are employed. I want to say to you that I happen to be a dentist and I do not shy away from elections every four years. I have no tenure that I am going to be a Senator. I do not mind it at all. If I do a good job, I feel that I am going to stay here. I am sure that if this man had done a good job, the county health unit in Butler County would not have failed.

Mr. WEINER. Mr. President, I ask my colleagues to vote "aye" on these amendments.

Mr. FLEMING. Mr. President, I ask for a roll call.

And the question recurring,

Will the Senate agree to the amendments?

The yeas and nays were required by Mr. BERGER and Mr. FLEMING, and were as follows, viz.:

YEAS—24

Camiel,	Kalman,	Mullin,	Silvert,
Devlin,	Lane,	Murray,	Stalsey,
DiSilvestro,	Mahady,	Rooney,	Stiefel,
Donolow,	McCreesh,	Sarraf,	Weiner,
Haluska,	McGinnis,	Sesler,	Yatron,
Hays,	McMenamin,	Seyler,	Ripp, Presiding Officer

NAYS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

So the question was determined in the negative, and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

Mr. WEINER. Mr. President, I now request that Senate Bill No. 413 go over in its order.

The PRESIDING OFFICER. Is there objection?

Mr. BERGER. Mr. President, I object to the bill going over in its order.

Mr. WEINER. Mr. President, I move that Senate Bill No. 413 go over in its order.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BERGER. Mr. President, I ask for a roll call on this motion.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. BERGER, and were as follows, viz.:

YEAS—24

Camiel,	Kalman,	Mullin,	Silvert,
Devlin,	Lane,	Murray,	Stalsey,
DiSilvestro,	Mahady,	Rooney,	Stiefel,
Donolow,	McCreesh,	Sarraf,	Weiner,
Haluska,	McGinnis,	Sesler,	Yatron,
Hays,	McMenamin,	Seyler,	Ripp, Presiding Officer

NAYS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

So the question was determined in the negative, and the motion was defeated.

And the question recurring,

Shall the bill pass finally?

Mr. WEINER. Mr. President, I ask my colleagues to vote "no" on Senate Bill No. 413, Printer's No. 1169 for the reasons that we have stated. We favor the other measure and we would like our colleagues to think very seriously about it, tomorrow being the last day to reconsider the other measure which was defeated—House Bill No. 1496.

Mr. FLEMING. Mr. President, I cannot understand the reasoning of the Majority Leader. Assuming that his argument is correct, the fact still remains that this bill now raises the necessary number of signatures from one per cent to ten per cent. It also inserts in it the provision that this question cannot be voted upon more often than once in five years.

I would suggest to the Majority Leader that if this bill is defeated and if he has succeeded in having my colleagues from Allegheny County on his side of the aisle, who are co-sponsors of this measure, vote against it, then he has done a distinct disservice to the very cause which he espouses, because this will be the last time, I am afraid, that you will have the opportunity of

doing what you say—namely, making a bad situation a little better—and doing what we on this side of the aisle believe is a good thing in preserving for the people the right of referendum.

Mr. WEINER. Mr. President, I feel there is hope, as long as the gentleman says that he has a bad situation and he is trying to make it a little bit better. We want to make it a lot better, and we hope that he will reconsider his action on the other bill.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

VERIFICATION OF THE ROLL

Mr. FLEMING. Mr. President, I ask for a verification of the roll.

The PRESIDING OFFICER. Request has been made to have the roll verified. The Clerk will proceed to call the voted in the affirmative as follows:

names of those recorded as voting in the affirmative.

The Clerk read the names of those recorded as having voted in the affirmative as follows:

Bell	Hawbaker	Pechan	Taylor
Berger	Keller	Propert	Van Sant
Chapman	Kessler	Scott	Wade
Confair	Kromer	Shafer	Wagner
Ehrgood	Madigan	Stevenson	Ware, III
Flack	Mallery	Stroup	Wolfe
Fleming			

The PRESIDING OFFICER. Are there any corrections? The Chair hears none. The affirmative roll will stand as verified.

The Clerk will now proceed to call the names of those recorded as voting in the negative.

The Clerk read the names of those recorded as having voted in the negative as follows:

Camiel	Kalman	Mullin	Seyler
Devlin	Lane	Murray	Silvert
DiSilvestro	Mahady	Ripp	Staisey
Donolow	McCreesh	Rooney	Stiefel
Haluska	McGinnis	Sarraf	Weiner
Hays	McMenamin	Sesler	Yatron

The PRESIDING OFFICER. Are there any corrections? The Chair hears none. The negative roll will stand as verified.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

NAYS—24

Camiel,	Kalman,	Mullin,	Silvert,
Devlin,	Lane,	Murray,	Staisey,
DiSilvestro,	Mahady,	Rooney,	Stiefel,
Donolow,	McCreesh,	Sarraf,	Weiner,
Haluska,	McGinnis,	Sesler,	Yatron,
Hays,	McMenamin,	Seyler,	Ripp, Presiding Officer

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILLS ON THIRD READING AMENDED

HB 518 (Pr. No. 2355)—Read at length the third time.

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendments:

Amend Section 2, page 3, by striking out "any" on line 17 after the word "zones".

Amend Section 2, page 3, by striking out lines 17, 18 and 19.

Amend Section 2, page 4, by striking out lines 1 to 3.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

HB 522 (Pr. No. 2575)—Read at length the third time.

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendments:

Amend Sec. 4, page 19, line 12, by inserting after "(P. L. 1577)": and subsection (a) amended June 21, 1961 (Act No. 253)

Amend Sec. 4 (Sec. 615), page 19, lines 19 and 20, by striking out "fifteen" in line 19, all of line 20, and inserting: on or after the fifteenth day of the month immediately preceding the beginning of such license period

Amend Sec. 5, page 20, line 11, by inserting after "1015": subsection (a) of section 819 amended July 14, 1961 (Act No. 313)

Amend Sec. 5, (Sec. 819), page 25, line 4, by inserting after "vehicles": trucks, truck tractors.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

BILL OVER IN ORDER

HB 621—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILLS ON THIRD READING AND FINAL PASSAGE

SB 742 (Pr. No. 1151)—Read at length the third time and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Mullin,	Stevenson,
Berger,	Keller,	Murray,	Stiefel,
Camiel,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,

Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Ripp,
Hays,			Presiding Officer

NAYS—1

Chapman,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 750 (Pr. No. 1155)—Read at length the third time and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bell,	Hays,	Pechan,	Stiefel,
Berger,	Kalman,	Rooney,	Taylor,
Camiel,	Lane,	Sarraf,	Van Sant,
Confair,	Mahady,	Scott,	Wagner,
Devlin,	Mallery,	Sesler,	Ware, III,
DiSilvestro,	McCreesh,	Seyler,	Weiner,
Donolow,	McGinnis,	Shafer,	Wolfe,
Flack,	McMenamin,	Silvert,	Yatron,
Fleming,	Mullin,	Staisey,	Ripp,
Haluska,	Murray,	Stevenson,	Presiding Officer

NAYS—10

Chapman,	Keller,	Madigan,	Stroup,
Ehrgood,	Kessler,	Propert,	Wade,
Hawbaker,	Kromer,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

SB 801—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

SB 876 (Pr. No. 1125)—Read at length the third time and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Camiel,	Kalman,	Mullin,	Staisey,
Chapman,	Lane,	Murray,	Stevenson,
Devlin,	Mahady,	Rooney,	Stiefel,
DiSilvestro,	Mallery,	Sarraf,	Wagner,
Donolow,	McCreesh,	Sesler,	Weiner,
Haluska,	McGinnis,	Seyler,	Yatron,
Hays,	McMenamin,	Silvert,	Ripp,
			Presiding Officer

NAYS—21

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Ware, III,
Flack,	Madigan,	Stroup,	Wolfe,
Fleming,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

SB 877 (Pr. No. 1152)—Read at length the third time and agreed to.

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. SEYLER. Mr. President, may we be at ease for a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. SEYLER. Mr. President, I desire to change my vote from 'aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. HAYS. Mr. President, I also desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—21

Camiel,	Mahady,	Mullin,	Staisey,
DiSilvestro,	Mallery,	Murray,	Stiefel,
Donolow,	McCreesh,	Rooney,	Weiner,
Haluska,	McGinnis,	Sesler,	Yatron,
Kalman,	McMenamin,	Silvert,	Ripp,
Lane,			Presiding Officer

NAYS—28

Bell,	Fleming,	Pechan,	Stroup,
Berger,	Hawbaker,	Propert,	Taylor,
Chapman,	Hays,	Sarraf,	Van Sant,
Confair,	Keller,	Scott,	Wade,
Devlin,	Kessler,	Seyler,	Wagner,
Ehrgood,	Kromer,	Shafer,	Ware, III,
Flack,	Madigan,	Stevenson,	Wolfe,

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILL RECOMMITTED

HB 1015 (Pr. No. 1641)—Upon motion of Mr. WEINER, seconded by Mr. SARRAF, and agreed to, the bill was recommitted to the Committee on Judiciary General.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 1217 (Pr. No. 2584)—Read at length third time and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,

DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1220 (Pr. No. 2554)—Read at length the third time and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz.:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1251 (Pr. No. 1425)—Read at length the third time and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz.:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 1427 (Pr. No. 1721)—Read at length the third time and agreed to.

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. WEINER. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. LANE. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. DEVLIN. Mr. President, I also desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz.:

YEAS—21

Camiel,	Mahady,	Murray,	Silvert,
DiSilvestro,	McCreesh,	Rooney,	Staisey,
Donolow,	McGinnis,	Sarraf,	Stiefel,
Haluska,	McMenamin,	Sesler,	Yatron,
Hays,	Mullin,	Seyler,	Ripp,
Kalman,			Presiding Officer

NAYS—28

Bell,	Fleming,	Mallery,	Taylor,
Berger,	Hawbaker,	Pechan,	Van Sant,
Chapman,	Keller,	Propert,	Wade,
Confair,	Kessler,	Scott,	Wagner,
Devlin,	Kromer,	Shafer,	Ware, III,
Ehrgood,	Lane,	Stevenson,	Weiner,
Flack,	Madigan,	Stroup,	Wolfe,

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILLS ON THIRD READING AND FINAL PASSAGE

HB (1510 (Pr. No. 2059)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz.:

YEAS—43

Bell,	Kalman,	Murray,	Stroup,
Camiel,	Keller,	Pechan,	Taylor,
Devlin,	Kessler,	Propert,	Van Sant,
DiSilvestro,	Kromer,	Rooney,	Wade,
Donolow,	Lane,	Sarraf,	Wagner,
Ehrgood,	Mahady,	Sesler,	Ware, III,
Flack,	Mallery,	Seyler,	Weiner,
Fleming,	McCreesh,	Shafer,	Wolfe,
Haluska,	McGinnis,	Silvert,	Yatron,
Hawbaker,	McMenamin,	Staisey,	Ripp,
Hays,	Mullin,	Stiefel,	Presiding Officer

NAYS—6

Berger,	Confair,	Scott,	Stevenson,
Chapman,	Madigan,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1578 (Pr. No. 2555)—Read at length the third time and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz.:

YEAS—41

Berger,	Kromer,	Propert,	Stiefel,
Camiel,	Lane,	Rooney,	Taylor,
Confair,	Mahady,	Sarraf,	Van Sant,
Devlin,	Mallery,	Scott,	Wade,
DiSilvestro,	McCreesh,	Sesler,	Wagner,
Donolow,	McGinnis,	Seyler,	Ware, III,
Haluska,	McMenamin,	Shafer,	Weiner,
Hays,	Mullin,	Silvert,	Wolfe,
Kalman,	Murray,	Staisey,	Yatron,
Keller,	Pechan,	Stevenson,	Ripp,
Kessler,			Presiding Officer

NAYS—8

Bell,	Ehrgood,	Fleming,	Madigan,
Chapman,	Flack,	Hawbaker,	Stroup,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1588 (Pr. No. 1989)—Read at length the third time and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz.:

NAYS—49

Bell,	Kalman,	Mullin,	Stevenson,
Berger,	Keller,	Murray,	Stiefel,
Camiel,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Ripp,
Hays,			Presiding Officer

NAYS—1

Chapman,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

HB 1678 and **1683**—Without objection, the bills were passed over in their order at the request of Mr. BERGER.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 1704 (Pr. No. 2138)—Read at length the third time and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz.:

YEAS—24

Camiel,	Kalman,	Mullin,	Silvert,
Devlin,	Lane,	Murray,	Staisey,
DiSilvestro,	Mahady,	Rooney,	Stiefel,
Donolow,	McCreesh,	Sarraf,	Weiner,
Haluska,	McGinnis,	Sesler,	Yatron,
Hays,	McMenamin,	Seyler,	Ripp,
			Presiding Officer

NAYS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILL OVER IN ORDER

HB 1793—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

HB 1221 CALLED UP OUT OF ORDER

HB 1221 (Pr. No. 2585)—Without objection, the bill was called up out of order, from page 20 of the Second Reading Calendar, by Mr. WEINER.

BILL ON SECOND READING

HB 1221 (Pr. No. 2585)—Read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

BILL RECOMMITTED

HB 1221 (Pr. No. 2585)—Mr. WEINER. Mr. President, I move that House Bill No. 1221, Printer's No. 2585, which was just read for the second time, be recommitted to the Committee on Local Government. As stated by the Chairman when he brought the bill out, this bill is to be recommitted to committee. The committee will then hold another meeting and take whatever action it sees fit on the amendments which now appear in the bill.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. McMENAMIN. Mr. President, I wish to be recorded as voting "no" on this motion to recommit.

And the question recurring,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative and the bill was recommitted.

REPORT OF FREE COMMITTEE OF CONFERENCE SUBMITTED

Mr. McMENAMIN submitted the Report of Free Committee of Conference on **HB 678,** which was laid over for printing under the rules.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Mr. ROONEY submitted the Report of Committee of Conference on **SB 192,** which was placed on the Calendar.

SIXTH BIENNIAL REPORT OF THE PENNSYLVANIA COMMISSION ON INTERSTATE COOPERATION

Mr. WEINER. Mr. President, I ask unanimous consent to present a report at this time.

The PRESIDING OFFICER. The gentleman may proceed.

Mr. WEINER. Mr. President, I have been requested by the Pennsylvania Commission on Interstate Cooperation to submit its Sixth Biennial Report to the Governor and the General Assembly.

The PRESIDING OFFICER. This report will be noted in the Journal and printed in the Appendix.

COMMITTEE OF CONFERENCE APPOINTED ON HB 81

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs. ROONEY, McCREESH and WARE, III, as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to House Bill No. 81.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECESS

Mr. BERGER. Mr. President, I now request a fifteen minute recess of the Senate for the purpose of holding a Republican Caucus.

The PRESIDING OFFICER. Are there any objections?

Mr. FLEMING. Mr. President, I would like to announce that the Republican Caucus will be held in Senator Berger's office, in the rear of the Senate Chamber.

The PRESIDING OFFICER. Hearing no objection, the Chair declares a fifteen minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

HB 1438 CALLED UP OUT OF ORDER

HB 1438 (Pr. No. 2587)—Without objection, the bill was called up out of order, from page 23 of the Second Reading Calendar, by Mr. WEINER.

BILL OVER IN ORDER

HB 1438—Without objection, the bill was passed over in its order at the request of Mr. LANE.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. SILVERT. Mr. President, I regretfully request a five minute recess for the purpose of holding a meeting of the Committee on Finance, to be held in the Appropriations Committee Room.

Mr. WEINER. Mr. President, the Committee on Appropriations is also desirous of holding a meeting, to be held in the Appropriations Committee Room, immediately following the meeting of the Committee on Finance.

Mr. FLEMING. Mr. President, I desire to interrogate the Majority Leader.

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Mr. Weiner, permit himself to be interrogated?

Mr. WEINER. I will, Mr. President.

Mr. FLEMING. Mr. President, I would like to ask the gentleman if it is his plan to completely disregard the 6:00 o'clock closing time from here on in, or if he has any idea of keeping it. I think the health of the Members certainly deserves consideration. It looks now as though we are going to be here for a considerable length of time yet. I think many of the Members would like to know just how long we are going to be in Session presently.

Mr. WEINER. Mr. President, I will answer the gentleman's questions in the following order:

I did not ask for a Caucus. I was ready to proceed with the Second Reading Calendar. These meetings will not last very long. It is my intention also to have the Second Reading Calendar move along while these meetings are going on. We will try to complete the business here as soon as we possibly can.

The PRESIDING OFFICER. There being no objection, the respective Committees will hold their meetings while the Senate proceeds with consideration of the Second Reading Calendar.

SECOND READING CALENDAR

EDUCATION BILLS OVER IN ORDER

SB 611, 613, 640, 658, 870, HB 944, 1619 and 1720—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

EDUCATION BILL ON SECOND READING

HB 1813 (Pr. No. 2430)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

HB 36—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILLS ON SECOND READING

HB 203 (Pr. No. 1339) and **HB 216 (Pr. No. 1861)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

HB 337—Mr. PECHAN. Mr. President, I request that House Bill No. 337 go over in its order.

The PRESIDING OFFICER. Is there objection?

Mr. WEINER. Mr. President, I am not going to formally object. However, I think we ought to move this bill up to Third Reading and in one way or another dispose of it. I hope that tomorrow will be a good day to move this bill up so that we can get it into position to work on it on Wednesday.

The PRESIDING OFFICER. There being no objection, the bill will go over in its order.

SB 354 and **473**—Without objection, the bills were passed over in their order at the request of Mr. PECHAN.

HB 527—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON SECOND READING

HB 565 (Pr. No. 610)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

HB 573—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

BILL ON SECOND READING AMENDED

SB 598 (Pr. No. 1045)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. PECHAN, on behalf of Mr. BERGER, offered the following amendments:

Amend Title, page 1, fourth and fifth lines of Title, by striking out "EXCEPT BY EMINENT DOMAIN property interests" and inserting: conservation easements.

Amend Sec. 1, page 2, lines 1 to 18, page 3, lines 1 and 2, by striking out all of said lines.

Amend Sec. 2, page 3, line 3, by striking out "2" and inserting: 1.

Amend Sec. 2, page 4, lines 3 to 7, by striking out all of said lines.

Amend Sec. 3, page 4, line 8, by striking out "3" and inserting: 2.

Amend Sec. 3, page 4, line 8, by striking out "Property Interests" and inserting: Conservation Easements.

Amend Sec. 3, page 4, line 13, by striking out "property interests" and inserting: conservation easements.

Amend Sec. 3, page 4, line 13, by inserting after "bequest:" or.

Amend Sec. 3, page 4, line 14, by striking out "or otherwise EXCEPT BY EMINENT DOMAIN."

Amend Sec. 3, page 4, line 18, by striking out "aesthetic."

Amend Bill, page 5, by inserting between lines 2 and 3:

Section 3 Acquisition of Conservation Easements for Reservoir Purposes by Eminent Domain —The Commonwealth of Pennsylvania through the Department of Forests and Waters or any political subdivision of the Commonwealth shall have the power to acquire conservation easements for future reservoir sites or to protect or expand reservoir sites now or hereafter existing or to provide ingress and agress to existing reservoir sites by use of eminent domain in the same manner that such governmental unit acting as condemnor is now or hereafter may be authorized by law to condemn other property

Amend Sec. 4, page 5, line 8, by striking out "Property Interests Any property interest" and inserting: Conservation Easements Any conservation easement

Amend Sec. 4, page 5, line 11, by striking out "property interest" and inserting: conservation easement

Amend Sec. 4, page 5, line 13, by striking out "property interests" and inserting: conservation easements

Amend Sec. 5, page 5, line 14, by striking out "Property Interests" and inserting: Conservation Easements

Amend Sec. 5, page 5, line 15, by striking out "property interest or interests" and inserting: conservation easement

Amend Sec. 5, page 5, lines 16 and 17, by striking out "property interest or interests" and inserting: conservation easement

Amend Sec. 5, page 5, line 17, by striking out "may sell such interest or interests" and inserting: shall first offer to sell the same or any portion thereof

Amend Sec. 5, page 5, line 19, by inserting after "agency:" In the case of a conservation easement for reservoir purposes which was acquired by eminent domain if the offer to sell such conservation easement to another governmental unit or to a State Federal or State-Federal agency is rejected the governmental unit holding such conservation easement shall then offer to reconvey the conservation easement to the condemnee or his successor in interest at the price paid upon condemnation Any such conservation easement not sold to another governmental unit or to a State Federal or State-Federal agency or in the case of a conservation easement for reservoir purposes acquired by eminent domain to the condemnee or his successor in interest shall be sold at public sale in the manner provided by law

Amend Sec. 5, page 5, line 19, by inserting after "Commonwealth:" any

Amend Sec. 5, page 6, line 2, by inserting after "Commonwealth:" any

Amend Sec. 5, page 6, lines 3 and 4, by striking out "property interests" and inserting: conservation easements

Amend Bill, page 6, by inserting between lines 6 and 7:

Section 6 Power of Eminent Domain to Con tinue as Heretofore—Nothing herein contained shall be construed as a limitation upon the power of any governmental unit to acquire land for park purposes by means of eminent domain as authorized under existing law.

Amend Sec. 6, page 6, line 7, by striking out "6" and inserting: 7

Amend Sec. 7, page 6, line 13, by striking out "7" and inserting: 8

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. PECHAN.

BILLS OVER IN ORDER

HB 626—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

SB 651—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

BILLS ON SECOND READING

SB 665 (Pr. No. 775) and **SB 666 (Pr. No. 1150)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

HB 720—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

BILL ON SECOND READING

SB 744 (Pr. No. 874)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL REREFERRED

SB 744 (Pr. No. 874)—Upon motion of Mr. WEINER, seconded by Mr. DEVLIN, and agreed to, the bill just read was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 785, 786 and **806**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL ON SECOND READING

SB 816 (Pr. No. 994)—Read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

BILL REREFERRED

SB 816 (Pr. No. 994)—Upon motion of Mr. MAHADY, seconded by Mr. WEINER, and agreed to, the bill just read was rereferred to the Committee on Appropriations.

BILL ON SECOND READING

HB 826 (Pr. No. 2487)—Read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

BILL ON SECOND READING AMENDED

SB 828 (Pr. No. 1156)—The bill was read.
On the question,
Will the Senate agree to the bill on second reading?
Mr. WEINER offered the following amendments:

Amend Section 1 (Section 1315), page 4, line 7, by striking out "or".
Amend Section 1 (Section 1315), page 4, line 7, by inserting after "allocations": and programs for the development of academic facilities
Amend Section 1 (Section 1315), page 4, line 14, by inserting after "programs": for the development of academic facilities
Amend Section 1 (Section 1315), page 4, line 18, by inserting after "grams": for the development of academic facilities
Amend Section 1 (Section 1315), page 5, line 1, by striking out "or".
Amend Section 1 (Section 1315), page 5, line 2, by inserting after "and": programs for the development of academic facilities
Amend Section 1 (Section 1315), page 5, line 7, by inserting after "jurisdiction", and
Amend Section 1 (Section 1315), page 5, line 19, by inserting after "any": academic facilities

On the question,
Will the Senate agree to the amendments?
They were agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

BILLS ON SECOND READING

SB 835 (Pr. No. 1035), SB 836 (Pr. No. 1174), SB 845 (Pr. No. 1049), SB 865 (Pr. No. 1099) and **SB 882 (Pr. No. 1131)**—Read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING AMENDED

SB 884 (Pr. No. 1138)—The bill was read.
On the question,
Will the Senate agree to the bill on second reading?
Mr. WEINER offered the following amendment:

Amend Sec. 1 (Sec. 1), page 2, line 5, by inserting after "person": knowingly

On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question
Will the Senate agree to the bill on second reading, as amended?
It was agreed to.
Ordered, To be transcribed for a third reading.
SB 885 (Pr. No. 1144)—The bill was read.
On the question,
Will the Senate agree to the bill on second reading?
Mr. MAHADY offered the following amendments:

Amend Sec. 12, page 17, line 11, by inserting after "366)": subsection B amended in part August 7 1961 (Act No 419)
Amend Sec. 12 (Sec 903), page 17, line 16, by striking out "unencumbered".

On the question,
Will the Senate agree to the amendments?
They were agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Mr. MAHADY.

BILL OVER IN ORDER

SB 897—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON SECOND READING AMENDED

HB 911 (Pr. No. 2561)—The bill was read.
On the question,
Will the Senate agree to the bill on second reading?
Mr. WEINER offered the following amendment:

Amend Sec. 3, page 6, line 2, by inserting after "OR": non-profit

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

BILL OVER IN ORDER

HB 1085—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

BILLS ON SECOND READING

HB 1124 (Pr. No. 1256) and **HB 1125 (Pr. No. 1257)**—Read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

HB 1162—Without objection, the bill was passed over in its order at the request of Mr. SESLER.

BILLS ON SECOND READING

HB 1216 (Pr. No. 1739) and **HB 1248 (Pr. No. 2425)**—Read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING AMENDED

HB 1275 (Pr. No. 1788)—The bill was read.
On the question,
Will the Senate agree to the bill on second reading?
Mr. WEINER offered the following amendment:

Amend Sec. 3 (Sec. 203.1), page 6, line 8, by striking out "remain subject to all of the provisions of" and inserting: be deemed tangible personal property with respect to

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

HB 1276 (Pr. No. 1789)—The bill was read.
On the question,
Will the Senate agree to the bill on second reading?
Mr. WEINER offered the following amendment:

Amend Sec. 3 (Sec. 201.1), page 5, line 9, by striking out "remain subject to all of the provisions of" and inserting: be deemed tangible personal property with respect to

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

BILLS OVER IN ORDER

HB 1277, 1278, 1279, 1280, 1281 and **1335**—Without objection, the bills were passed over in their order at the request of Mr. PECHAN.

BILLS ON SECOND READING

HB 1345 (Pr. No. 2181), HB 1382 (Pr. No. 2209), HB 1383 (Pr. No. 2210), HB 1384 (Pr. No. 1650), HB 1385 (Pr. No. 2586) and **HB 1386 (Pr. No. 1652)**—Read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

HB 1421—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

BILL ON SECOND READING

HB 1422 (Pr. No. 2557)—Read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

HB 1469—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.
HB 1473, 1486 and **1487**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL ON SECOND READING

HB 1519 (Pr. No. 1875)—Read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

HB 1572 and **1599**—Without objection, the bills were passed over in their order at the request of Mr. PECHAN.

BILL ON SECOND READING AMENDED

HB 1768 (Pr. No. 2505)—The bill was read.
On the question,
Will the Senate agree to the bill on second reading?
Mr. DEVLIN offered the following amendment:

Amend Bill, page 5, by inserting after line 3:
Section 2 This act shall take effect immediately

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Mr. DEVLIN.

BILLS OVER IN ORDER

HB 1769 and **1774**—Without objection, the bills were passed over in their order at the request of Mr. PECHAN.
HB 1811—Without objection, the bill was passed over in its order at the request of Mr. VAN SANT.

BILL ON SECOND READING

HB 1814 (Pr. No. 2511)—Read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

HOUSE CONCURRENT RESOLUTION No. 74 CALLED UP

Mr. WEINER, without objection, called up from page 27 of the Calendar, Houses Concurrent Resolution No. 74, entitled:

The United States Constitution 175th Anniversary Commission to be established

HOUSE CONCURRENT RESOLUTION **No. 74 RECOMMITTED**

Upon motion of Mr. WEINER, seconded by Mr. McCREESH, and agreed to, the resolution was recommitted to the Committee on Historical Preservation.

SB 735, RECALLED FROM THE GOVERNOR, TAKEN FROM THE TABLE

SB 735 (Pr. No. 855)—Without objection, Mr. WEINER called from the table Senate Bill No. 735, which was recalled from the Governor for the purpose of amendment.

RECONSIDERATION OF **SB 735**, RECALLED FROM THE GOVERNOR

Mr. WEINER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 735, recalled from the Governor, passed finally on July 19, 1961.
THE PRESIDING OFFICER. How did the Senator vote?
Mr. WEINER. Mr. President, I voted with the prevailing side.
Mr. DEVLIN. Mr. President, I second the motion.
The PRESIDING OFFICER. How did the Senator vote?
Mr. DEVLIN. Mr. President, I voted with the prevailing side.
The motion was agreed to.
And the question recurring,
Shall the bill pass finally?
Mr. WEINER. Mr. President, I move to reconsider the vote by which the bill passed third reading.
The PRESIDING OFFICER. How did the Senator vote?
Mr. WEINER. Mr. President, I voted with the prevailing side.
Mr. MAHADY. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. MAHADY. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendment:

Amend Bill, page 2, by inserting after line 9:
Section 2 This act shall take effect September 1, 1961.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

The PRESIDING OFFICER. The bill, as amended, will appear on tomorrow's Third Reading Calendar.

REGULAR ORDER OF BUSINESS RESUMED

Mr. WEINER. Mr. President, I now request that the Senate revert to the regular order of business.

The PRESIDING OFFICER. At the request of the Majority Leader, we will revert to the regular order of business at this time.

BILLS INTRODUCED AND REFERRED

Mr. MAHADY, on behalf of Messrs. WEINER, RIPP, KALMAN and LANE presented to the Chair **SB 910,** entitled:

An Act authorizing the Commonwealth, through the Department of Forests and Waters, or other State agencies or instrumentalities, or political subdivisions of the Commonwealth, or other local public bodies, separately or together, to conduct surveys, made land use studies, and to purchase or accept land for park and recreational purposes, conservation purposes, preservation of open space land, and for historic and scenic purposes with the assistance of the Federal Government, and to accept funds, personnel or other aid from the Federal Government or from other sources.

Which was committed to the Committee on Forests and Waters, Game and Fish.

He also, on behalf of Messrs. WEINER KALMAN and MURRAY presented to the Chair **SB 911,** entitled:

An Act amending the act of May 17, 1921 (P. L. 682), entitled "The Insurance Company Law of 1921" changing provisions relating to nonforfeiture benefits and cash surrender values required in life insurance policies.

Which was committed to the Committee on Insurance.

He also, on behalf of Messrs. WEINER, KALMAN and LANE presented to the Chair **SB 912,** entitled:

An Act amending the act of November 21, 1959 (P. L. 1579), entitled "An act authorizing the Department of Property and Supplies, with the approval of the Governor, to acquire, purchase or lease certain institutions for use by the Department of Public Welfare as youth development centers; . . . . ." abolishing the Board of Trustees of The Youth Development Center at Cannonsburg, creating additional boards and further providing for the receiving into custody of certain minors.

Which was committed to the Committee on State Government.

He also, on behalf of Messrs. WEINER, KALMAN and LANE presented to the Chair **SB 913,** entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," abolishing the Board of Trustees of the Youth Development Center at Canonsburg and creating additional boards of trustees.

Which was committed to the Committee on State Government.

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

MEMBER OF THE BOARD OF TRUSTEES OF THE COMMONWEALTH MENTAL HEALTH RESEARCH FOUNDATION

August, 14, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George M. Leader, 1230 Waverly Road, Gladwyne, Montgomery County, for appointment as a member of the Board of Trustees of the Commonwealth Mental Health Research Foundation, until December 31, 1963, and until his successor shall be duly appointed and qualified, vice J. W. Gitt, Hanover, whose term expired.

DAVID L. LAWRENCE.

PERMISSION TO ADDRESS SENATE

Mr. PECHAN asked and obtained unanimous consent to address the senate.

Mr. PECHAN. Mr. President, in 1959, we had an investigation of the Department of Welfare, and there were some statistics and some figures that came out at that time, along with some recommendations that we made. There has been some controversy not only in New York State, but in our own State and all over the Nation about people who are on public assistance who may be chiseling and not entitled to the benefits they are receiving. For instance, we found that thirty-seven per cent of the children in the city of Philadelphia whose parents are receiving aid-for-dependent children are illegitimate. We found that twenty-three per cent all over the Commonwealth are illegitimate.

Therefore, I am offering this resolution and request that it be placed in the appropriate committee. I hope it will be reported out very, very soon.

SENATE CONCURRENT RESOLUTION

DIRECTING THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE TO MAKE AN INTENSIVE SURVEY OF PUBLIC ASSISTANCE

Mr. PECHAN offered the following resolution **(Serial No. 127),** which was read as follows:

In the Senate, August 14, 1961.

Whereas, The Commonwealth of Pennsylvania, in the present fiscal period, will spend an estimated $224,786,552 in Federal and State funds on its Public Assistance program, and

Whereas, There is no assurance that this amount of

money will be sufficient and that in 1962, as in 1961, the General Assembly will be required to appropriate millions in deficiency appropriations, as it has in every fiscal period in recent years, and

Whereas, There is a growing belief on the part of the general public that some way must be found to check this enormous drain on the resources of our Commonwealth, and

Whereas, Repeated investigations and studies have confirmed reports of lax administration that fails to uncover and halt relief chiseling, and

Whereas, A Committee of the Senate, charged with surveying the Department of Public Welfare and its administration in 1959, recomended an extended examination be made of the area of Public Assistance administration, and

Whereas, The Committee reported that of the 114,000 on the aid-to-dependent children rolls in 1959, 23 per cent were of illegitimate birth, and

Whereas, The Public Assistance Law of Pennsylvania provides for work projects for able-bodied persons on public assistance; therefore be it

Resolved (The House of Representatives concurring), That the Legislative Budget and Finance Committee be directed to make an intensive survey of public assistance and the reasons for the recurring deficiency appropriations that have been requested in the past, and be it

Resolved, That the Budget and Finance Committee determine how many of the illegitimate children now on the public assistance rolls were born at a time when their mothers were recipients of Public Assistance grants, and how much those grants have been increased as a result of such births, and be it

Resolved, That the Budget and Finance Committee determine how many of the persons now on public assistance rolls have been continuously on the rolls for one year, for two years, for three years and so forth, to and including the longest of such periods, and be it further

Resolved, That the Budget and Finance Committee make a report of its findings and recommendations to the General Assembly in January of 1962, and include therein recommendations for a program to implement and put into effect work relief projects on which able-bodied persons on Public Assistance can reduce their obligation to the Commonwealth and remove the stigma of public charity from the grants they receive.

Mr. WEINER. Mr. President, I realize that it has been requested that this resolution be referred to committee, and I think that is a good thing.

However, I would also like the gentleman to give pause for some thought to the question of what is so sacred about two illegitimate children that makes the third illegitimate child a crime, or puts these people onto a lesser category so that we no longer have to do anything about them. I think there is nothing magic about these numbers. I think the problem is a very basic problem and ought to be dealt with as basic problems are dealt with by the people themselves.

Illegitimate children just do not result by someone thinking these things out or deliberately doing them. It is a state of mind and a state of confusion. This Senate is not at the moment equipped to deal with some of the low moral values of some of these people, based on socio-economic factors.

I am not so sure these studies and these other approaches are going to solve it until we get to the very heart of the matter, which is, I think, a little different moral climate than we are living in at the moment.

The Senator might be thinking of Newburgh, New York, where this problem came up. I am not sure they have the entire solution to the problem. All they are doing at this point is discriminating against people who happen to find themselves in a bad social position or a bad economic position. I do not think this ever solves anything, without first dealing with the basic problem.

Mr. BERGER. Mr. President, I cannot help but agree with the Majority Leader that there is nothing magic about two illegitimate children. I think that the causes might be attributed more to mundane and well-known factors. However, in so far as Newburgh is concerned, I think this proposition originally came or, at least, was seriously advanced by one of the more intelligent and capable gentlemen from Philadelphia who, at one time, was District Attorney; namely, presently Judge Blanc. He is now on the Bench in Philadelphia. He very, very seriously proposed and had bills drawn to do this very thing.

Mr. President, I want to say that I do believe some study should be given to the subject. I believe that some serious consideration should be given to the uncontrolled distribution of public funds in this area.

Mr. WEINER. Mr. President, I do not think the complaint is about uncontrolled distribution of funds. I think the compaint is about the uncontrolled distribution of the children.

Mr. PECHAN. Mr. President, Senator Weiner mentioned something about my having Newburgh in mind. If he will recall, here in the Senate two years ago I sponsored legislation which would make it an unfit home where a girl would have more than two illegitimate children. We took that action two years ago and the bill passed the Senate by a vote of 50-0, but it died in the House.

This resolution does not mention two or more illegitimate children. I think the gentleman is thinking about the other bill that I have in committee and which I would like to have reported out. I very strongly believe that a mother who has more than two illegitimate children is unfit to raise more. She is not even fit to raise the two children. I think, therefore, those children should be taken from her and placed in a foster home, such as my bill provides. I do not remember the number of the bill, but I do hope that before this Session adjourns we will have this bill favorably acted upon.

Mr. ROONEY. Mr. President, I have just a brief comment.

In so far as the Commonwealth of Pennsylvania refusing to grant public assistance to a woman who has more than one, two, three, four or even five illegitimate children is concerned, we would jeopardize our Federal matching funds. If we are to do that, we will not receive any Federal matching funds from the Federal Government.

Mr. WEINER. Mr. President, I would think that the gentleman would also be well-advised to check on the cost to keep a youngster at home with the mother—albeit, she might not be completely fit in the sense that we think of the term of mother or someone handling that type of household—and the cost of keeping these same youngsters in a foster home or institutionalizing them. You will see that the money we pay out for these youngsters is infinitely less than we would have to pay to institutionalize them.

Mr. PECHAN. Mr. President, the other day I received a letter from somebody and it almost made sense. It said that the Federal Government pays the farmers a subsidy for not growing wheat and similar products. He thought it would be wise if we would introduce some sort of legislation whereby these girls would not raise their

children and they would be paid for not doing so. It makes just about as much sense.

Mr. WEINER. Mr. President, I think the gentleman might devote himself to investigating that very problem and then report back to us. We all would be happy to hear how he made out.

The PRESIDING OFFICER. The resolution is referred to the Committee on Rules.

PERMISSION TO ADDRESS SENATE

Mr. WARE asked and obtained unanimous consent to address the Senate.

Mr. WARE. Mr. President, I am about to introduce two resolutions, neither of which will place us in jeopardy and neither of which has any sociological implications.

SENATE RESOLUTIONS

COMMENDING AND CONGRATULATING REGINALD D. HENRY, EXECUTIVE DIRECTOR OF THE CHESTER COUNTY BRANCH, INC., PENNSYLVANIA ASSOCIATION FOR THE BLIND

Mr. WARE offered the following resolution **(Serial No. 98)**, which was read, considered and adopted:

In the Senate, August 14, 1961.

Chester County has long been familiar with the tremendous work accomplished by Reginald D. Henry, Executive Director of the Chester County Branch, Inc., Pennsylvania Association for the Blind.

He has recently been named Pennsylvania's outstanding handicapped citizen.

This association for the blind is doing an outstanding job in training and obtaining positions for these handicapped citizens. The Commonwealth of Pennsylvania and Chester County, in particular, are justly proud of the work done and being done by Reginald D. Henry and the association for the blind; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania hereby commends and congratulates Reginald D. Henry, Executive Director, of the Chester County Branch, Inc., Pennsylvania Association for the Blind, for his outstanding work in aiding the handicapped of this community, and for his being selected as Pennsylvania's outstanding handicapped citizen; and be it further

RESOLVED, That a copy of this resolution be sent to Reginald D. Henry, Chester County Branch, Inc., Pennsylvania Association for the Blind, 71 South First Avenue, Coatesville.

COMMENDING AND CONGRATULATING DOCTOR RUSSELL STURZEBECKER AND EDWARD NORRIS ON THEIR OUTSTANDING ACHIEVEMENTS IN THE GYMNASTIC FIELD

Mr. WARE offered the following resolution **(Serial No. 99)**, which was read, considered and adopted:

In the Senate, August 14, 1961.

West Chester State College has the signal honor of furnishing two men to the trip being made by the AAU men and women's gymnastic teams to Africa and Europe for a six week tour. Dr. Russell Sturzebecker, Director of Physical Education, and Edward Norris, Swimming Coach, have been selected as manager and trainer, respectively, of the AAU teams on this tour.

West Chester State College and Chester County are very proud of the achievements of these two men who have brought so much honor to this entire community. As a result of the efforts of these men, their aides and assistants, West Chester has become the gymnastic capitol of the United States; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania, hereby commends and congratulates Dr. Russell Sturzebecker and Edward Norris on their outstanding achievements in the gymnastic field and on their selection as manager and trainer of the AAU gymnastic teams now on tour of Europe and Africa, and be it further

RESOLVED, That copies of this resolution be sent to Dr. Russell Sturzebecker and Edward Norris, West Chester State College, West Chester, Pennsylvania.

BILLS INTRODUCED AND REFERRED

Messrs. HAYS, WAGNER, SEYLER and STROUP, by unanimous consent, presented to the Chair **SB 914**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," authorizing the awarding of additional scholarships.

Which was committed to the Committee on Education.

Messrs. HAYS and SEYLER, by unanimous consent, presented to the Chair **SB 915**, entitled:

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes' Retirement Code of 1959," providing retirement credit for sabbatical leaves of absence.

Which was committed to the Committee on Education.

Messrs. PROPERT, KELLER and WEINER, by unanimous consent, presented to the Chair **SB 916**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code," authorizing counties to make appropriations and to enter into contracts for improvement of transportation operations and facilities, and to accept gifts, grants and federal loans in connection therewith.

Which was committed to the Committee on Local Government.

Messrs. MURRAY, KALMAN and WEINER, by unanimous consent, presented to the Chair **SB 917**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789), entitled, as amended "The Insurance Department Act of 1921," further regulating the computation of the reserve liability of life insurance companies.

Which was committed to the Committee on Insurance.

The PRESIDENT pro tempore (Anthony J. DiSilvestro) in the Chair.

BILLS SIGNED

The President pro tempore (Anthony J. DiSilvestro) in the presence of the Senate signed the following bills:

SB 84, 104, 298, 496, 697, HB 238, 376, 564, 802, 1081, 1099, 1101, 1140, 1163, 1273, 1500, 1566 and **1609.**

The PRESIDING OFFICER (Joseph D. Ripp) in the Chair.

REPORTS FROM COMMITTEES

Mr. SILVERT, by unanimous consent, from the Committee on Finance, reported, as committed, **HB 1604** and **1664;** as amended, **HB 1663.**

Mr. McGINNIS, by unanimous consent, from the Com-

mittee on Appropriations, reported, as committed, **HB 763, 764, 765, 771, 772, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 800, 801, 1600, 1708** and **1709.**

BILLS ON FIRST READING

Mr. WEINER. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. BERGER. Mr. President, I second the motion.

The motion was agreed to.

The bills were as follows:

HB 763, 764, 765, 771, 772, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 800, 801, 1600, 1604, 1663, 1664, 1708 and **1709.**

And said bills having been read at length for the first time,

Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

COMMITTEE MEETINGS
TUESDAY, AUGUST 15, 1961

Eastern Daylight Saving Time	Committee	Room
9:30 A. M.	Elections	301
10:00 A. M.	Military Affairs and Aeronautics	539
10:30 A. M.	Reapportionment	535A
11:00 A. M.	Local Government	301
11:30 A. M.	Highways	542
12:00 Noon	Judiciary General	535

A REMINDER

All Senators desiring to take the diabetes test, as announced by the Secretary, can obtain registration cards in the Secretary's Office.

ADJOURNMENT

Mr. WEINER. Mr. President, I move that the Senate do now adjourn until Tuesday, August 15, 1961, at 12:15 p.m., Eastern Standard Time.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 7:02 p.m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, August 14, 1961

The House met at 2 p. m., e. s. t.

The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

The Chaplain, Reverend David R. Hoover, offered the following prayer:

Merciful Father, Thou whose Almighty Power holds sway over man's domain, we give allegiance to Thee as we pause to pay tribute for Thy care and concern over all mankind. We recognize our own blindness to many of life's situations and opportunities for service to others as well as to Thee. O God, we pray that Thou wilt open our eyes that we may see the pitfalls before us, that Thou wilt remove the scales which blind us because of selfish passion to discern Thy way, and that Thou wilt enable us to catch a glimpse of the real challenges which confront us in life: through Jesus Christ, Thy Son our Lord, Who liveth and reigneth with Thee and the Holy Ghost, One God, world without end. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Wednesday, August 9, 1961, will be postponed until printed.

The Chair hears none.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APROVAL OF HOUSE BILLS Nos. 761, 769, 805, 828, 1193, 1194, 1197, 1199, 1234, 1307 and 1440.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg
August 8, 1961.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 761, printer's No. 834, entitled 'An Act making an appropriation to the Department of Commerce for payments of grants to local agencies for tourist promotional assistance."

DAVID L. LAWRENCE.

August 8, 1961.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 769, printer's No. 842, entitled "An Act making an appropriation to the Department of Military Affairs for the payment of services of the Civil Air Patrol."

DAVID L. LAWRENCE.

August 8, 1961.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 805, printer's No. 878, entitled 'An Act making an appropriation for the maintenance repair and improvement of the Port of Philadelphia."

DAVID L. LAWRENCE.

August 8, 1961.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 828, printer's No. 2485, entitled "An Act amending the act of May 27 1949 (P L 1903) entitled 'The Military Code of 1949' changing the measure of relief for disability or death of personnel on active duty."

DAVID L. LAWRENCE.

August 8, 1961.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1193, printer's No. 1365, entitled "An Act making an appropriation to the Pennsylvania Historical and Museum Commission for certain capital improvements in accordance with long range planning for capital improvements designed to make the most effective use of the State's available resources."

DAVID L. LAWRENCE.

August 8, 1961.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1194, printer's No. 1366, entitled 'An Act making an appropriation to the Department of Military Affairs for certain capital improvements in accordance with long range planning for capital improvements designed to make the most effective use of the State's available resources."

DAVID L. LAWRENCE.

August 8, 1961.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1197, printer's No. 1369, entitled "An Act making an appropriation to the Department of Justice for certain capital improvements in accordance with long range planning for capital improvements designed to make the most effective use of the State's available resources."

DAVID L. LAWRENCE.

August 8, 1961.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1199, printer's No. 1371, entitled "An Act making appropriations to the Department of Forests and Waters for certain capital improvements in accordance with long range planning for capital improvements designed to make the most effective use of the State's available resources."

DAVID L. LAWRENCE.

August 8, 1961.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1234, printer's No. 1408, entitled "An Act amending the act of June 2 1915 (P L 736) entitled as amended "The Pennsylvania Workmen's Compensation Act' increasing liability for burial costs."

DAVID L. LAWRENCE.

August 8, 1961.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day

approved and signed House bill No. 1307, printer's No. 2394, entitled "An Act amending the act of March 2 1956 (P L 1206) entitled 'Chiropody Act of 1956' providing for biennial renewal of registration changing fees and requiring attendance at biennial educational conferences as a condition of renewal of registration."

DAVID L. LAWRENCE.

August 8, 1961.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1440, printer's No. 1734, entitled "An Act amending the act of June 2 1915 (P L 736) entitled as amended 'The Pennsylvania Workman's Compensation Act' requiring employers to furnish replacements for artificial limbs and eyes and to furnish additional medical care in connection therewith."

DAVID L. LAWRENCE.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL No. 300

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

August 8, 1961.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House bill No. 300, printer's No. 329, entitled "An act amending the act of May 11, 1921 (P. L. 522), entitled as amended 'An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties' requiring informations to be brought before the nearest available magistrate or justice of the peace."

Experiences with similar provisions inserted during recent years in the Fish and Game Laws have been highly unsatisfactory. One of the greatest problems is that of determining which magistrate is the nearest. This is true equally in sparsely settled areas, where the boundaries of communities are not visibly defined, and in built-up sections, where there are so many magistrates in a small area that it is almost impossible to determine which is nearest. This situation is further complicated by the fact that some magistrates are employed and hence only available in the evenings or at irregular hours. In addition, there are many magistrates who have no knowledge of or interest in the law governing these cases, with the result that they refuse to handle them or give them inadequate consideration. It is further noted that the effect of legislation such as this is to narrow the historic county-wide jurisdiction of the justice of the peace.

For these reasons, the bill is not approved.

DAVID L. LAWRENCE.

COMMUNICATION AND BILL LAID ON TABLE

Mr. POLEN. Mr. Speaker, I move that the veto message from the Governor together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL No. 1206.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

August 12, 1961.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House bill No. 1206, printer's No. 1378, entitled "An Act amending the act of April 9, 1929 (P. L. 177), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' providing that enlisted members of the Pennsylvania State Police shall not be dismissed from service or reduced in rank except by action of a court martial board held upon the recommendation of the Commissioner and the Governor."

This bill amends the Administrative Code by prohibiting the dismissal or reduction in rank of enlisted personnel except by a court martial board.

I have this day vetoed the companion bill that would have set up the court martial mechanics. Therefore, the procedure that would be outlawed by this bill must remain so that effect can be given to General Order No. 18 of the Pennsylvania State Police which provides for courts-martial.

For these reasons, the bill is not approved.

DAVID L. LAWRENCE.

COMMUNICATION AND BILL LAID ON TABLE

Mr. POLEN. Mr. Speaker, I move that the veto message from the Governor together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL No. 1232.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg
August 8, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House bill No. 1232, printer's No. 1406, entitled "An Act amending the act of April 29, 1959 (P. L. 58), entitled 'An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors' requiring the notice of conviction for violations in other states to contain a certified record of the conviction and requiring the same to be made available."

This bill would amend Section 618 (e) of the Act of April 29, 1959, P. L. 58, known as The Vehicle Code, to further provide that a notice of a conviction of a motor vehicle violation from another state must be sent by the motor vehicle or tractor administrator of that state and also to contain a certified record of the conviction in such other state and that the notice shall be made available to the Pennsylvania operator or his representative.

In Witsch Motor Vehicle Operator License Case, 194 Pa. Super. 384, 387-388 (1961), we have:

> "The officers of other states who notify the secretary of convictions in their states and the forms which they use must be expected to vary materially from state to state. . . . However, we are not concerned here with what is an ideal notice, . . ."
> The Court said at page 387:
> ". . . It is an official notice in that it is the report of the magistrate who imposed the fine and the policeman who made the arrest."
> The Court then stated at page 389:
> "We said in Commonwealth v. Halteman, supra, 192 Pa. Superior Ct. 379, 385, 162 A. 2d 251 (1960), the notice had to be an 'official' notice. What we meant by 'official' was not that the notice had to be in any particular form, but that the secretary could not act upon a notice received from one not in an official position. . . ."

It is obvious from the foregoing that under some of the various state laws there are no motor vehicle or tractor administrators but that the police and the court magistrates process the notice of the conviction. Therefore, by our proposed enactment of this bill we would be either imposing upon another state to mandate that they have an administrator to process the notice of conviction, or to refuse to honor their notice of conviction because they have no administrator as required by this bill.

The requirement that the notice of conviction contain a certified record of the conviction is an onerous imposition of a duty on the official of another state by our mandate or a refusal to recognize their acts as complying with our demands. The customary procedure is to forward to us a copy of the conviction from the other state as the notice of the conviction which has upon it all the minute details required to show a violation, a proper arrest and a valid conviction. To further require that the notice of conviction shall itself contain a certified record of the conviction is to mandate to all the states without exception to discard all their present forms and have new ones to comply with our requirements. This would necessitate two forms to be used by the other states, one, the form now in use for its local residents, and two, another form to contain a space for a certification of the conviction on forms used for out-of-state violators.

The Department of Revenue has no objection to furnishing a copy of the notice of conviction to the Pennsylvania operator or his representative.

This bill would create a tremendous administrative burden on officials of other states in the performance of their duties and in the method of what forms are used in such performance, all of which is certainly not conducive to good comity between the states.

Since there can be no compulsion by our legislation to have a compliance with our law by other states there would be a futility in the enactment of the proposed amendment.

For these reasons, the bill is not approved.

DAVID L. LAWRENCE.

COMMUNICATION AND BILL LAID ON TABLE

Mr. POLEN, Mr. Speaker, I move that the veto message from the Governor together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL No. 1284.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg
July 28, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House bill No. 1284, printer's No. 1481, entitled "An Act amending the act of May 4, 1927 (P. L. 519), entitled 'An act concerning boroughs and revising amending and consolidating the law relating to boroughs' authorizing ordinances and certain resolutions to be in force after attachment to the borough ordinance book and validating certain borough records."

This bill would amend Sections 1008 and 1009 of the act of May 4, 1927 (P. L. 519), as amended, known as the "Borough Code." Its purpose is to permit ordinances or resolutions of a legislative character to be attached to the ordinance book by stapling or by glue or any other adhesive substance before such legislative action would be considered in force. Presently, the Borough Code requires that such ordinances or resolutions be recorded in the ordinance book.

This bill in effect seeks to ease the task of borough secretaries who are required to record such ordinances in an ordinance book. With the advent of voluminous codes such as zoning codes and building codes, the physical copying thereof may seem impractical and inefficient.

However, the very existence of such codes and a multitude of other councilmanic enactments is indicative of the growth in the home rule philosophy of government and while all means to effect more efficient operations on the local level are desirable, it becomes imperative more than ever, that a permanent record of such enactments be scrupulously maintained for the benefit of the public.

It must be pointed out that the choice is not between this bill and recordation in longhand since the law presently provides that the records may be "typewritten, printed, photostated or microfilmed."

Because of the risk of loss of the basic law of the community through the deterioration of adhesive materials and the impermanence of stapled entries, it is not in the public interest to permit the compilation of ordinance books as provided for in this bill.

This bill would go further and validate all past actions performed in the new manner prescribed in the bill. To condone such illegal actions on the part of borough officials is unthinkable.

For these reasons, the bill is not approved.

DAVID L. LAWRENCE.

COMMUNICATION AND BILL LAID ON TABLE

Mr. POLEN. Mr. Speaker, I move that the veto message from the Governor together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL No. 1207.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg

August 12, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House bill No. 1207, printer's No. 1379, entitled "An Act amending the act of April 9, 1929 (P. L. 177), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officrs fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined', regulating the dismissal, suspension, demotion and reenlistment of enlisted members of the Pennsylvania State Police."

This bill amends the Administrative Code by providing for court martial procedures for the dismissal, demotion or refusal of reenlistment of enlisted members of the Pennsylvania State Police Force.

This bill establishes an operating rigidity which is neither beneficial to the affected officer nor to the Commonwealth. The requirements of this bill are such that even though a trooper may accede to a type of disciplinary action, it would be necessary to go through a court martial procedure.

While the organizational structure of the Pennsylvania State Police is quasi-military, we must not lose sight of the fact that this Force is the enforcement arm of the civil government of the sovereign, and as such is a civil instrumentality. The sovereign must have the flexibility to deal immediately, particularly in times of crises and disaster, with whatever disciplinary measures may be appropriate for the protection of the health, welfare and safety of the people.

The most fervent advocates of this legislation have not questioned the fairness and reasonableness of any recent disciplinary actions of the Department.

General Order No. 18, promulgated on November 19, 1957, provides adequate due process for disciplinary action as contemplated by this bill. I hasten to add that said General Order was approved by the previous elected Chief Executive of this State, has not been changed by this Administration, and cannot be changed without my approval.

For these reasons, the bill is not approved.

DAVID L. LAWRENCE.

COMMUNICATION AND BILL LAID ON TABLE

Mr. POLEN. Mr. Speaker, I move that the veto message from the Governor together with the bill be laid on the table.

The motion was agreed to.

SIXTH BIENNIAL REPORT OF THE PENNSYLVANIA COMMISSION OF INTERSTATE COOPERATION

Mr. HOCKER. Mr. Speaker, under the act of March 10, 1949, I wish to submit to the House the sixth biennial report of the Pennsylvania Commission on Interstate Cooperation.

The SPEAKER. The clerk will read the letter of transmittal.

The letter was read by the clerk as follows:

To His Excellency the Governor and the General Assembly of the Commonwealth of Pennsylvania:

The Pennsylvania Commission on Interstate Cooperation submits herewith its sixth Biennial Report covering the years 1959 and 1960, in accordance with Act No. 35, P. L. 109, approved March 24, 1937.

Charles R. Weiner, Chairman
Blaine C. Hocker, Treasurer
Pennsylvania Commission on Interstate Cooperation
Capitol Building
Harrisburg, Pennsylvania

The SPEAKER. Copies of this report have been distributed among the members.

(For report, see appendix).

RESOLUTION

CONDOLENCE

Messrs. GROSS and J. H. ANDERSON offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and unanimously adopted as follows:

In the House of Representatives, August 14, 1961.

The death of Raymond J. Shettel former member of the House of Representatives brings sadness to his family and to the members of this legislative body. Mr. Shettel was a member of this body from 1931 to 1935. He is survived by his wife, Mrs. Annie Hykes Shettel, two daughters, Mrs. Gladys Seitz and Mrs. Salome Albright. Also by a son, Dr. Raymond J. Shettel, Jr.

The death of Raymond J. Shettel at the age of 86 years at his home in Lewisberry, brings to an end a long and fruitful life. He was a industrious public servant and a faithful and active member of the Lewisberry Evangelical United Brethren Church for more than 60 years. His interests and activities included the Grange, the school board, the borough council, the Lewisberry Fire Company and a keen interest in all civic activities. He was superintendent of his Sunday School for a period of 60 years; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby extends condolence to his surviving widow and children, in the loss of a faithful husband and father, and hereby commends Raymond J. Shettel for a full life of public service to his community and State, and be it further

Resolved, That a copy of this resolution be sent to Mrs. Annie Hykes Shettel at her home, 2nd and Market Streets, Lewisberry, Pennsylvania.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 852, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey land situate in Derry Township, Mifflin County, Pennsylvania.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 103, entitled:

An Act amendng "The Vehicle Code" approved April 29 1959 (P. L. 58), providing for the granting of restricted operator's licenses in certain other cases.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1030, entitled:

An Act authorizing additional pension and retirement payments to members of pension and retirement funds after termination of services.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1283, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing that certain area technical schools for vocational education may be established and operated by board of directors of second class school districts jointly with county boards of school directors.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1689, entitled:

An Act regulating the maintenance of junk and scrap yards and prescribing penalties.

The first section was read.

On the question,

Will the House agree to the section?

Mr. McNally offered the following amendment:

Amend Bill, page 2, by inserting after line 12:
Section 2. This act shall take effect January 1, 1965.

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1724, entitled:

An Act amending "The Penal Code" approved June 24, 1939 (P. L. 872), making county treasurers agents of the Commonwealth for the purpose of issuing certain licenses.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 407, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to grant an easement over certain land situate in the City of Philadelphia, County of Philadelphia.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 610, entitled:

An Act amending the act of August 9, 1955, (P. L. 323), entitled, "The County Code," further providing for change in classification of counties upon change in population.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 672, entitled:

An Act amending the act of June 24, 1937 (P. L. 2045), entitled as amended "The Support Law" prescribing liabilities for assistance with respect to medical assistance for the aged.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 823, entitled:

An Act amending the act of June 15, 1961 (Act No. 207), entitled "Inheritance and Estate Tax Act of 1961" making a continuing appropriation for the payment of refunds of taxes to which the Commonwealth is not rightfully or equitably entitled.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 860, entitled:

An Act amending the act of May 15, 1933 (P. L. 624), en-

titled as amended "Banking Code" further providing for authorized investments and limitations on loans.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

BIRTHDAY

The SPEAKER. The Chair notes that today is the birthday of the gentleman from Armstrong County, Mr. Guthrie. Will Mr. Dengler proceed to his appointed post?

Mr. DENGLER. Mr. Speaker, let us all sing heartily, "Happy birthday, dear Mack."

(Members joined in singing "Happy Birthday")

The SPEAKER. The Chair recognizes the gentleman from Armstrong, Mr. Guthrie.

Mr. GUTHRIE. Mr. Speaker, members of the House, it is very kind of you to sing "Happy birthday" to me today. I was born in 1900 so I travel along with the year and it is not hard to tell how old I am.

I came to the House of Representatives in 1943 and I want to say to you that I have spent many enjoyable years in this House of Representatives. Thank you very much.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mrs. REIBMAN asked and obtained permission for the Committee on Education to meet during the session of the House.

PERMISSION TO ADDRESS HOUSE

Mr. WORLEY asked and obtained unanimous consent to address the House.

Mr. Speaker, today some local governments are using the occupation tax to soak the poor. Wealthy persons in some local areas have been able to influence school administrators and even county commissioners to attempt to assess this unfair occupation tax upon the people so that the wealthy can dodge the inevitable income tax.

In 1947, I voted against the Tax Anything Law that gave local governments the power to tax almost anything they pleased. Here is what the Legislative Reference Bureau says about my record on that issue:

LEGISLATIVE REFERENCE BUREAU
Harrisburg, Pennsylvania
August 14, 1961

Honorable Francis Worley
House of Representatives
Harrisburg, Pennsylvania
Dear Mr. Worley:

In response to your inquiry concerning your voting record at the time of 1947 Act No. 481, I submit the following information:

The Legislative Journal for June 9, 1947, on page 4240, records you as having voted against House Bill 800 on its final passage in the House of Representatives, House Bill 800 became Act No. 481, commonly referred to as the 'Local Tax Enabling Act." The total vote on this bill on final passage in the House was—yeas 130, nays 66—not voting 9.

In answer to your additional question, counties have no authority to levy taxes under the aforementioned act.

Sincerely yours,
(signed) Clifton H. Franks

CHF:mk

First, I knew then that the 1947 Act would break down equality of educational opportunity in that a child in a poor area could not have the same educational opportunity under the 1947 Act as a child born in a more wealthy area since this wealthy area would have greater sources to tax, and, second, I knew then as I can see now that this taxing power would be used to press thorns of taxes upon the bleeding heads of the poor.

But county after county and school district after school district are being forced to abandon the occupation tax by the protests from the people of Pennsylvania. I recommend that the people form a 'Fair Tax Association" in every township and county of Pennsylvania that has this soak-the-poor program of occupation taxes.

As the State Representative from Adams County, I stand firmly opposed to the unfair occupation tax.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. PARLANTE asked and obtained permission for the Committee on Banking and Building and Loan Associations to meet during the session of the House.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 191, entitled:

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" including additional buses within the provisions relating to school buses further providing for the operation of school buses and lights located thereon and providing penalties.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. POLEN. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. McCANN asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 1, fifth to eighth lines of Title, by striking out "REQUIRING THE NOTICE OF CONVICTION FOR" in fifth line, all of sixth and seventh lines and "ING THE SAME TO BE MADE AVAILABLE" in eighth line.

Amend Sec. 1, page 2, lines 4 to 15; page 3, lines 1 to 17, by striking out all of said lines.

Amend Sec. 2, page 3, line 18, by striking out "2" and inserting: 1

Amend Sec. 2, page 3, line 19, by striking out "OF THE"

Amend Sec. 2, page 3, line 19, by inserting after "ACT": of April 29, 1959 (P. L. 58), known as "The Vehicle Code"

Amend Sec. 3, page 5, line 15, by striking out "3" and inserting: 2

Amend Sec. 4, page 9, line 9, by striking out "4" and inserting: 3

Amend Sec. 5, page 13, line 9, by striking out "5" and inserting: 4

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended llie over for printing.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 122, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), further regulating compensation for sabbatical leaves for employes of school districts.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 691, entitled:

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58), providing for commercial motor vehicle operators' licenses setting fees for such licenses further regulating suspension and revocation of licenses and imposing penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. McCANN asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Sec. 5 (Sec. 608.1), page 8, line 17 by inserting after "COMMONWEALTH": The secretary may issue the certificate without a physical examination if the person is required to be physically examined as a prior requirement of his employment, if the examination is in a form approved by the secretary and if proof of his passing the examination is supplied to the secretary.

Amend Sec. 5 (Sec. 608.1), page 9, line 1 by inserting after "CIAN": or the secretary

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

Mr. McCANN asked unanimous consent to offer additional amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Sec. 2 (Sec. 102), page 3, line 10 by inserting after "vehicle": not in excess of a gross weight of twenty-one thousand (21,000) pounds and not being used in the course of his regular employment

Amend Sec. 3 (Sec. 601), page 4, line 10 by inserting after "act": but any person licensed as an operator may operate a commercial motor vehicle not in excess of a maximum gross weight of twenty-one thousand (21,000) pounds if said vehicle is not operated in the course of his regular employment.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 344, entitled:

An Act providing for the certification by the Sanitary Water Board of operators in responsible charge of sewage treatment plants specifying the classifications of sewage treatment plants and the grades of certificates for operators thereof requiring that only certified operators may operate certain plants providing for revocation and suspension of certificates and providing for penalties and civil relief.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 401, entitled:

An Act amending the act of May 1, 1933 (P. L. 103), entitled "The Second Class Township Code" authorizing increase in the number of meetings for which supervisors may be paid without the prior approval of the auditors further providing for the attendance of supervisors or employes at road meetings and conventions imposing duties on township secretaries changing the time which may be expended by auditors in the completion of audits authorizing managers to attend meetings of county associations of township officers further providing for the parties who may protest a change in zoning and providing for review of township ordinances and regulations adversely affecting public utility service.

On the question,

Will the House agree to the bill on third reading?

Mr. FLYNN asked unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the clerk for information.

Strike out Section 7 in its entirety beginning on Page 10, Line 19, and ending on Page 11, Line 11 and renumber Section 8 to read Section 7.

The SPEAKER. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 726, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for the use of moneys in the State School Fund of Pennsylvania for making grants to certain school districts.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

The SPEAKER. There are a lot of bills to be signed for which the Senate is waiting, so I will ask the gentleman from Armstrong, Mr. Helm, to preside while the Chair signs the bills.

Mr. HELM IN THE CHAIR

BILL ON THIRD READING POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN,

The House resumed the consideration on third reading of House bill No. 640, entitled:

An Act repealing section 2511 act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," relating to payments on account of closed schools.

On the question,

Will the House agree to the bill on third reading?

Mr. McCANN asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Title, page 1, first line of Title, by striking out "Repealing section 2511" and inserting: Amending the.

Amend Title, page 1, last line of Title, by striking out "relating to" and inserting: placing certain restrictions on.

Amend Sec. 1, page 2, line 2, by striking out "which reads as follows is repealed" and inserting: is amended to read.

Amend Sec. 1 (Sec. 2511), page 2, line 14, by inserting after "townships": Provided, That the two hundred dollars ($200) payment shall be made only for those closed schools where the school district incurred indebtedness for rental payments within the three (3) year period prior to the date of such closing and such payments shall continue for the duration of the indebtedness so incurred.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. For what purpose does the gentleman from McKean, Mr. Johnson, rise?

Mr. A. W. JOHNSON. Mr. Speaker, I was pausing here to get a clarification of the amendments that Mr. McCann seeks to offer to House bill 640 which is a bill that denies school districts $200 for each closed school.

As I understand these amendments of Mr. McCann's, if there has been a mortgage issued by a school district on record for three years, that particular school district can retain the $200 per closed school for the duration of the bond issue.

Now Representative Adam of Berks County has amendments which he would like to offer which would preserve the $200 for a closed school, but the three-year limitation would be eliminated in his amendments. In other words, his amendments would mean that a school would get the $200, the closed school, for the duration of its bond issue, irrespective of when it was put on as a lien, that is, previous to today.

As I understand the agreement between Mr. McCann and Representative Adams, Mr. McCann seeks to offer his amendments today, put them in with the bill and have the bill in print, and then Mr. Adams from Berks will offer his amendments tomorrow. Is that correct?

Mr. McCANN. That is correct.

Mr. A. W. JOHNSON. I take it, Mr. Adams, that is agreeable to you?

Mr. ADAMS. Yes.

Mr. McCANN. I told the gentleman from Berks that I will make a motion for reconsideration so he may offer his amendments.

Mr. A. W. JOHNSON. Tomorrow?

Mr. McCANN. Yes, sir.

Mr. A. W. JOHNSON. Then Mr. Adams will have to prepare new amendments to a new printer's number and maybe also the lines will be different that he will be amending. Is that correct?

Mr. McCANN. Should he have to, absolutely, and I certainly will see that he is given every right to do that.

Mr. A. W. JOHNSON. If that is the agreement between Mr. McCann and Mr. Adams, I do not object to his offering the amendments. Of course, it will be up to the House whether it wants to accept the gentleman's amendments or not.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Mr. McCANN. Mr. Speaker, on page 6, bills on final passage postponed, I request permission to call up House bill No. 1789 for the purpose of amendment, and said amendment will remove rents and royalties from the bill.

BILL ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on final passage of House bill No. 1789, entitled:

An Act to provide revenue for educational purposes by imposing an excise tax on rents royalties interest dividends and capital gains from investment capital as defined of individual residents and nonresidents of the Commonwealth and of estates and trusts fixing the rates of tax

thereon providing for the reporting and payment of tax interest and penalties assessments collections liens reviews appeals refunds and penalties and conferring powers and imposing duties upon the Department of Revenue fiduciaries partnerships associations and individuals.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. DOUGHERTY. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. McCANN asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Title, page 1, second line of Title, by striking out "rents".

Amend Sec. 2, page 3, line 3, by inserting after "dividends": and.

Amend Sec. 2, page 3, line 3, by striking out "and rentals".

Amend Sec. 2, page 3, line 5, by striking out "Real estate and all" and inserting: All.

Amend Sec. 201, page 5, line 13, by striking out "or of owning property situate".

Amend Sec. 202, page 6, line 1, by striking out "real or".

Amend Sec. 205, page 7, line 16, by striking out "rents and" where it appears the first time.

Amend Sec. 205, page 7, line 16, by striking out "rents and" where it appears the second time.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, we have already taken "interest" out of the bill and I understand that took $3 million out of it.

I would like to interrogate the majority leader with respect to these amendments.

The Speaker pro tempore. Will the gentleman from Greene, Mr. McCann, permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. A. W. JOHNSON. Mr. Speaker, I would like to ask the gentleman, how much will this take out of the bill with respect to revenue?

Mr. McCANN. I believe it is $2.5 of $2.6 million of revenue yield.

Mr. A. W. JOHNSON. What will the so-called education package on our calendar cost this year?

Mr. McCANN. I believe the education package as it was on the calendar was around $25 billion, $25.6 million, I beg your pardon.

Mr. A. W. JOHNSON. Mr. Speaker, the present House bill 1789 would just bring in the $25 billion?

Mr. McCANN. It brings in $25 and $25.6 million or $25.7 million, estimated revenue, as it was on the calendar.

Mr. A. W. JOHNSON. Does the gentleman know where it is expected to get the additional $2.6 if the education bill should happen to pass?

Mr. McCANN. There will be some changes made in the bills on the calendar dealing with the amount of money to be appropriated for certain specific items.

Mr. A. W. JOHNSON. Mr. Speaker, is the gentleman at liberty to disclose to the House what write-downs will be made on bills on the calendar in order to save $2.6 million?

Mr. McCANN. I will tomorrow. I do have the figures on each change that will occur in community college construction subsidies, and so forth and so on.

PARLIAMENTARY INQUIRY

Mr. TOMPKINS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TOMPKINS. This is the tax bill which was defeated last week and put back on the calendar for reconsideration. Now, should these amendments prevail and the bill be defeated again in its amended form, would that constitute the second run which would kill the bill definitely, or would it merely constitute another first defeat?

Mr. McCANN. The second run.

The SPEAKER pro tempore. That would definitely kill the bill. It is the second vote on the same bill.

Mr. TOMPKINS. Irrespective of the amendments?

The SPEAKER pro tempore. That is right.

Mr. TOMPKINS. I thank the Chair.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Mr. McCANN. Mr. Speaker, I would ask that the chief clerk see that this bill is printed and ready tomorrow.

The SPEAKER pro tempore. The Chair will so order the chief clerk.

REPORT FROM COMMITTEE

Mr. LUTTY from the Committee on Banking and Building and Loan Associations, reported as committed Senate bill No. 469, entitled:

An Act amending the act of May 26, 1949 (P. L. 1828), entitled "Fiduciaries Investment Act of 1949" making further provisions concerning authorized investments in corporate bonds and stock.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 469, entitled:

An Act amending the act of May 26, 1949 (P. L. 1828), entitled "Fiduciaries Investment Act of 1949" making further provisions concerning authorized investments in corporate bonds and stock.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

PERMISSION TO ADD ADDITIONAL SPONSORS

Mr. MURRAY asked and obtained unanimous consent to add additional sponsors to a bill to be introduced by him.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Dougherty for Mr. MIHM for the week.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1697, entitled:

An Act amending "The County Code" approved August 9, 1955 (P. L. 323), authorizing the creation of county historical commissions to promote places of historical interest within the county.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, this bill in its original form I thought was a very good piece of legislation. It was amended to provide that the members of the commission shall be registered electors of the Democratic Party and the Republican Party and shall be equally divided. Now they have striken out that clause or phraseology and said that the members of the committee shall be equally divided in number between the two major political parties. If that is not a super-duper piece of semantics, or phraseology, or what-not, to accomplish the same purpose, I do not know of one. Why they have to throw a historical society into a political convention is more than I can figure out.

I would like to vote for this bill, but so far as I am concerned I think the bill is still bad by making it a political football instead of making it a historical society. I think that amendment should be stricken out as well and leave the bill in its original form. For that reason I personally am going to vote against the bill. This is not a party position, it is my own personal views on it, and for that reason I am going to vote against it.

Mr. A. D. WILLIAMS, Jr. Mr. Speaker, this bill would allow counties to set up county historical commissions. It ties in, I think, very well with the present administration's program of improving and encouraging the growth of the tourist industry in Pennsylvania.

I, too, agree with Mr. Tompkins that this would be a better bill without the amendment he refers to. However, this House has seen many compromises and this, obviously, is a compromise. It is an attempt to insure that these historical commissions are bipartisan in nature. I do not think this is too much of a burden to place upon such commissions and I think it is at least a step forward. If in the future we find that what Mr. Tompkins has said does take place, we can, of course, amend this legislation.

I would appreciate the support of both sides.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—94

Anderson, S. A.,	Gallagher,	Limper,	Royer,
Bachman,	George,	Long, Wm. Jas.,	Rubin,
Boles,	Goldstein, M. H.,	Long, Wm. Jos.,	Rudisill,
Branca,	Gramlich,	Lutty,	Rutherford,
Breth,	Gray,	Manbeck,	Scarcelli,
Buchanan,	Greenlee,	Marsh,	Schaaf,
Bush,	Hamilton,	McCandless,	Seltzer,
Capano,	Hankins,	McCann,	Sherman,
Cioffi,	Haudenshield,	McDevitt,	Simmons,
Clarke,	Heavey,	McNally,	Snare,
Comer,	Helm,	Meholchick,	Sullivan, J. A.,
Cooley,	Irvis,	Merry,	Thompson,
Curwood,	Jim,	Mills,	Tomascik,
Davis,	Kamyk,	Monroe,	Trusio,
Dougherty,	Kelly,	Murphy,	Varner,
Down,	Kessler,	Musto,	Wall,
Eilberg,	Klein,	Parlante,	Weidner,
Eshback,	Kooker,	Piper,	Willard,
Eshleman,	Kornick,	Polaski,	Williams, A. D.,
Ewing,	Kramer,	Polen,	Williams, E. S.,
Farabaugh,	Lamb,	Renwick,	Wood,
Flynn,	Lawson,	Riley,	Zimmerman,
Frascella,	Lee, K. B.,	Rovansek,	Andrews,
Fry,	Leonard,		Speaker

NAYS—97

Adams,	Gibbons,	Knecht,	Pursley,
Anderson, J. H.,	Goldstein, J. H.,	Korns,	Reibman,
Arlene,	Goodrich,	Lee, A. M.,	Reidenbach,
Auker,	Gremminger,	Lippincott,	Schuster,
Backenstoe,	Gross,	Magee,	Shelton,
Blair,	Guesman,	Markley,	Slack,
Bonner,	Guthrie,	May,	Stank,
Bossert,	Hartley,	McDonald,	Steckel,
Bower,	Heffner,	McInroy,	Stimmel,
Bowman,	Henzel,	McKeever,	Stiteler,
Crossin,	Hocker,	Miller,	Taylor,
Dengler,	Holl,	Morley,	Tompkins,
Dennison,	Holliday,	Mullen,	Ujobai,
Donaldson,	Holman,	Munley,	Verona,
Doughten,	Horst,	Murray,	Wargo,
Edwards,	Isaacs,	Needham,	Welsh,
Elvey,	Jenkins,	O'Dell,	Wescott,
Esler,	Johnson, A. W.,	O'Donnell, J. A.,	Whittaker,
Fetterolf,	Johnson, R. P.,	O'Donnell, J. P.,	Willaredt,
Filo,	Jones,	Odorisio,	Wilt,
Fineman,	Keiser,	Ogilive,	Worley,
Foor,	Kernaghan,	Pashley,	Wynd,
Fox,	King,	Petrosky,	Yetter,
Fulmer,	Kistler,	Prendergast,	Zember,
Gibb,			

NOT VOTING—19

Ashton,	Gailey,	Mihm,	Stone,
Capitolo,	Gelfand,	Perry,	Strausser,
Cauley,	Maxwell,	Price,	Sullivan, T. F.,
Cianfrani,	McCormack,	Sakulsky,	Walsh,
Foerster,	McLaughlin,	Shupnik,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1839, entitled:

An Act making an appropriation to The United States Constitution 175th Anniversary Commission of Pennsylvania.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Anderson, J. H.,	George,	Lamb,	Pursley,
Anderson, S. A.,	Gibb,	Lawson,	Reibman,
Arlene,	Gibbons,	Lee, A. M.,	Reidenbach,
Auker,	Goldstein, J. H.,	Lee, K. B.,	Renwick,
Bachman,	Goldstein, M. H.,	Leonard,	Riley,
Backenstoe,	Goodrich,	Limper,	Rovansek,
Blair,	Gramlich,	Lippincott,	Rubin,
Boles,	Gray,	Long, Wm. Jas.,	Rudisill,
Bonner,	Greenlee,	Long, Wm. Jos.,	Rutherford,

Bossert,	Gremminger,	Lutty,	Scarcelli,
Bower,	Gross,	Magee,	Schaaf,
Bowman,	Guesman,	Manbeck,	Schuster,
Branca,	Guthrie,	Markley,	Seltzer,
Breth,	Hamilton,	Marsh,	Shelton,
Buchanan,	Hankins,	Maxwell,	Sherman,
Bush,	Hartley,	May,	Simmons,
Capano,	Haudenshield,	McCandless,	Slack,
Cioffi,	Heavey,	McCann,	Snare,
Clarke,	Heffner,	McDevitt,	Stank,
Comer,	Helm,	McDonald,	Steckel,
Crossin,	Henzel,	McInroy,	Stiteler,
Curwood,	Hocker,	McKeever,	Sullivan, J. A.,
Davis,	Holl,	McNally,	Taylor,
Dengler,	Holliday,	Meholchick,	Thompson,
Dennison,	Holman,	Merry,	Tomascik,
Dougherty,	Horst,	Miller,	Tompkins,
Doughten,	Irvis,	Mills,	Ujobai,
Down,	Isaacs,	Monroe,	Varner,
Edwards,	Jenkins,	Morley,	Verona,
Eilberg,	Jim,	Mullen,	Wall,
Elvey,	Johnson, A. W.,	Munley,	Wargo,
Eshback,	Johnson, R. P.,	Murray,	Weidner,
Eshleman,	Jones,	Musto,	Welsh,
Esler,	Kamyk,	Needham,	Wescott,
Ewing,	Keiser,	O'Dell,	Whittaker,
Fetterolf,	Kelly,	O'Donnell, J. A.,	Willard,
Filo,	Kernaghan,	O'Donnell, J. P.,	Willaredt,
Fineman,	Kessler,	Odorisio,	Williams, A. D.,
Flynn,	King,	Ogilvie,	Williams, E. S.,
Foor,	Kistler,	Parlante,	Wilt,
Fox,	Klein,	Pashley,	Wood,
Frascella,	Knecht,	Petrosky,	Worley,
Fry,	Kooker,	Piper,	Wynd,
Fulmer,	Kornick,	Polaski,	Zember,
Gailey,	Korns,	Polen,	Zimmerman,
Gallagher,	Kramer,	Prendergast,	Andrews, Speaker

NAYS—7

Adams,	Farabaugh,	Stimmel,	Yetter,
Donaldson,	Murphy,	Trusio,	

NOT VOTING—19

Ashton,	Foerster,	Perry,	Stone,
Capitolo,	Gelfand,	Price,	Strausser,
Cauley,	McCormack,	Royer,	Sullivan, T. F.,
Cianfrani,	McLaughlin,	Sakulsky,	Walsh,
Cooley,	Mihm,	Shupnik,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1842, entitled:

An Act exempting civil defense facilities from State and for tax exemptions and imposing powers and duties on the local taxes fixing the manner of certifying such facilities State Council of Civil Defense and certain county and other local officials.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—186

Adams,	Gailey,	Lawson,	Reidenbach,
Anderson, J. H.,	Gallagher,	Lee, A. M.,	Renwick,
Anderson, S. A.,	George,	Lee, K. B.,	Riley,
Arlene,	Gibb,	Leonard,	Rovansek,
Auker,	Gibbons,	Limper,	Royer,
Bachman,	Goldstein, J. H.,	Lippincott,	Rudisill,
Backenstoe,	Goldstein, M. H.,	Long, Wm. Jas.,	Rutherford,
Blair,	Goodrich,	Long, Wm. Jos.,	Scarcelli,
Boles,	Gramlich,	Lutty,	Schaaf,
Bonner,	Gray,	Manbeck,	Schuster,
Bossert,	Greenlee,	Markley,	Seltzer,
Bower,	Gremminger,	Marsh,	Shelton,
Bowman,	Gross,	Maxwell,	Sherman,
Branca,	Guesman,	May,	Shupnik,
Breth,	Guthrie,	McCandless,	Simmons,
Buchanan,	Hamilton,	McCann,	Slack,
Bush,	Hankins,	McDevitt,	Snare,
Capano,	Hartley,	McDonald,	Stank,
Cioffi,	Haudenshield,	McInroy,	Steckel,
Clarke,	Heavey,	McKeever,	Stimmel,
Comer,	Heffner,	McNally,	Stiteler,
Cooley,	Helm,	Meholchick,	Sullivan, J. A.,
Crossin,	Henzel,	Merry,	Taylor,
Curwood,	Hocker,	Miller,	Thompson,
Davis,	Holl,	Mills,	Tomascik,
Dennison,	Holliday,	Monroe,	Tompkins,
Donaldson,	Horst,	Morley,	Trusio,
Dougherty,	Irvis,	Munley,	Ujobai,
Doughten,	Isaacs,	Murphy,	Varner,
Down,	Jim,	Murray,	Verona,
Edwards,	Jenkins,	Musto,	Wall,
Eilberg,	Johnson, A. W.,	Needham,	Wargo,
Elvey,	Johnson, R. P.,	O'Dell,	Weidner,
Eshback,	Jones,	O'Donnell, J. A.,	Welsh,
Eshleman,	Kamyk,	O'Donnell, J. P.,	Wescott,
Esler,	Keiser,	Odorisio,	Whittaker,
Ewing,	Kelly,	Ogilvie,	Willard,
Farabaugh,	Kernaghan,	Parlante,	Willaredt,
Fetterolf,	Kessler,	Pashley,	Williams, A. D.,
Filo,	King,	Petrosky,	Williams, E. S.,
Fineman,	Klein,	Piper,	Wilt,
Flynn,	Knecht,	Polaski,	Wood,
Foor,	Kooker,	Polen,	Worley,
Fox,	Kornick,	Prendergast,	Wynd,
Frascella,	Korns,	Pursley,	Yetter,
Fry,	Kramer,	Reibman,	Zimmerman,
Fulmer,	Lamb,		

NAYS—4

Holman,	Kistler,	Zember,	Andrews, Speaker

NOT VOTING—20

Ashton,	Foerster,	Mihm,	Sakulsky,
Capitolo,	Gelfand,	Mullen,	Stone,
Cauley,	Magee,	Perry,	Strausser,
Cianfrani,	McCormack,	Price,	Sullivan, T. F.,
Dengler,	McLaughlin,	Rubin,	Walsh,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 200, entitled:

An Act amending the act of June 24, 1937 (P. L. 2051), entitled as amended "Public Assistance Law" making eligible for assistance certain persons in public medical institutions and regulating obligations for and payment of certain funds.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—188

Adams,	Fulmer,	Korns,	Pursley,
Anderson, J. H.	Gailey,	Kramer,	Reibman,
Anderson, S. A.,	Gallagher,	Lamb,	Reidenbach,
Arlene,	George,	Lawson,	Renwick,
Auker,	Gibb,	Lee, A. M.,	Riley,
Bachman	Gibbons,	Lee, K. B.,	Rovansek,

Backenstoe,	Goldstein, J. H.,	Leonard,	Royer,
Boies,	Goldstein, M. H.,	Limper,	Rudisill,
Blair,	Goodrich,	Lippincott,	Rutherford,
Bonner,	Gramlich,	Long, Wm. Jas.,	Scarcelli,
Bossert,	Gray,	Long, Wm. Jos.,	Schaaf,
Bower,	Greenlee,	Lutty,	Schuster,
Bowman,	Gremminger,	Magee,	Seltzer,
Branca,	Gross,	Manbeck,	Shelton,
Breth,	Guesman,	Markley,	Sherman,
Buchanan,	Guthrie,	Marsh,	Shupnik,
Bush,	Hamilton,	Maxwell,	Simmons,
Capano,	Hankins,	May,	Slack,
Cioffi,	Hartley,	McCandless,	Snare,
Clarke,	Haudenshield,	McCann,	Stank,
Comer,	Heavey,	McDevitt,	Steckel,
Cooley,	Heffner,	McDonald	Stimmel,
Crossin,	Helm,	McInroy,	Stiteler,
Curwood,	Henzel,	McKeever,	Sullivan, J. A.,
Davis,	Hocker,	Meholchick,	Taylor,
Dengler,	Holl,	Merry,	Thompson,
Dennison,	Holliday,	Miller,	Tomascik,
Donaldson,	Holman,	Mills,	Tompkins,
Dougherty,	Horst,	Monroe,	Ujobai,
Doughten,	Irvis,	Morley,	Varner,
Down,	Isaacs,	Munley,	Verona,
Edwards,	Jenkins,	Murphy,	Wall,
Eilberg,	Jim,	Murray,	Wargo,
Elvey,	Johnson, A. W.,	Musto,	Weidner,
Eshback,	Johnson, R. P.,	Needham,	Welsh,
Eshleman,	Jones,	O'Dell,	Wescott,
Esler,	Kamyk,	O'Donnell, J. A.,	Whittaker,
Ewing,	Keiser,	O'Donnell, J. P.,	Willaredt,
Farabaugh,	Kelly,	Odorisio,	Williams, A. D.,
Fetterolf,	Kernaghan,	Ogilvie,	Williams, E. S.,
Filo,	Kessler,	Parlante,	Wilt,
Fineman,	King,	Pashley,	Wood,
Flynn,	Kistler,	Petrosky,	Worley,
Foor,	Klein,	Piper,	Wynd,
Fox,	Knecht,	Polaski,	Yetter,
Frascella,	Kooker,	Polen,	Zember,
Fry,	Kornick,	Prendergast,	Andrews, Speaker

NAYS—0

NOT VOTING—22

Ashton,	McCormack,	Price,	Sullivan, T. F.,
Capitolo,	McLaughlin,	Rubin,	Trusio,
Cauley,	McNally,	Sakulsky,	Walsh,
Cianfrani,	Mihm,	Stone,	Willard,
Foerster,	Mullen,	Strausser,	Zimmerman,
Gelfand,	Perry,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Tompkins for Mr. ASHTON for today.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 381, entitled:

An Act amending the act of May 16, 1921 (P. L. 579), entitled as amended "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third fourth and fifth classes by creating in such counties a board to be known by the name and style of inspectors of the jail or county prison with authority to appoint a warden of such prison and by vesting in said board and the officers appointed by it the safekeeping discipline and employment of prisoners and the government and management of said jails or county prisons" further providing for the composition of the board of inspectors of the jail or county prison.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—70

Adams,	Greenlee,	Meholchick,	Renwick,
Anderson, S. A.,	Gremminger,	Mills,	Riley,
Arlene,	Guesman,	Monroe,	Rubin,
Bachman	Hamilton,	Munley,	Scarcelli,
Boies,	Hankins,	Murphy,	Schaaf,
Branca,	Hartley,	Murray,	Shelton,
Breth,	Heavey,	Musto,	Sherman,
Cioffi,	Jim,	Needham,	Shupnik,
Comer,	Jones,	O'Donnell, J. A.,	Snare,
Crossin,	Kamyk,	O'Donnell, J. P.,	Stank,
Curwood,	Kelly,	Parlante,	Sullivan, J. A.,
Dougherty,	Klein,	Pashley,	Taylor,
Doughten,	Lawson,	Petrosky,	Tomascik,
Eilberg,	Leonard,	Polaski,	Verona,
Filo,	Limper,	Polen,	Wargo,
Fineman,	Marsh,	Prendergast,	Yetter,
Frascella,	Maxwell,	Reibman,	Andrews, Speaker
Gray,	McKeever,		

NAYS—123

Anderson, J. H.	Gallagher,	Kornick,	Royer,
Auker,	George,	Korns,	Rudisill,
Backenstoe,	Gibb,	Kramer,	Rutherford,
Blair,	Gibbons,	Lamb,	Schuster,
Bonner,	Goldstein, J. H.,	Lee, A. M.,	Seltzer,
Bossert,	Goldstein, M. H.,	Lee, K. B.,	Simmons,
Bower,	Goodrich,	Lippincott,	Slack,
Bowman,	Gramlich,	Long, Wm. Jas.,	Steckel,
Buchanan,	Gross,	Long, Wm. Jos.,	Stimmel,
Bush,	Guthrie,	Lutty,	Stiteler,
Capano,	Haudenshield.	Magee,	Thompson,
Clarke,	Heffner,	Manbeck,	Tompkins,
Cooley,	Helm,	Markley,	Trusio,
Davis,	Henzel,	May,	Ujobai,
Dengler,	Hocker,	McCandless,	Varner,
Dennison,	Holl,	McCann,	Wall,
Donaldson,	Holliday,	McDevitt,	Weidner,
Down,	Holman,	McDonald	Welsh,
Edwards,	Horst,	McInroy,	Wescott,
Eshback,	Irvis,	McNally,	Whittaker,
Elvey,	Isaacs,	Merry,	Willard,
Eshleman,	Jenkins,	Miller,	Willaredt,
Esler,	Johnson, A. W.,	Morley,	Williams, A. D.,
Ewing,	Johnson, R. P.,	Mullen,	Williams, E. S.,
Farabaugh,	Keiser,	O'Dell,	Wilt,
Fetterolf,	Kernaghan,	Odorisio,	Wood,
Flynn,	Kessler,	Ogilvie,	Worley,
Foor,	King,	Piper,	Wynd,
Fox,	Kistler,	Pursley,	Zember,
Fry,	Knecht,	Reidenbach,	Zimmerman,
Fulmer,	Kooker,	Rovansek,	

NOT VOTING—17

Ashton,	Gailey,	Mihm,	Stone,
Capitolo,	Gelfand,	Perry,	Strausser,
Cauley,	McCormack,	Price,	Sullivan, T. F.,
Cianfrani,	McLaughlin,	Sakulsky,	Walsh,
Foerster,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 511, entitled:

An Act amending the act of May 15, 1933 (P. L. 624), en-

titled as amended "Banking Code" permitting savings banks to service mortgages.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—181

Adams,	George,	Lawson,	Reibman,
Anderson, J. H.	Gibb,	Lee, A. M.,	Reidenbach,
Anderson, S. A.,	Gibbons,	Leonard,	Renwick,
Arlene,	Goldstein, J. H.,	Limper,	Riley,
Auker,	Gramlich,	Lippincott,	Rovansek,
Backenstoe,	Gray,	Long, Wm. Jas.,	Royer,
Blair,	Greenlee,	Long, Wm. Jos.,	Rubin,
Bonner,	Gremminger,	Lutty,	Rudisill,
Bossert,	Gross,	Magee,	Rutherford,
Bower,	Guesman,	Manbeck,	Scarcelli,
Bowman,	Guthrie,	Markley,	Schaaf,
Branca,	Hamilton,	Marsh,	Schuster,
Breth,	Hankins,	Maxwell,	Seltzer,
Buchanan,	Hartley,	May,	Shelton,
Bush,	Haudenshield,	McCandless,	Sherman,
Capano,	Heavey,	McCann,	Shupnik,
Cioffi,	Heffner,	McDevitt,	Simmons,
Clarke,	Helm,	McDonald	Slack,
Comer,	Henzel,	McInroy,	Snare,
Cooley,	Hocker,	McKeever,	Stank,
Crossin,	Holl,	McNally,	Stimmel,
Curwood,	Holliday,	Meholchick,	Stiteler,
Davis,	Holman,	Merry,	Sullivan, J. A.,
Dengler,	Horst,	Miller,	Taylor,
Donaldson,	Irvis,	Mills,	Thompson,
Dougherty,	Isaacs,	Monroe,	Tompkins,
Doughten,	Jenkins,	Morley,	Trusio,
Down,	Jim,	Munley,	Ujobai,
Edwards,	Johnson, A. W.,	Murphy,	Varner,
Eilberg,	Johnson, R. P.,	Murray,	Verona,
Elvey,	Jones,	Musto,	Wall,
Eshback,	Kamyk,	Needham,	Wargo,
Eshleman,	Keiser,	O'Dell,	Weidner,
Esler,	Kelly,	O'Donnell, J. A.,	Welsh,
Ewing,	Kernaghan,	O'Donnell, J. P.,	Whittaker,
Farabaugh,	Kessler,	Odorisio,	Willard,
Fetterolf,	King,	Ogilvie,	Willaredt,
Filo,	Kistler,	Parlante,	Williams, E. S.,
Fineman,	Klein,	Pashley,	Wilt,
Flynn,	Knecht,	Petrosky,	Wood,
Foor,	Kooker,	Piper,	Worley,
Fox,	Kornick,	Polaski,	Wynd,
Frascella,	Korns,	Polen,	Yetter,
Fry,	Kramer,	Prendergast,	Zember,
Fulmer,	Lamb,	Pursley,	Zimmerman,
Gallagher,			

NAYS—7

Bachman	Goodrich,	Tomascik,	Williams, A. D.,
Goldstein, M. H.,	Lee, K. B.,	Wescott,	

NOT VOTING—22

Ashton,	Foerster,	Mullen,	Stone,
Boles,	Gailey,	Perry,	Strausser,
Capitolo,	Gelfand,	Price,	Sullivan, T. F.,
Cauley,	McCormack,	Sakulsky,	Walsh,
Cianfrani,	McLaughlin,	Steckel,	Andrews,
Dennison,	Mihm,		Speaker

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

BILL PASSED OVER

There being no objection,

Senate bill No. 628, printer's No. 1014,

was passed over at the request of Mr. McCANN.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 637, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing the reservation of funds for out-of-state travel expenses.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—133

Anderson, J. H.,	Gallagher,	Lee, A. M.,	Riley,
Anderson, S. A.,	George,	Leonard,	Rovansek,
Arlene,	Goldstein, J. H.,	Limper,	Rubin,
Bachman,	Goldstein, M. H.,	Long, Wm. Jas.,	Rudisill,
Backenstoe,	Gray,	Long, Wm. Jos.,	Scarcelli,
Blair,	Greenlee,	Lutty,	Schaaf,
Boles,	Gremminger,	Manbeck,	Schuster,
Bonner,	Guthrie,	Markley,	Shelton,
Bossert,	Hamilton,	Marsh,	Sherman,
Bower,	Hankins,	Maxwell,	Shupnik,
Branca,	Hartley,	May,	Seltzer,
Breth,	Haudenshield,	McCann,	Simmons,
Buchanan,	Heavey,	McKeever,	Slack,
Capano,	Helm,	McNally,	Snare,
Cioffi,	Henzel,	Meholchick,	Stank,
Clarke,	Holliday,	Mills,	Steckel,
Comer,	Holman,	Monroe,	Stimmel,
Cooley,	Horst,	Mullen,	Stiteler,
Crossin,	Irvis,	Munley,	Taylor,
Curwood,	Jim,	Musto,	Thompson,
Dengler,	Johnson, A. W.,	Needham,	Tomascik,
Dougherty,	Jones,	O'Dell,	Trusio,
Doughten,	Kamyk,	O'Donnell, J. A.,	Ujobai,
Edwards,	Kelly,	O'Donnell, J. P.,	Varner,
Eilberg,	Kernaghan,	Parlante,	Verona,
Elvey,	Kessler,	Petrosky,	Wall,
Eshback,	Kistler,	Piper,	Wargo,
Ewing,	Klein,	Polaski,	Welsh,
Filo,	Kooker,	Polen,	Willard,
Fineman,	Kornick,	Prendergast,	Willaredt,
Flynn,	Korns,	Reibman,	Worley,
Frascella,	Kramer,	Reidenbach,	Yetter,
Fulmer,	Lawson,	Renwick,	Zimmerman,
Gailey,			

NAYS—58

Adams,	Gibb,	Lee, K. B.,	Pursley,
Auker,	Gibbons,	Lippincott,	Royer,
Bowman,	Goodrich,	Magee,	Rutherford,
Bush,	Gramlich,	McCandless,	Sullivan, J. A.,
Davis,	Gross,	McDevitt,	Tompkins,
Dennison,	Guesman,	McDonald,	Weidner,
Donaldson,	Heffner,	McInroy,	Wescott,
Down,	Hocker,	Merry,	Whittaker,
Eshleman,	Holl,	Miller,	Williams, A. D.,
Esler,	Isaacs,	Morley,	Williams, E. S.,
Farabaugh,	Johnson, R. P.,	Murphy,	Wilt,
Fetterolf,	Keiser,	Odorisio,	Wood,
Foor,	King,	Ogilvie,	Wynd,
Fox,	Knecht,	Pashley,	Zember,
Fry,	Lamb,		

NOT VOTING—19

Ashton,	Gelfand,	Murray,	Strausser,
Capitolo,	Jenkins,	Perry,	Sullivan, T. F.,
Cauley,	McCormack,	Price,	Walsh,
Cianfrani,	McLaughlin,	Sakulsky,	Andrews,
Foerster,	Mihm,	Stone,	Speaker

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 708, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for apportionment of rental obligations in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—189

Adams,	Gibb,	Lee, A. M.,	Renwick,
Anderson, J. H.,	Gibbons,	Lee, K. B.,	Riley,
Anderson, S. A.,	Goldstein, J. H.,	Leonard,	Rovansek,
Arlene,	Goldstein, M. H.,	Limper,	Royer,
Bachman,	Goodrich,	Lippincott,	Rubin,
Backenstoe,	Gramlich,	Long, Wm. Jas.,	Rudisill,
Blair,	Gray,	Long, Wm. Jos.,	Rutherford,
Boles,	Greenlee,	Lutty,	Scarcelli,
Bonner,	Gremminger,	Magee,	Schaaf,
Bossert,	Gross,	Manbeck,	Schuster,
Bower,	Guesman,	Markley,	Seltzer,
Bowman,	Guthrie,	Marsh,	Shelton,
Branca,	Hamilton,	Maxwell,	Sherman,
Breth,	Hankins,	May,	Shupnik,
Buchanan,	Hartley,	McCandless,	Slack,
Bush,	Haudenshield,	McCann,	Snare,
Capano,	Heavey,	McDevitt,	Stank,
Cioffi,	Heffner,	McDonald,	Steckel,
Clarke,	Helm,	McInroy,	Stimmel,
Comer,	Henzel,	McKeever,	Stiteler,
Cooley,	Hocker,	McNally,	Sullivan, J. A.,
Crossin,	Holl,	Meholchick,	Taylor,
Curwood,	Holliday,	Merry,	Thompson,
Dengler,	Holman,	Miller,	Tomascik,
Dennison,	Horst,	Mills,	Tompkins,
Donaldson,	Irvis,	Monroe,	Trusio,
Dougherty,	Isaacs,	Morley,	Ujobai,
Doughten,	Jenkins,	Mullen,	Varner,
Down,	Jim,	Munley,	Verona,
Edwards,	Johnson, A. W.,	Murphy,	Wall,
Eilberg,	Johnson, R. P.,	Murray,	Wargo,
Elvey,	Jones,	Musto,	Weidner,
Eshback,	Kamyk,	Needham,	Welsh,
Eshleman,	Kelly,	O'Dell,	Wescott,
Esler,	Keiser,	O'Donnell, J. A.,	Whittaker,
Ewing,	Kernaghan,	Odorisio,	Willard,
Fetterolf,	Kessler,	Ogilvie,	Willaredt,
Filo,	King,	Parlante,	Williams, A. D.,
Fineman,	Kistler,	Pashley,	Williams, E. S.,
Flynn,	Klein,	Petrosky,	Wilt,
Foor,	Knecht,	Piper,	Wood,
Fox,	Kooker,	Polaski,	Worley,
Frascella,	Kornick,	Polen,	Wynd,
Fry,	Korns,	Prendergast,	Yetter,
Fulmer,	Kramer,	Pursley,	Zember,
Gailey,	Lamb,	Reibman,	Zimmerman,
Gallagher,	Lawson,	Reidenbach,	Andrews,
George,			Speaker

NAYS—2

Auker,	Davis,

NOT VOTING—19

Ashton,	Foerster,	O'Donnell, J. P.,	Stone,
Capitolo,	Gelfand,	Perry,	Strausser,
Cauley,	McCormack,	Price,	Sullivan, T. F.,
Cianfrani,	McLaughlin,	Sakulsky,	Walsh,
Farabaugh,	Mihm,	Simmons,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 780, entitled:

An Act amending the act of May 16, 1919 (P. L. 193), entitled "An act to provide for the licensing and regulation of public dance halls and ball rooms . . ." increasing license fees in cities of the second class and changing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—186

Anderson, S. A.,	Gallagher,	Lee, A. M.,	Reidenbach,
Arlene,	George,	Lee, K. B.,	Renwick,
Auker,	Gibb,	Leonard,	Riley,
Bachman,	Gibbons,	Limper,	Rovansek,
Backenstoe,	Goldstein, J. H.,	Lippincott,	Royer,
Blair,	Goldstein, M. H.,	Long, Wm. Jas.,	Rubin,
Boles,	Goodrich,	Long, Wm. Jos.,	Rudisill,
Bonner,	Gramlich,	Lutty,	Rutherford,
Bossert,	Gray,	Magee,	Scarcelli,
Bower,	Greenlee,	Manbeck,	Schaaf,
Bowman,	Gremminger,	Markley,	Schuster,
Branca,	Guesman,	Marsh,	Seltzer,
Breth,	Guthrie,	Maxwell,	Shelton,
Buchanan,	Hamilton,	McCandless,	Sherman,
Bush,	Hankins,	McCann,	Shupnik,
Capano,	Hartley,	McDevitt,	Simmons,
Cioffi,	Haudenshield,	McDonald,	Slack,
Clarke,	Heavey,	McInroy,	Snare,
Comer,	Heffner,	McKeever,	Stank,
Cooley,	Helm,	McNally,	Steckel,
Crossin,	Henzel,	Meholchick	Stimmel,
Curwood,	Hocker,	Merry,	Stiteler,
Davis,	Holl,	Miller,	Sullivan, J. A.,
Dengler,	Holliday,	Mills,	Taylor,
Dennison,	Holman,	Monroe,	Thompson,
Donaldson,	Horst,	Morley,	Tomascik,
Dougherty,	Irvis,	Mullen,	Trusio,
Doughten,	Isaacs,	Munley,	Ujobai,
Down,	Jim,	Murphy,	Varner,
Edwards,	Johnson, A. W.,	Murray,	Verona,
Eilberg,	Johnson, R. P.,	Musto,	Wall,
Elvey,	Jones,	Needham,	Wargo,
Eshback,	Kamyk,	O'Dell,	Weidner,
Eshleman,	Keiser,	O'Donnell, J. A.,	Welsh,
Esler,	Kelly,	O'Donnell, J. P.,	Whittaker,
Ewing,	Kernaghan,	Odorisio,	Willard,
Farabaugh,	Kessler,	Ogilvie,	Willaredt,
Fetterolf,	King,	Parlante,	Williams, A. D.,
Filo,	Kistler,	Pashley,	Williams, E. S.,
Fineman,	Klein,	Petrosky,	Wilt,
Flynn,	Knecht,	Piper,	Wood,
Foor,	Kooker,	Polaski,	Wynd,
Fox,	Kornick,	Polen,	Yetter,
Frascella,	Korns,	Prendergast,	Zember,
Fry,	Kramer,	Pursley,	Zimmerman,
Fulmer,	Lamb,	Reibman,	Andrews,
Gailey,	Lawson,		Speaker

NAYS—6

Adams,	Gross,	Wescott,	Worley,
Anderson, J. H.,	Jenkins,		

NOT VOTING—18

Ashton,	Gelfand,	Perry,	Strausser,
Capitolo,	May,	Price,	Sullivan, T. F.,
Cauley,	McCormack,	Sakulsky,	Tompkins,
Cianfrani,	McLaughlin,	Stone,	Walsh,
Foerster,	Mihm,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 788, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" authorizing the Department of Health to institute a blood plasma protein recovery program.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—194

Adams,	Gallagher,	Lee, A. M.,	Riley,
Anderson, J. H.,	George,	Lee, K. B.,	Rovansek,
Anderson, S. A.,	Gibb,	Leonard,	Royer,
Arlene,	Gibbons,	Limper,	Rubin,
Auker,	Goldstein, J. H.,	Lippincott,	Rudisill,
Bachman,	Goldstein, M. H.,	Long, Wm. Jas.,	Rutherford,
Backenstoe,	Goodrich,	Long, Wm. Jos.,	Scarcelli,
Blair,	Gramlich,	Lutty,	Schaaf,
Boles,	Gray,	Magee,	Schuster,
Bonner,	Greenlee,	Manbeck,	Seltzer,
Bossert,	Gremminger,	Markley,	Shelton,
Bower,	Gross,	Marsh,	Sherman,
Bowman,	Guesman,	Maxwell,	Shupnik,
Branca,	Guthrie,	May,	Simmons,
Breth,	Hamilton,	McCandless,	Slack,
Buchanan,	Hankins,	McCann,	Snare,
Bush,	Hartley,	McDevitt,	Stank,
Capano,	Haudenshield,	McDonald,	Steckel,
Cioffi,	Heavey,	McInroy,	Stimmel,
Clarke,	Heffner,	McKeever,	Stiteler,
Comer,	Helm,	McNally,	Stone,
Cooley,	Henzel,	Meholchick,	Sullivan, J. A.,
Crossin,	Hocker,	Merry,	Taylor,
Curwood,	Holl,	Miller,	Thompson,
Davis,	Holliday,	Mills,	Tomascik,
Dengler,	Holman,	Monroe,	Tompkins,
Dennison,	Horst,	Morley,	Trusio,
Donaldson,	Irvis,	Mullen,	Ujobai,
Dougherty,	Isaacs,	Munley,	Varner,
Doughten,	Jenkins,	Murphy,	Verona,
Down,	Jim,	Musto,	Wall,
Edwards,	Johnson, A. W.,	Needham,	Wargo,
Ellberg,	Johnson, R. P.,	O'Dell,	Weidner,
Elvey,	Jones,	O'Donnell, J. A.,	Welsh,
Eshback,	Kamyk,	O'Donnell, J. P.,	Wescott,
Eshleman,	Keiser,	Odorisio,	Whittaker,
Esler,	Kelly,	Ogilvie,	Willard,
Ewing,	Kernaghan,	Parlante,	Willaredt,
Farabaugh,	Kessler,	Pashley,	Williams, A. D.,
Fetterolf,	King,	Petrosky,	Williams, E. S.,
Filo,	Kistler,	Piper,	Wilt,
Fineman,	Klein,	Polaski,	Wood,
Flynn,	Knecht,	Polen,	Worley,
Foor,	Kooker,	Prendergast,	Wynd,
Fox,	Kornick,	Pursley,	Yetter,
Frascella,	Korns,	Reibman,	Zember,
Fry,	Kramer,	Reidenbach,	Zimmerman,
Fulmer,	Lamb,	Renwick,	Andrews, Speaker
Gailey,	Lawson,		

NAYS—0

NOT VOTING—16

Ashton,	Foerster,	Mihm,	Sakulsky,
Capitolo,	Gelfand,	Murray,	Strausser,
Cauley,	McCormack,	Perry,	Sullivan, T. F.,
Cianfrani,	McLaughlin,	Price,	Walsh,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 842, entitled:

An Act amending the act of June 1, 1959 (P. L. 392), entitled "State Employes' Retirement Code of 1959" changing certain fiscal provisions to conform to the fiscal period and changing provisions providing for contributions and administrative expenses.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, I would like to interrogate the gentleman from Washington, Mr. Polen.

The SPEAKER pro tempore. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, as I understand it, this bill changes from a biennial to an annual basis the contributions that must be made to the retirement fund by the various departments of the Commonwealth, is that right.

Mr. POLEN. That is correct, Mr. Speaker.

Mr. TOMPKINS. Now, Mr. Speaker, I note in here that they have stricken out the Motor License Fund and they have substituted the phrase "fund and special operating funds." Does the phrase "special operating funds," include the motor license fund?

Mr. POLEN. Yes, Mr. Speaker, it includes the motor license, the game fund and other special funds.

Yes, Mr. Speaker, in addition to changing the fiscal year, this also makes corrections.

As you will note on page 2, it formerly read, "Motor License and General Funds." It made no reference to the special funds. It has now been corrected to bring it properly, as it should be, out of the General Fund and special operating funds. The act previously did not cover—though it was done, it did not actually cover—the other funds. This is to bring it into conformity with the practice that we have for the game fund, the fish fund and the other special funds that the same recommendation was made.

Mr. TOMPKINS. Then the intended interpretation of the "special operating funds" would take in all of the departments, separate departments, that heretofore have made contributions to the fund, such as the motor fund, game fund, fish fund, and what have you?

Mr. POLEN. That is correct, Mr. Speaker.

Mr. TOMPKINS. I thank the gentleman, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—192

Adams,	Gallagher,	Lawson,	Renwick,
Anderson, J. H.,	George,	Lee, A. M.,	Riley,
Anderson, S. A.,	Gibb,	Lee, K. B.,	Rovansek,
Arlene,	Gibbons,	Leonard,	Royer,
Auker,	Goldstein, J. H.,	Limper,	Rubin,
Bachman,	Goldstein, M. H.,	Lippincott,	Rudisill,
Backenstoe,	Goodrich,	Long, Wm. Jas.,	Rutherford,
Blair,	Gramlich,	Long, Wm. Jos.,	Scarcelli,
Boles,	Gray,	Lutty,	Schaaf,
Bonner,	Greenlee,	Magee,	Schuster,

Bossert,	Gremminger,	Manbeck,	Seltzer,
Bower,	Gross,	Markley,	Shelton,
Bowman,	Guesman,	Marsh,	Sherman,
Branca,	Guthrie,	Maxwell,	Shupnik,
Breth,	Hamilton,	May,	Simmons,
Buchanan,	Hankins,	McCandless,	Slack,
Bush,	Hartley,	McCann,	Snare,
Capano,	Haudenshield,	McDevitt,	Stank,
Cioffi,	Heavey,	McDonald,	Steckel,
Clarke,	Heffner,	McInroy,	Stimmel,
Comer,	Helm,	McKeever,	Stiteler,
Crossin,	Henzel,	McNally,	Stone,
Curwood,	Hocker,	Meholchick,	Sullivan, J. A.,
Davis,	Holl,	Merry,	Taylor,
Dengler,	Holliday,	Miller,	Thompson,
Dennison,	Holman,	Mills,	Tomascik,
Donaldson,	Horst,	Monroe,	Tompkins,
Dougherty,	Irvis,	Morley,	Ujobai,
Doughten,	Isaacs,	Mullen,	Varner,
Down,	Jenkins,	Munley,	Verona,
Edwards,	Jim,	Murphy,	Wall,
Eilberg,	Johnson, A. W.,	Murray,	Wargo,
Elvey,	Johnson, R. P.,	Musto,	Weidner,
Ashback,	Jones,	Needham,	Welsh,
Ashleman,	Kamyk,	O'Dell,	Wescott,
Esler,	Keiser,	O'Donnell, J. A.,	Whittaker,
Ewing,	Kelly,	Odorisio,	Willard,
Farabaugh,	Kernaghan,	Ogilive,	Willaredt,
Fetterolf,	Kessler,	Parlante,	Williams, A. D.,
Filo,	King,	Pashley,	Williams, E. S.,
Fineman,	Kistler,	Petrosky,	Wilt,
Flynn,	Klein,	Piper,	Wood,
Foor,	Knecht,	Polaski,	Worley,
Fox,	Kooker,	Polen,	Wynd,
Frascella,	Kornick,	Prendergast,	Yetter,
Fry,	Korns,	Pursley,	Zember,
Fulmer,	Kramer,	Reibman,	Zimmerman,
Galley,	Lamb,	Reidenbach,	Andrews, Speaker

NAYS—0

NOT VOTING—18

Ashton,	Foerster,	O'Donnell, J. P.,	Strausser,
Capitolo,	Gelfand,	Perry,	Sullivan, T. F.,
Cauley,	McCormack,	Price,	Trusio,
Cianfrani,	McLaughlin,	Sakulsky,	Walsh,
Cooley,	Mihm,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same wihout amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1317, entitled:

An Act amending "The Pennsylvania Workmen's Compensation Act" approved June 2, 1915 (P. L. 736), providing for the payment of compensation to the spouse or certain dependents of deceased employes dying prior to receiving payment to total benefits in certain cases.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. CAPANO. Mr. Speaker, House bill 1317, is an amendment to the Workmen's Compensation Act which has to do with a specific loss or permanent loss, such as the loss of a hand or an eye or a limb and where the number of weeks is fixed when an individual gets an award for the specific loss. In the event that person dies from an unrelated condition, immediately the compensation ceases. Nothing more is paid to the widow or the dependent children.

We feel that in the case of a permanent loss, a specific loss, where a person loses an arm or a leg, just as in a negligence case, the balance for the period remaining unpaid should be paid to the widow. That is the purpose of this bill and, although there are not many cases of this nature, yet there are some where they have died shortly after the period of compensation becomes payable, and, of cours, the widow is left with no income. So we feel that in cases of that nature, payment should be continued to the widow if, of course, she is a dependent widow and was living with her husband. In the event that the wife has died, then, of course, it should be payable to the dependent children for the remaining period only.

I have experienced it personally as a compensation referee where I have seen this situation happen, especially some years ago, when all income was cut off to the widow. I feel that this is necessary to clear up that particular situation.

Mr. A. W. JOHNSON. Mr. Speaker, I think the explanation of the gentleman is correct as to what the bill does. In other words, if a workman who is on workmen's compensation should happen to die of causes that have no relation to his injury, if he had $10,000 more coming as the result of an award, it would go to his widow or his dependent children or his dependent parents. That in a way is changing the theory of workmen's compensation which is compensation to a worker during his working lifetime for injuries he has sustained, the theory being that the payment to him will make up for any loss in earning power by reason of his injuries. Now, if you pass these bills you are changing the theory of workmen's compensation to one of indemnity, to one of life insurance, or to one of guaranteed payments irrespective of whether the death was occasioned by industry, and that is, of course, projecting workmen's compensation into a field hitherto not contemplated by the early planners of the workmen's compensation law. Of course, if you want to make a state welfare bill out of workmen's compensation, that is your business.

Many of us backed raising the weekly stipend to $47.50 because of inflation and other factors. Increasing it to $47.50 a week from $42.50 was a reasonable thing to do, but you were not satisfied, apparently, with getting those bills and now you want to make a welfare bill out of this, a life insurance indemnity out of it, and that is really extending workmen's compensation into hitherto unexplored fields.

Here again you are saying to industry which wants to come into Pennsylvania, we are going to do everything we can this session to make it as tough as we possibly can for you and this is just another instance of it.

The bill that you did pass with a lot of gimmicks in it raising it to $47.50 was a pretty far departure, I would say, for this session. Therefore, I am asking those who can to vote against an item like this. Not that we are against widows and orphans—they should be taken care of through life insurance and the ordinary means of a worker protecting his family in case of his death by reason of causes that had no reasonable relation to his employment.

Mr. CAPANO. Mr. Speaker, this does not change the theory of workmen's compensation. In the act itself there are two categories, one which is considered disability and one which is considered a permanent loss. This affects permanent loss. It is not considered a disability because an employe who loses an arm or a leg or an eye can return to work and get his full waegs and still receive the specific

loss, the compensation to which he is entitled for the loss of an eye or arm or leg or whatever it happens to be. The only difference here, as I said a while ago, is where a person dies after the payments begin from another condition which is not related to his injury. Of course, an employe who receives a specific loss and compensation for a fixed number of weeks, or years, that employe can come in with a commutation petition and get the amount payable to him immediately. Therefore, in some instances where they need the money and it is allowable, they get it immediately by commutation, whereas an individual who has no particular need at the time and allows it to run for the period for which it is fixed, he may find himself without anything because he may die from some other condition before the period has been exhausted.

I feel it is a good bill, it is a just bill, because it would give to those who lose an arm or a leg, because they will never get that back, some compensation for that specific loss.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—155

Adams,	Gailey,	Leonard,	Renwick,
Anderson, S. A.,	Gallagher,	Limper,	Riley,
Arlene,	Goldstein, J. H.,	Long, Wm. Jas.,	Rovansek,
Auker,	Goldstein, M. H.,	Long, Wm. Jos.,	Royer,
Bachman,	Gray,	Lutty,	Rubin,
Blair,	Greenlee,	Magee,	Rudisill,
Boles,	Gremminger,	Manbeck,	Rutherford,
Bonner,	Gross,	Markley,	Scarcelli,
Bower,	Guesman,	Marsh,	Schaaf,
Branca,	Hamilton,	Maxwell,	Schuster,
Breth,	Hankins,	May,	Seltzer,
Buchanan,	Hartley,	McCandless,	Shelton,
Bush,	Haudenshield,	McCann,	Sherman,
Capano,	Heavey,	McDevitt,	Shupnik,
Cioffi,	Heffner,	McDonald,	Simmons,
Clarke,	Hocker,	McKeever,	Snare,
Comer,	Holliday,	McNally,	Stank,
Cooley,	Horst,	Meholchick,	Steckel,
Crossin,	Irvis,	Miller,	Stimmel,
Curwood,	Isaacs,	Mills,	Sullivan, J. A.,
Dengler,	Jenkins,	Monroe,	Taylor,
Dougherty,	Jim,	Morley,	Thompson,
Doughten,	Jones,	Mullen,	Tomascik,
Down,	Kamyk,	Munley,	Trusio,
Edwards,	Keiser,	Murphy,	Varner,
Eilberg,	Kelly,	Musto,	Verona,
Elvey,	Kernaghan,	Needham,	Wargo,
Ehback,	Kessler,	O'Donnell, J. A.,	Welsh,
Eshleman,	King,	O'Donnell, J. P.,	Whittaker,
Esler,	Klein,	Ogilive,	Willard,
Farabaugh,	Knecht,	Parlante,	Williams, A. D.,
Filo,	Kooker,	Pashley,	Williams, E. S.,
Fineman,	Kornick,	Petrosky,	Worley,
Flynn,	Korns,	Piper,	Wynd,
Foor,	Kramer,	Polaski,	Yetter,
Fox,	Lamb,	Polen,	Zember,
Frascella,	Lawson,	Prendergast,	Zimmerman,
Fry,	Lee, A. M.,	Reibman,	Andrews,
Fulmer,	Lee, K. B.,	Reidenbach,	Speaker

NAYS—37

Anderson, J. H.,	Gibb,	Johnson, A. W.,	Stiteler,
Backenstoe,	Gibbons,	Johnson, R. P.,	Tompkins,
Bossert,	Goodrich,	Kistler,	Ujobai,
Bowman,	Gramlich,	Lippincott,	Wall,
Davis,	Guthrie,	McInroy,	Weidner,
Dennison,	Helm,	Merry,	Wescott,
Donaldson,	Henzel,	O'Dell,	Willaredt,
Ewing,	Holl,	Pursley,	Wilt,
Fetterolf,	Holman,	Slack,	Wood,
George,			

NOT VOTING—18

Ashton,	Gelfand,	Odorisio,	Stone,
Capitolo,	McCormack,	Perry,	Strausser,
Cauley,	McLaughlin,	Price,	Sullivan, T. F.,
Cianfrani,	Mihm,	Sakulsky,	Walsh,
Foerster,	Murray,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1318, entitled:

An Act amending "The Pennsylvania Occupational Disease Act" approved June 21, 1939 (P. L. 566), providing for the payment of compensation to the spouse or certain dependents of deceased employes dying prior to receiving payment of total benefits in certain cases.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. CAPANO. Mr. Speaker, House bill 1318 is a companion bill to 1317. House bill 1318 deals with the same type of a condition except that the condition develops from an occupational disease whereas House bill 1317 deals with a disability which develops from an injury. I ask that you support House bill 1318 so they will run together since House bill 1317 has been passed.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—159

Adams,	Gallagher,	Long, Wm. Jos.,	Renwick,
Anderson, S. A.,	Goldstein, J. H.,	Lutty,	Riley,
Arlene,	Goldstein, M. H.,	Magee,	Rovansek,
Auker,	Gray,	Manbeck,	Royer,
Bachman,	Greenlee,	Markley,	Rubin,
Blair,	Gremminger,	Marsh,	Rudisill,
Boles,	Gross,	Maxwell,	Rutherford,
Bonner,	Guesman,	May,	Scarcelli,
Bossert,	Hamilton,	McCandless,	Schaaf,
Bower,	Hankins,	McCann,	Schuster,
Branca,	Hartley,	McDevitt,	Seltzer,
Breth,	Haudenshield,	McDonald,	Shelton,
Buchanan,	Heavey,	McInroy,	Sherman,
Bush,	Heffner,	McKeever,	Shupnik,
Capano,	Hocker,	McNally,	Simmons,
Cioffi,	Holliday,	Meholchick,	Snare,
Clarke,	Horst,	Miller,	Stank,
Comer,	Irvis,	Mills,	Steckel,
Cooley,	Isaacs,	Monroe,	Stimmel,
Crossin,	Jenkins,	Morley,	Sullivan, J. A.,
Curwood,	Jim,	Mullen,	Taylor,
Dengler,	Jones,	Munley,	Thompson,
Dennison,	Kamyk,	Murphy,	Tomascik,
Dougherty,	Keiser,	Murray,	Trusio,
Doughten,	Kelly,	Musto,	Ujobai,
Down,	Kernaghan,	Needham,	Varner,
Edwards,	Kessler,	O'Dell,	Verona,
Eilberg,	Klein,	O'Donnell, J. A.,	Wargo,
Elvey,	Knecht,	O'Donnell, J. P.,	Welsh,
Ehback,	Kooker,	Ogilive,	Whittaker,
Eshleman,	Kornick,	Parlante,	Willard,
Esler,	Korns,	Pashley,	Williams, A. D.,
Farabaugh,	Kramer,	Petrosky,	Williams, E. S.,
Filo,	Lamb,	Piper,	Worley,
Fineman,	Lawson,	Polaski,	Wynd,
Flynn,	Lee, A. M.,	Polen,	Yetter,
Foor,	Lee, K. B.,	Prendergast,	Zember,
Fox,	Leonard,	Pursley,	Zimmerman,
Frascella,	Limper,	Reibman,	Andrews,
Gailey,	Long, Wm. Jas.,	Reidenbach,	Speaker

NAYS—33

Anderson, J. H.,	Gibbons,	Johnson, A. W.,	Stiteler,
Backenstoe,	Goodrich,	Johnson, R. P.,	Tompkins,
Bowman,	Gramlich,	King,	Wall,
Davis,	Guthrie,	Kistler,	Weidner,
Donaldson,	Helm,	Lippincott,	Wescott,
Ewing,	Henzel,	Merry,	Willaredt,
Fetterolf,	Holl,	Odorisio,	Wilt,
George,	Holman,	Slack,	Wood,
Gibb,			

NOT VOTING—18

Ashton,	Fry,	Mihm,	Stone,
Capitolo,	Fulmer,	Perry,	Strausser,
Cauley,	Gelfand,	Price,	Sullivan, T. F.,
Cianfrani,	McCormack,	Sakulsky,	Walsh,
Foerster,	McLaughlin,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

PREMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. BOIES asked and obtained permission for the Committee on Professional Licensure to meet during the session of the House.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 320.

An Act amending the act of May 29, 1956 (P. L. 1804), entitled "An act providing for the establishment of police pension funds or pension annuities in certain boroughs towns and townships and the regulation and maintenance thereof . . ." changing the age at which a member of a police force may retire.

HOUSE BILL No. 945.

An Act amending the "Selective Sales and Use Tax Act" approved March 6, 1956 (P. L. 1228), clarifying the method of tax collections on liquor sales by the bottle.

HOUSE BILL No. 1190.

An Act reenacting and amending the act of June 11, 1947 (P. L. 551), entitled "The Fire Marine and Inland Marine Rate Regulatory Act" including domestic mutual fire insurance companies and domestic reciprocals or exchanges within the provisions of the act and providing for a uniform classification of accounts and records.

HOUSE BILL No. 1397.

An Act making an appropriation to the Department of Public Instruction for payment into The State School Fund of Pennsylvania for assisting public school districts and state teachers' colleges to comply with required safety standards in certain cases.

HOUSE BILL No. 1446.

An Act amending the act of June 19, 1931 (P. L. 589) entitled as amended "Barbers' License Law" providing credit toward student or apprentice registration periods in certain cases.

HOUSE BILL No. 1498.

An Act authorizing municipalities and townships to appropriate money to improve or equip State property located within its boundaries.

HOUSE BILL No. 1554.

An Act amending the act of May 28, 1915 (P. L. 596), entitled "An act requiring cities of the sceond class to establish a pension fund for employes of said cities and regulat the administration and the payment of such pensions" authorizing the withdrawal of service increment contributions by persons who retire before becoming entitled to any service increment.

HOUSE BILL No. 1579.

An Act amending the act of November 21, 1959 (Appropriation Act No. 47-A), entitled "An Act making an appropriation to the Department of Forests and Waters for the development of Erie Harbor and land adjacent thereto" removing provisions relating to completion of the Duquesne Marine Terminal facilities.

HOUSE BILL No. 1617.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" providing for the issuance of temporary registration plates or markers for vehicles which are not to be registered in Pennsylvania removing the requirement that application for annual registration plates must be made for such vehicles and providing that persons receiving such plates or markers shall not be relieved from certain taxes.

HOUSE BILL No. 1621.

An Act amending the "Vocational Rehabilitation Act of one thousand nine hundred forty-five" approved May 22, 1945 (P. L. 849), authorizing certain persons injured by accidents incurred in the course of their employment or disabled by occupational disease.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS INTRODUCED AND REFERRED

By Messrs. MURRAY, MUSTO, Mrs. REIBMAN, Messrs. DENGLER and CAPANO.

HOUSE BILL No. 1848.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), changing minimum salaries for certain professional employes, and increasing the total compensation for certain professional employees.

Referred to the Committee on Education.

By Messrs. EILBERG, McCANN, WEIDNER and Mrs. MARKLEY. HOUSE BILL No. 1849.

An Act amending "The First Class City Permanent Registration Act," approved March 30, 1937 (P. L. 115), providing for the registration of physically disabled persons.

Referred to the Committee on Rules.

By Messrs. EILBERG, McCANN, WEIDNER and Mrs. MARKLEY. HOUSE BILL No. 1850.

An Act amending "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships," approved April 29, 1937 (P. L. 487), providing for the registration of physically disabled persons.

Referred to the Committee on Rules.

REPORT FROM COMMITTEE

Mr. SCHAAF from the Committee on Professional Licensure, reported as amended, House bill No. 298, entitled:

An Act amending "The Administrative Code of 1929,"

approved April 9, 1929 (P. L. 177), changing membership of the State Board of Medical Education and Licensure.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 520, entitled:

An Act amending "The Vehicle Code," approved April 29, 1959 (P. L. 58), granting a credit for certain suspensions toward revocation penalties including motorcycles within the provisions relating to reflectors and reflective materials providing for enforcement of equipment requirements further defining the duty to stop in the event of an accident***

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—188

Adams,	Gailey,	Lamb,	Pursley,
Anderson, J. H.,	Gallagher,	Lawson,	Reibman,
Anderson, S. A.,	George,	Lee, A. M.,	Reidenbach,
Arlene,	Gibb,	Lee, K. B.,	Renwick,
Auker,	Gibbons,	Leonard,	Riley,
Bachman,	Goldstein, J. H.,	Limper,	Rovansek,
Backenstoe,	Goldstein, M. H.,	Lippincott,	Royer,
Blair,	Goodrich,	Long, Wm. Jas.,	Rubin,
Boies,	Gramlich,	Long, Wm. Jos.,	Rudisill,
Bonner,	Gray,	Lutty,	Rutherford,
Bossert,	Greenlee,	Magee,	Scarcelli,
Bower,	Gremminger,	Manbeck,	Schaaf,
Bowman,	Gross,	Markley,	Schuster,
Branca,	Guesman,	Marsh,	Seltzer,
Breth,	Guthrie,	Maxwell,	Shelton,
Buchanan,	Hamilton,	May,	Sherman,
Bush,	Hankins,	McCandless,	Simmons,
Capano,	Hartley,	McCann,	Slack,
Cioffi,	Haudenshield,	McDevitt,	Stank,
Clarke,	Heavey,	McDonald,	Steckel,
Comer,	Heffner,	McInroy,	Stimmel,
Cooley,	Helm,	McKeever,	Stiteler,
Crossin,	Henzel,	McNally,	Sullivan, J. A.,
Curwood,	Hocker,	Meholchick,	Taylor,
Davis,	Holl,	Merry,	Thompson,
Dengler,	Holliday,	Miller,	Tomascik,
Dennison,	Holman,	Mills,	Tompkins,
Donaldson,	Horst,	Monroe,	Trusio,
Dougherty,	Irvis,	Morley,	Ujobai,
Doughten,	Isaacs,	Mullen,	Varner,
Down,	Jenkins,	Munley,	Verona,
Edwards,	Jim,	Murphy,	Wargo,
Eilberg,	Johnson, A. W.,	Murray,	Weidner,
Elvey,	Johnson, R. P.,	Musto,	Welsh,
Eshleman,	Jones,	Needham,	Wescott,
Esler,	Kamyk,	O'Dell,	Whittaker,
Ewing,	Keiser,	O'Donnell, J. A.,	Willard,
Farabaugh,	Kelly,	O'Donnell, J. P.,	Willaredt,
Fetterolf,	Kessler,	Odorisio,	Williams, A. D.,
Filo,	King,	Ogilvie,	Williams, E. S.,
Fineman,	Kistler,	Parlante,	Wilt,
Flynn,	Klein,	Pashley,	Wood,
Foor,	Knecht,	Petrosky,	Worley,
Fox,	Kooker,	Piper,	Wynd,
Frascella,	Kornick,	Polaski,	Zember,
Fry,	Korns,	Polen,	Zimmerman,
Fulmer,	Kramer,	Prendergast,	Andrews, Speaker

NAYS—1

Yetter,

NOT VOTING—21

Ashton,	Gelfand,	Perry,	Stone,
Capitolo,	Kernaghan,	Price,	Strausser,
Cauley,	McCormack,	Sakulsky,	Sullivan, T. F.
Cianfrani,	McLaughlin,	Shupnik,	Wall,
Eshback,	Mihm,	Snare,	Walsh,
Foerster,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 112, entitled:

An Act amending "The Vehicle Code," approved April 29, 1959 (P. L. 58), providing additional enforcement procedures on traffic violations in boroughs, towns and townships.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—174

Adams,	Fulmer,	Lee, A. M.,	Royer,
Anderson, J. H.,	Gallagher,	Lee, K. B.,	Rubin,
Arlene,	George,	Leonard,	Rudisill,
Auker,	Gibb,	Limper,	Rutherford,
Bachman,	Gibbons,	Lippincott,	Scarcelli,
Backenstoe,	Goldstein, J. H.,	Long, Wm. Jas.,	Schaaf,
Blair,	Goldstein, M. H.,	Lutty,	Schuster,
Boies,	Goodrich,	Magee,	Seltzer,
Bonner,	Gramlich,	Manbeck,	Shelton,
Bossert,	Gray,	Markley,	Sherman,
Bower,	Greenlee,	Marsh,	Shupnik,
Bowman,	Gremminger,	Maxwell,	Simmons,
Branca,	Guthrie,	May,	Slack,
Buchanan,	Hankins,	McCandless,	Snare,
Bush,	Hartley,	McCann,	Stank,
Capano,	Haudenshield,	McInroy,	Steckel,
Cioffi,	Heavey,	McKeever,	Stimmel,
Clarke,	Heffner,	Meholchick,	Stiteler,
Comer,	Helm,	Merry,	Sullivan, J. A.,
Cooley,	Henzel,	Miller,	Taylor,
Crossin,	Hocker,	Mills,	Thompson,
Curwood,	Holl,	Monroe,	Tomascik,
Davis,	Holliday,	Morley,	Tompkins,
Dengler,	Horst,	Mullen,	Trusio,
Dennison,	Irvis,	Munley,	Ujobai,
Donaldson,	Isaacs,	Murphy,	Varner,
Dougherty,	Jenkins,	Murray,	Verona,
Doughten,	Jim,	Musto,	Wall,
Down,	Johnson, A. W.,	Needham,	Weidner,
Edwards,	Johnson, R. P.,	O'Dell,	Welsh,
Elvey,	Jones,	O'Donnell, J. A.,	Wescott,
Eshback,	Kamyk,	O'Donnell, J. P.,	Whittaker,
Eshleman,	Keiser,	Odorisio,	Willard,
Esler,	Kelly,	Ogilvie,	Willaredt,
Ewing,	Kernaghan,	Parlante,	Williams, A. D.,
Farabaugh,	Kessler,	Piper,	Williams, E. S.,
Fetterolf,	King,	Polaski,	Wilt,
Filo,	Knecht,	Prendergast,	Wood,
Fineman,	Kooker,	Pursley,	Wynd,
Flynn,	Kornick,	Reibman,	Yetter,
Foor,	Korns,	Reidenbach,	Zember,
Fox,	Kramer,	Renwick,	Zimmerman,
Frascella,	Lamb,	Riley,	Andrews, Speaker
Fry,	Lawson,		

NAYS—17

Anderson, S. A.,	Guesman,	Klein,	Petrosky,
Breth,	Hamilton,	McDevitt,	Polen,
Eilberg,	Holman,	McDonald,	Rovansek,
Gailey,	Kistler,	Pashley,	Worley,
Gross,			

NOT VOTING—19

Ashton,	Gelfand,	Mihm,	Strausser,
Capitolo,	Long, Wm. Jos.,	Perry,	Sullivan, T. F.,
Cauley,	McCormack,	Price,	Walsh,
Cianfrani,	McLaughlin,	Sakulsky,	Wargo,
Foerster,	McNally,	Stone,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1822, entitled:

An Act amending "The First Class City Permanent Registration Act," approved March 30, 1937 (P. L. 115), further regulating the distribution of street lists.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—179

Anderson, J. H.	Goldstein, J. H.,	Leonard,	Riley,
Anderson, S. A.,	Goldstein, M. H.,	Limper,	Rovansek,
Arlene,	Goodrich,	Lippincott,	Royer,
Bachman	Gramlich,	Long, Wm. Jas.,	Rubin,
Backenstoe,	Gray,	Long, Wm. Jos.,	Rudisill,
Blair,	Greenlee,	Lutty,	Rutherford,
Boles,	Gremminger,	Magee,	Scarcelli,
Bonner,	Guesman,	Manbeck,	Schaaf,
Bower,	Guthrie,	Markley,	Schuster,
Bowman,	Hamilton,	Marsh,	Seltzer,
Branca,	Hankins,	May,	Shelton,
Breth,	Hartley,	McCandless,	Sherman,
Buchanan,	Haudenshield,	McCann,	Shupnik,
Bush,	Heavey,	McDevitt,	Simmons,
Capano,	Heffner,	McDonald	Slack,
Cioffi,	Helm,	McInroy,	Snare,
Clarke,	Henzel,	McKeever,	Stank,
Comer,	Hocker,	McNally,	Steckel,
Cooley,	Holl,	Meholchick,	Stimmel,
Crossin,	Holman,	Merry,	Sullivan, J. A.,
Curwood,	Horst,	Mills,	Taylor,
Dengler,	Irvis,	Monroe,	Thompson,
Donaldson,	Isaacs,	Morley,	Tomascik,
Dougherty,	Jenkins,	Mullen,	Trusio,
Doughten,	Jim,	Munley,	Ujobai,
Down,	Johnson, A. W.,	Murphy,	Varner,
Edwards,	Johnson, R. P.,	Murray,	Verona,
Eilberg,	Jones,	Musto,	Wall,
Elvey,	Kamyk,	Needham,	Wargo,
Eshback,	Keiser,	O'Dell,	Welsh,
Eshleman,	Kelly,	O'Donnell, J. A.,	Wescott,
Esler,	Kernaghan,	O'Donnell, J. P.,	Whittaker,
Farabaugh,	Kessler,	Odorisio,	Willard,
Filo,	King,	Ogilvie,	Willaredt,
Fineman,	Kistler,	Parlante,	Williams, A. D.,
Flynn,	Klein,	Pashley,	Williams, E. S.,
Foor,	Knecht,	Petrosky,	Wilt,
Fox,	Kooker,	Piper,	Wood,
Frascella,	Kornick,	Polaski,	Worley,
Fry,	Korns,	Polen,	Wynd,
Fulmer,	Kramer,	Prendergast,	Yetter,
Gailey,	Lamb,	Pursley,	Zember,
Gallagher,	Lawson,	Reibman,	Zimmerman,
George,	Lee, A. M.,	Reidenbach,	Andrews,
Gibbons,	Lee, K. B.,	Renwick,	Speaker

NAYS—14

Adams,	Dennison,	Gross,	Stiteler,
Auker,	Ewing,	Holliday,	Tompkins,
Bossert,	Fetterolf,	Miller,	Weidner,
Davis,	Gibb,		

NOT VOTING—17

Ashton,	Gelfand,	Mihm,	Stone,
Capitolo,	Maxwell,	Perry,	Strausser,
Cauley,	McCormack,	Price,	Sullivan, T. F.,
Cianfrani,	McLaughlin,	Sakulsky,	Walsh,
Foerster,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on final passage of Senate bill No. 101, entitled:

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code," requiring brake linings to be approved prohibiting the sale of unapproved linings providing for the issuing and revocation of certificates of approval establishing fees and providing penalties.

On the question

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. MURPHY. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring.

Will the House agree to the bill on third reading?

Mr. MURPHY asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 1, fifth line of Title, by inserting after "linings": and tires

Amend Title, page 1, sixth line of Title, by inserting after "linings": or tires

Amend Sec. 1 (Sec. 716), page 2, line 6, by inserting after "of": tires

Amend Sec. 1 (Sec. 716), page 2, line 10, by inserting after "for": tires

Amend Sec. 1 (Sec. 809), page 2, line 13, by inserting after "809": Tires

Amend Sec. 1 (Sec. 809), page 2, line 16, by inserting after "any": tire

Amend Sec. 1 (Sec. 809), page 3, line 4, by inserting after "to" where it appears the first time: tires

Amend Sec. 1 (Sec. 809), page 3, line 7, by inserting after "any": tire

Amend Sec. 1 (Sec. 809), page 3, line 9, by inserting after "such": tire

Amend Sec. 1 (Sec. 809) page 3, line 11, by inserting after "such": tires

Amend Sec. 1 (Sec. 809), page 3, line 13, by inserting after "any": tires

Amend Sec. 1 (Sec. 809), page 3, line 15, by inserting after "the": tire

Amend Sec. 1 (Sec. 809), page 3, line 17, by inserting after "device": or tire

Amend Sec. 1 (Sec. 809), page 3, line 19, by inserting after "such": tires

Amend Sec. 1 (Sec. 809), page 4, line 1, by inserting after "Such": tire

Amend Sec. 1 (Sec. 809), page 4, line 3, by inserting after "of": tire

Amend Sec. 1 (Sec. 809), page 4, line 7, by inserting after "any": tire

Amend Sec. 1 (Sec. 809), page 4, line 14, by inserting after "of" where it appears the second time: tire

Amend Sec. 1 (Sec. 810), page 5, line 6, by inserting after "Unapproved": Tires

Amend Sec. 1 (Sec. 810), page 5, line 9, by inserting after "any": tire

Amend Sec. 1 (Sec. 810), page 5, line 10, by inserting after "such": tire
Amend Sec. 1 (Sec. 811), page 6, line 2, by inserting after "of": Tires
Amend Sec. 1 (Sec. 811), page 6, line 9, by inserting after "lining": tire
Amend Sec. 1 (Sec. 811), page 6, line 14, by inserting after "devices": or tires
Amend Sec. 1 (Sec. 811), page 6, line 19, by inserting after "lining": tire
Amend Sec. 1 (Sec. 811), page 7, line 2, by inserting after "lining": tire
Amend Sec. 1 (Sec. 811), page 7, line 4, by inserting after "devices": or tires
Amend Sec. 1 (Sec. 811), page 7, line 6, by inserting after "of": tire
Amend Sec. 1 (Sec. 811), page 7, line 14, by inserting after "the": tire
Amend Sec. 1 (Sec. 811), page 7, line 18, by inserting after "the": tire

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,
Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, my amendments merely insert the word "tire" throughout the bill after the words brake lining. That is, that tires would also be subject to the same standards and approval by the department as brake lining. The reason for this is that there are many places in the Commonwealth where two-ply tires are being sold at various tire sales, not indicating in the advertisements that they are two-ply as distinguished from the ordinary four-ply that we drive on. That is why I would like to have tires inserted into the bill.

The SPEAKER. Are these amendments controversial?

Mr. McCANN. These are the amendments on Senate bill No. 101, Mr. Speaker. One set of amendments is on tires; one set of amendments is on safety brakes.

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I realize the gentleman explained his amendments, but I do not believe we were listening attentively. There was quite a lot of noise. I wonder if he would repeat what he said and talk slowly so that we can understand what he says and so we will know what his amendments do.

Mr. McCANN. Mr. Speaker, Senate bill 101 proposes to set up the brake lining—the handling of brake lining. Mr. Murphy's amendments include the word "tires," and I believe his amendments include all kinds of tires in putting it into the bill. Therefore, if the amendment was in the bill it would cover both brake lining and tires.

On the question recurring,
Will the House agree to the amendments?

The yeas and nays were required by Messrs. MURPHY and McCANN and were as follows:

YEAS—73

Bachman,	Gailey,	Long, Wm. Jas.,	Pursley,
Boles,	Gallagher,	Long, Wm. Jos.,	Reibman,
Bonner,	Goldstein, M. H.,	Marsh,	Reidenbach,
Bower,	Guesman,	Maxwell,	Renwick,
Branca,	Haudenshield,	May,	Riley,
Breth,	Irvis,	McDonald,	Schaaf,
Capano,	Jenkins,	McKeever,	Schuster,
Cioffi,	Jim,	Meholchick,	Shupnik,
Clarke,	Kamyk,	Mills,	Stank,
Cooley,	Kelly,	Mullen,	Sullivan, J. A.,
Crossin,	King,	Munley,	Taylor,
Curwood,	Klein,	Murphy,	Tomascik,
Donaldson,	Kooker,	Musto,	Varner,
Doughten,	Kornick,	Needham,	Verona,
Eshback,	Kramer,	O'Donnell, J. P.,	Wargo,
Esler,	Lamb,	Pashley,	Welsh,
Filo,	Leonard,	Polaski,	Yetter,
Flynn,	Limper,	Prendergast,	Andrews, Speaker
Frascella,			

NAYS—113

Adams,	Goldstein, J. H.,	Knecht,	Rubin,
Anderson, J. H.,	Goodrich,	Korns,	Scarcelli,
Anderson, S. A.,	Gramlich,	Lawson,	Seltzer,
Arlene,	Gray,	Lee, A. M.,	Shelton,
Auker,	Greenlee,	Lee, K. B.,	Sherman,
Backenstoe,	Gremminger,	Lippincott,	Simmons,
Blair,	Gross,	Magee,	Slack,
Bossert,	Guthrie,	Manbeck,	Snare,
Bowman,	Hamilton,	Markley,	Steckel,
Buchanan,	Hankins,	McCandless,	Stimmel,
Bush,	Hartley,	McCann,	Stiteler,
Davis,	Heavey,	McDevitt,	Thompson,
Dengler,	Heffner,	McInroy,	Tompkins,
Dougherty,	Helm,	McNally,	Ujobai,
Down,	Henzel,	Merry,	Wall,
Edwards,	Hocker,	Miller,	Weidner,
Eilberg,	Holl,	Monroe,	Wescott,
Elvey,	Holliday,	Morley,	Whittaker,
Eshleman,	Holman,	O'Dell,	Willard,
Ewing,	Horst,	O'Donnell, J. A.,	Willaredt,
Farabaugh,	Isaacs,	Odorisio,	Williams, A. D.,
Fetterolf,	Johnson, A. W.,	Ogilvie,	Williams, E. S.,
Fineman,	Johnson, R. P.,	Parlante,	Wilt,
Foor,	Jones,	Petrosky,	Wood,
Fox,	Keiser,	Piper,	Worley,
Fry,	Kernaghan,	Polen,	Wynd,
Fulmer,	Kessler,	Rovansek,	Zember,
Gibb,	Kistler,	Royer,	Zimmerman,
Gibbons,			

NOT VOTING—24

Ashton,	Foerster,	Mihm,	Sakulsky,
Capitolo,	Gelfand,	Murray,	Stone,
Cauley,	George,	Perry,	Strausser,
Cianfrani,	Lutty,	Price,	Sullivan, T. F.,
Comer,	McCormack,	Rudisill,	Trusio,
Dennison,	McLaughlin,	Rutherford,	Walsh,

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,
Will the House agree to the bill on third reading?

Mr. SCHUSTER asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 1, next to last line of Title, by inserting after "fees": requiring certain vehicles and combinations of vehicles equipped with air brakes to be equipped with emergency brakes
Amend Bill, page 7, by inserting after line 20:
Section 2. Section 816 of the act is amended by adding after subsection (e), a new subsection to read:
Section 816. Brakes.—
* * *

(f) Every commercial motor vehicle, motor bus, motor omnibus, truck tractor or combination of a commercial motor vehicle and trailer or truck tractor and semi-trailer equipped with air brakes conforming to other requirements of this section shall, in addition thereto, be equipped with an automatic emergency braking system, applicable by means of manual control at the discretion of the driver and also by automatically controlled application when the operating air pressure falls to a predetermined level. Such emergency braking system shall be separate and independent from the regular air brakes and shall not interfere with the functioning of the regular air brakes with which the vehicle is equipped. Such emergency braking application shall be made by mechanical means capable of exert-

ing a braking torque for each wheel equivalent to fifteen per cent (15%) of the gross weight of the vehicle.

Penalty.—Any person violating any of the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of twenty-five dollars ($25.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Amend Sec. 2, page 8, line 1 by striking out "2" and inserting: 3

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Schuster.

Mr. SCHUSTER. Mr. Speaker, for the information of the House, these amendments that I offer to Senate bill 101 are identical to House bill 1744, which would put an emergency brake on a tractor-trailer. Now here a week or so ago, we put a bill in for a longer trailer, a bigger trailer. This is only to add to the safety of those longer trailers we put on.

If this amendment is enacted, we can never have an air trailer on a tractor trailer. There are many concerns producing these that have no sale for them and I think that if we want a bigger trailer, let us make a safer trailer. I would like all the members in the House to vote for these amendments.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. O'Dell.

Mr. O'DELL. Mr. Speaker, I rise to oppose the amendments. This is the same bill as 1744, which we voted down the other day. I cannot see that these safety brakes are going to be a bit of help the way the bill is written and the way these amendments are written. I therefore ask the House to vote down the amendments, and I ask for a roll call.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Lamb.

Mr. LAMB. Mr. Speaker, members of the House, all of us, at one time or another, have been made aware of the terrible specter of a runaway truck. I am certain that there is not a neighborhood throughout the Commonwealth that, at one time or another, has not felt disaster because of a runaway truck.

Mr. Speaker, when you take the time to make an investigation and ask the driver of that truck what happened, his answer invariably is, "I was coming down the hill and my brakes let go. I pumped, I pumped, and I pumped, but there was no air pressure and I could not stop the truck."

Mr. Speaker, it is the intent of these amendments to so equip commercial trucks, trailers and buses, that no longer will there be this answer. It is the intent of this bill to provide that where a braking system fails on a truck because of a lack or a loss of air pressure, this secondary, or dual brake, will come into being and it will stop the truck.

It is the intent of this amendment, and of the braking system which this amendment favors and sponsors, that it will come into being when there is a loss of air. This dual braking system does not depend upon air pressure, but contrary, when there is a loss of air, the brake will come into being. That, we expect and hope, Mr. Speaker, and are sure will be enough force, enough braking force to stop any runaway truck under any conditions.

I would ask the members of the House, realizing the potential danger and the potential loss of life that could result because of runaway trucks, to consider this seriously, to realize that there are available to put on trucks, this system. I think that it is definitely one of the major points. We talk about highway safety. It is seldom the praises of highway safety are announced loud and clear throughout the Commonwealth. I think this is one field, and one area, that has been neglected and I think that there is something that can be done and I feel that those who offered these amendments have that in mind. This, I think, is the answer.

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Foor.

Mr. FOOR. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Lamb.

The SPEAKER. Will the gentleman from Allegheny, Mr. Lamb, permit himself to be interrogated?

Mr. LAMB. I shall, Mr. Speaker.

Mr. FOOR. Mr. Speaker, is there any estimate of the cost that would be entailed for the installation of this brake on each truck?

Mr. LAMB. Mr. Speaker, I have made an investigation and I have learned that the cost of this would be less than 20 cents a day.

Now, what does this operation entail? It is fairly estimated that the application of a dual braking system would cost in the neighborhood of $250 to $275.

Mr. FOOR. Mr. Speaker, have there been any tests run on this brake to be sure that it will work and that it will be effective?

Mr. LAMB. Mr. Speaker, I have seen several tests on one type brake.

Mr. FOOR. How long have they been testing it?

Mr. LAMB. The brake that I am familiar with has been under test, I would say, for four to five years.

Mr. FOOR. What is the make and name of the brake, please?

Mr. LAMB. I am aware of a braking system. Now, I do not want to take the floor of this House and in any way create the impression that I am trying to advertise a braking system. That is not true. If the gentleman does want the name of the braking system that I am aware of, I would be glad to tell it to the members of the House.

Mr. FOOR. I would be very glad to hear it, sir.

Mr. LAMB. The braking system that I am familiar with is called the "Sentinel."

Mr. FOOR. Mr. Speaker, how long has this device been manufactured?

Mr. LAMB. It is my understanding that it has been tested and under manufacture for over five years.

Mr. FOOR. Has it been approved by any safety experts or any department of safety, do you know?

Mr. LAMB. It is my understanding, and I know it is a fact, that the Commissioner of Highway Safety, Mr. Shippley, and others, were out in Pittsburgh to witness the test of the brake with which I am familiar.

I want to set the gentleman straight. I understand there are a multitude of dual braking systems. I am familiar with one.

Mr. FOOR. Mr. Speaker, may I ask the gentleman if he knows whether or not this auxiliary brake would

work if the brake lining suddenly became overheated or tore off? Does it depend on the brake linings that are in the truck, that are installed in them?

Mr. LAMB. It is my understanding—well, let me preface my remarks this way: I believe, but I may be wrong, that all braking systems to one extent or another depend upon brake linings. I might also say that brake linings, of course, are inspected regularly, so I am to assume from the start that the brake lining is in good condition. I do feel that the effectiveness of the dual braking system is connected with, and would be a necessary component or tied up inexplicably with, the brake linings.

Mr. FOOR. Mr. Speaker, may I ask the gentleman what size truck this would be applicable to? Every truck or just the heavier trucks?

Mr. LAMB. The amendment states that it would apply to those trucks that use air brakes.

Mr. FOOR. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I do not believe that any member of this House would not readily vote for some type of brake that would assure us that trucks would not run away and destroy property and human lives. There does not seem to have been much promotion done on this, and a lot of us do not understand how the thing works. I certainly do not like to vote against something that is certain to be safe, but I understand that this was a braking device that was made by a special company. I think the bill was put in by request of this company and I, for one, would like to know more about it and know whether or not it could be expected to always work.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Holliday.

Mr. HOLLIDAY. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Lamb.

The SPEAKER. Will the gentleman from Allegheny, Mr. Lamb, permit himself to be further interrogted?

Mr. LAMB. I shall, Mr. Speaker.

Mr. HOLLIDAY. Mr. Speaker, the gentleman from Allegheny said that this additional brake is not operated by air. Can he tell me what does actuate the brake?

Mr. LAMB. The brake goes into operation when there is an air failure. Now again I would like to preface my remarks by saying that I have seen one system that I was very much impressed with.

To answer the gentleman's question, the brakes that I saw operated—I should say there was a spring tension that kept the brake off, and then when the pressure was gone the spring expanded and that applied the brake.

Actually, the brake was off while there was air pressure, but, upon a lack of air pressure, the tension was released and, of course, then the brake applied itself.

Mr. HOLLIDAY. What is to prevent that spring from breaking?

Mr. LAMB. Well, I would be willing to say that there are all possibilities of certain failures. The bill, of course, calls for the installation of a dual brake system. The gentleman might say, "Well, what is to keep anything from happening?" I would have to say that there is always that possibility of something unexpected happening.

Mr. HOLLIDAY. Mr. Speaker, I believe I am correct in saying that the great majority of tractor-trailers operating throughout the country today have two sets of brakes. They have a set of air brakes possibly, or BK/vacuum booster brakes which operate sometimes both the truck and the trailer. Then on the trailer there is a separate hand control under the steering gear which controls the trailer brakes alone, so that in case your foot brakes, the air brakes, on the tractor would fail you would still have brakes on the trailer which would operate. Now we are putting on still another brake.

Mr. LAMB. I might say to the gentleman, if that were effective why do we have runaway tractors and why do we have runaway trailers? There must be something wrong that it does not stop them.

Mr. HOLLIDAY. Mr. Speaker, the gentleman made the assertion a few minutes ago that there is always the danger of failure. I was reading, not long ago, about a Pennsylvania Railroad train, I believe it was, that the brakes failed and it went into the station at Washington, D. C., and went down through the Concourse. That was a failure of air brakes, evidently. You can always have a failure of something, but are we going to be asked to put another brake on to protect this new brake? Where is it going to stop?

Mr. LAMB. The only thing I can say to the gentleman is this: We do what we feel we can do to minimize accidents.

Mr. HOLLIDAY. Mr. Speaker, I agree with him and I think everybody here is interested in safety. But I believe that I am safe in saying that the majority of trucks that get away on a hill are caused by the drivers not doing what the State asks them to—shifting into a lower gear at the top of the hill—and going down they get to running away, they apply their brakes and the first thing their brakes are burnt out and they have no brakes.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. SCHUSTER and McCANN and were as follows:

YEAS—92

Auker,	Fulmer,	Lamb,	Pursley,
Bachman,	Gallagher,	Lee, A. M.,	Reibman,
Boles,	Gibb,	Leonard,	Reidenbach,
Bonner,	Goldstein, J. H.,	Limper,	Renwick,
Bower,	Goldstein, M. H.,	Long, Wm. Jos.,	Rovansek,
Breth,	Guesman,	Lutty,	Rudisill,
Capano,	Hamilton,	Marsh,	Rutherford,
Cioffi,	Haudenshield,	Maxwell,	Schaaf,
Clarke,	Henzel,	May,	Schuster,
Cooley,	Hocker,	McDonald,	Shupnik,
Crossin,	Holl,	Meholchick,	Stank,
Curwood,	Irvis,	Mills,	Sullivan, J. A.,
Donaldson,	Jenkins,	Munley,	Taylor,
Doughten,	Jim,	Murphy,	Tomascik,
Edwards,	Johnson, A. W.,	Murray,	Tompkins,
Eshleman,	Johnson, R. P.,	Musto,	Verona,
Esler,	Kamyk,	Needham,	Wargo,
Farabaugh,	Keiser,	O'Donnell, J. A.,	Welsh,
Fetterolf,	Kessler,	Ogilvie,	Wescott,
Filo,	Klein,	Pashley,	Willard,
Flynn,	Kooker,	Polaski,	Wood,
Fox,	Kornick,	Polen,	Yetter,
Frascella,	Kramer,	Prendergast,	Andrews, Speaker

NAYS—99

Adams,	George,	Lawson,	Royer,
Anderson, J. H.,	Gibbons,	Lee, K. B.,	Rubin,
Anderson, S. A.,	Goodrich,	Lippincott,	Scarcelli,
Arlene,	Gramlich,	Long, Wm. Jas.,	Shelton,
Backenstoe,	Gray,	Magee,	Sherman,
Blair,	Greenlee,	Manbeck,	Simmons,
Bossert,	Gremminger,	Markley,	Slack,
Bowman,	Gross,	McCandless,	Snare,
Branca,	Guthrie,	McCann,	Steckel,
Buchanan,	Hankins,	McDevitt,	Stimmel,
Bush,	Hartley,	McInroy,	Stiteler,

Comer,	Heavey,	McKeever,	Thompson,
Davis,	Heffner,	McNally,	Trusio,
Dengler,	Helm,	Merry,	Ujobai,
Dennison,	Holliday,	Miller,	Varner,
Dougherty,	Holman,	Monroe,	Wall,
Down,	Horst,	Morley,	Weidner,
Eilberg,	Isaacs,	Mullen,	Willard,
Elvey,	Jones,	O'Dell,	Williams, A. D.,
Eshback,	Kelly,	O'Donnell, J. P.,	Williams, E. S.,
Ewing,	Kernaghan,	Odorisio,	Worley,
Fineman,	King,	Parlante,	Wynd,
Foor,	Kistler,	Petrosky,	Zember,
Fry,	Knecht,	Piper,	Zimmerman,
Gailey,	Korns,	Riley,	

NOT VOTING—19

Ashton,	Gelfand,	Price,	Sullivan, T. F.,
Capitolo,	McCormack,	Sakulsky,	Walsh,
Cauley,	McLaughlin,	Seltzer,	Whittaker,
Cianfrani,	Mihm,	Stone,	Wilt,
Foerster,	Perry,	Strausser,	

So the question was determined in the negative and the amendments were not agreed to.

Mr. HELM IN THE CHAIR

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. Does the gentleman from Crawford wish to be recognized?

Mr. MERRY. I do, Mr. Speaker.

Mr. Speaker, this is a bill that we put down the other day after quite a long discourse on government interference with industry in the production of automobiles and equipment. We have had a letter in the meantime saying that brake lining is identical to brake hose and could be just as easily enforced.

I want to tell you that a piece of hose can easily be marked on the outside as to whether it is L 2 or something or other like that so you can identify it. The brake lining has an area that could use about 3/16 of an inch. I am just making the comparison as to how you could find out whether it is legal or not, so we say that all brake lining that is inspected will have some kind of coloring, or is it going to be printed on 3/16 of an inch, "This is State-approved brake lining?"

So, okay, we go ahead on something like this and we are going to prove that the fellow has illegal linings on it. The garage man refuses to inspect the car because he thinks there is illegal lining on it. I want to know when he calls the police, brings them in to find out whether it is illegal lining or not, what happens? Who pays for taking the wheels off; who pays for taking the drums off; who pays for taking the brake shoe off, cuts the lining off, and then when he does get in he finds that it is lining approved by the State because maybe it was put on the back side of it before it was riveted on? Take the brake lining that is glued on. He is going to take that off to find that this is legal lining or not. I do not think it could be enforced very easily if we do put something like this on our law books.

We decided the other day, and I think most of those in the House agreed on it that brakes are inspected first, last and always by the inspection stations. If I would have the permission of the House I would say that a moment ago on another bill it was remarked that brakes were inspected before the trucks go out and that is very true.

Now lining is only one of the many things that affect the operation of a braking system. There are other things like drums, cylinders in which the rubber has deteriorated. There is fluid that maybe has leaked out. There are not only brake hose, but brake lines made out of copper tubing. This copper tubing leaked, the brakes failed. Also we have brakes that are controlled by cable. Lining is only one small item in the brake system we have today.

I want to tell you another thing that could happen. It seems that people who are after this legislation say that there are bad boys who sell cheap lining and we want to put them out of business and we want to say what kind of lining they are going to sell. Is that price fixing? Is it restraint of trade? I ask you.

Okay. We know there are very few people who line their own brakes who could go to an accessory store and maybe buy a low-priced set of brake linings. Today with our present setup, the garage man has the alternative to explain to his customer that we have a brake lining that is good for three or four months in case you have only got $10 or $15. You do not have $50 to put on the high priced lining. He can put it on with the explanation that it will not last as long. He maybe has another grade in between for $20. With this brake lining you can go along for maybe two years with pretty decent brakes. Then he has another lining at $40. We had a bill here a while ago, if I may refer again on what you are going to do if a cop orders a car off the road for repairs. They give you 48 hours to come up with the money to fix it. If you do not have the money we say lay the car up. What happens? The same thing. I go downtown and do not have the money for a high priced lining that is supposed to be okayed by the State, I have $20. I cannot buy it. Well, a fellow in the back room maybe has some that he did not know whether it passed or not, I could take a chance on it and put it on myself. That is great.

To go a little further on. Do you think that the mail order houses are out of business since they cannot buy postage? So we pass a law in Pennsylvania that you can buy only this one particular lining that comes up to their specifications, then you send through the mail to get it. Is anybody going to stop you from sending through the mail? Or if you wanted to drive anywhere around the perimeter of the State you come into our inspection stations and they say, "Look, we only have $40 lining." Well, if I am in Philadelphia, I will go over to New Jersey. I can get cheap lining over there. If I am in Sharon I can go over to Ohio.

Gentlemen, this is a bad bill and I ask you all to vote against it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. McNally.

Mr. McNALLY. Mr. Speaker, I have read the bill in question here. I quite agree with the gentleman who previously spoke on it. It is a bad bill and the reason it is a bad bill, it cannot be policed. It is almost impossible to police this piece of legislation before us now.

I believe the sponsors of the bill, Mr. Speaker, had in mind the stopping of brake lining coming into our Commonwealth that went on with clamps, which is a very dangerous thing, I will agree with them. However, once brake lining is put on a brake shoe, 99 percent of the cars running today are running on internal brakes. The brand name is erased. Now, if this bill read, the sale in the

Commonwealth of lining that would be approved by the bureau of standards in the Commonwealth, it could be policed for the sale of it, but it cannot be policed on the used cars that come from every state, and the tri-state area, that go on our auction blocks. It is just impossible to police the bill. That is why I am going to vote against it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—87

Anderson, S. A.,	Fulmer,	Long, Wm. Jos.,	Renwick,
Arlene,	Gailey,	Lutty,	Rubin,
Bachman,	Gallagher,	Magee,	Rudisill,
Backenstoe,	Goldstein, M. H.,	McCann,	Scarcelli,
Boles,	Greenlee,	McKeever,	Schaaf,
Bower,	Gremminger,	Meholchick,	Schuster,
Branca,	Guesman,	Monroe,	Shelton,
Breth,	Hankins,	Mullen,	Sherman,
Clarke,	Hartley,	Munley,	Shupnik,
Comer,	Heavey,	Murphy,	Stank,
Crossin,	Irvis,	Musto,	Stimmel,
Curwood,	Jones,	Needham,	Sullivan, J. A.,
Donaldson,	Kamyk,	O'Dell,	Taylor,
Dougherty,	Kelly,	O'Donnell, J. A.,	Tomascik,
Doughten,	Kistler,	O'Donnell, J. P.,	Verona,
Ellberg,	Klein,	Parlante,	Wargo,
Esler,	Kramer,	Pashley,	Welsh,
Filo,	Lamb,	Petrosky,	Wescott,
Fineman,	Lawson,	Polaski,	Williams, A. D.,
Flynn,	Lee, A. M.,	Polen,	Worley,
Frascella,	Leonard,	Prendergast,	Yetter,
Fry,	Limper,	Reidenbach,	

NAYS—101

Adams,	Gibb,	Knecht,	Rovansek,
Anderson, J. H.,	Gibbons,	Kooker,	Royer,
Auker,	Goldstein, J. H.,	Korns,	Rutherford,
Blair,	Goodrich,	Lee, K. B.,	Seltzer,
Bonner,	Gramlich,	Lippincott,	Simmons,
Bossert,	Gross,	Long, Wm. Jas.,	Slack,
Bowman,	Guthrie,	Manbeck,	Snare,
Buchanan,	Hamilton,	Markley,	Steckel,
Bush,	Haudenshield,	Marsh,	Stiteler,
Capano,	Heffner,	Maxwell,	Thompson,
Cioffi,	Helm,	May,	Tompkins,
Cooley,	Henzel,	McCandless,	Ujobai,
Davis,	Hocker,	McDevitt,	Varner,
Dengler,	Holl,	McDonald,	Wall,
Dennison,	Holliday,	McInroy,	Weidner,
Down,	Holman,	McNally,	Whittaker,
Edwards,	Horst,	Merry,	Willard,
Elvey,	Isaacs,	Miller,	Willaredt,
Eshback,	Jim,	Mills,	Williams, E. S.,
Eshleman,	Johnson, A. W.,	Morley,	Wilt
Ewing,	Johnson, R. P.,	Odorisio,	Wood,
Farabaugh,	Keiser,	Ogilive,	Wynd,
Fetterolf,	Kernaghan,	Piper,	Zember,
Foor,	Kessler,	Pursley,	Zimmerman,
Fox,	King,	Riley,	Andrews,
George,			Speaker

NOT VOTING—22

Ashton,	Gray,	Murray,	Stone,
Capitolo,	Jenkins,	Perry,	Strausser,
Cauley,	Kornick,	Price,	Sullivan, T. F.,
Cianfrani,	McCormack,	Reibman,	Trusio,
Foerster,	McLaughlin,	Sakulsky,	Walsh,
Gelfand,	Mihm,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, may we have the committee announcements, and then we will amend the bills and there will be a conference committee report to present.

The House will convene at 1 o'clock daylight saving time tomorrow.

BILL ON FINAL PASSAGE POSTPONED

TIME EXTENDED ON BILL

Mr. McCANN asked and obtained unanimous consent to extend the time five days on House bill No. 1555, printer's No. 2173, on page 6 of today's calendar, bills on final passage postponed.

COMMITTEE MEETINGS

AGRICULTURE and DAIRY INDUSTRIES, Mr. Farabaugh, chairman, Room 245, Tuesday, August 15, at 10:30 a.m.

EDUCATION, Mrs. Reibman, chairman, Room 324, Tuesday, August 15, at 9:30 a.m.

INSURANCE, Mr. Hamilton, chairman, Room 522, Tuesday, August 15, at 11 a.m.

LIQUOR CONTROL, Mr. Reidenbach, chairman, Room 131-F, Tuesday, August 15, at 10 a.m.

ALL TIMES ARE DAYLIGHT SAVING TIME.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. POLEN and ANDREWS.

RESOLUTION No. 99.

In the House of Representatives, August 14, 1961.

Although the highway safety record in the Commonwealth is commendably superior to that of many states having comparable highway traffic patterns, continuous efforts must be made to reduce the frequency and severity of traffic accidents and the attendant human suffering and property losses

All of the factors contributing to highway accidents—highway design, traffic volume, vehicle characteristics, and driver characteristics—should be critically reviewed. Similarly, statutory and administrative programs calculated to prevent or reduce highway accidents, such as driver qualificatons, driver examinations and penalties including suspension and revocation of drivers' privileges should be objectively evaluated with reference to both their effectiveness as preventive measures and the costs and inconvenience which they impose upon the public; therefore be it

Resolved. That the Joint State Government Commission be directed to evaluate the effectiveness of the rules, regulations and administrative practices of the Pennsylvania Bureau of Highway Safety upon the frequency and severity of traffic accidents, and the costs which the rules and regulations impose upon the taxpayer and the motoring public, and report its findings and recommendations to the 1963 Session of the General Assembly.

Referred to the Committee on Rules.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 84.

An Act amending the act of June 25, 1947 (P. L. 1145), entitled as amended "Local Tax Enabling Law" changing the overall limit of tax revenues for certain taxing districts.

SENATE BILL No. 104.

An Act amending the act of April 29, 1959 (P. L. 58),

entitled "The Vehicle Code" changing the permitted length of vehicles operated in combination and granting the power to the Secretary of Highways to establish speed limits.

SENATE BILL No. 298.

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" providing for the ordering and sale of miniature bottles to certain licensees.

SENATE BILL No. 496.

An Act amending the act of May 5, 1927 (P. L. 787), entitled "An act establishing certain public roads as State highways . . ." changing a route and adding a new route in Delaware County.

SENATE BILL No. 697.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for reconsideration of decisions in annexation proceedings.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 628, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" classifying film film strips transparencies records and tapes as school supplies of the first class.

On the question,

Will the House agree to the bill on third reading?

Mrs. REIBMAN asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Title, page 1, fourth to last lines of Title, by striking out "clas-" in fourth line, all of fifth and last line of Title, and inserting: excluding charts, educational films, film strips, prepared transparencies and slides, pre-recorded magnetic tapes and disc recordings from second class school supplies, and increasing the purchasing agent's authority to purchase supplies.

Amend Sec. 1, page 2, line 2, by striking out "May 24 1951 (P L 397)" and inserting: June 15, 1961 (Act No. 210).

Amend Sec. 1 (Sec. 805), page 2, line 7, by inserting after "maps": music.

Amend Sec. 1 (Sec. 805), page 2, line 14, by striking out "SEVEN HUNDRED FIFTY DOLLARS (750)" and inserting: seven hundred fifty dollars ($750).

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

REPORT OF COMMITTEE OF FREE CONFERENCE ON HOUSE BILL No. 678

Mr. MUSTO. Mr. Speaker, I present the report of the Committee of Free Conference on House bill No. 678.

The SPEAKER pro tempore. The report will lie over for printing under the Rules.

BILLS AND RESOLUTIONS PASSED OVER

Mr. McCANN. Mr. Speaker, I request that all other bills and resolutions not acted upon on today's calendar be passed over.

The SPEAKER pro tempore. The Chair hears no objection.

INTERROGATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from McKean, Mr. Johnson. The gentleman desires to interrogate the majority leader.

Will the majority leader permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. A. W. JOHNSON. Mr. Speaker, coming down in my car yesterday and hearing the Harrisburg news, it said the legislature was coming back to town and there would be an adjournment sine die either Friday night or Saturday night of this current week, and that the floor leaders on the Democratic side had so stated for publication.

Now, I want to ask the majority leader, are we going to adjourn sine die Friday night or Saturday night of this week?

Mr. McCANN. Let the gentleman show me, Mr. Speaker, where this floor leader said that and I will answer his question. I never made a statement of any kind, public or private, that this House would adjourn sine die either Friday or Saturday of this week.

Mr. A. W. JOHNSON. Then it must have been the floor leader in another house, is that right?

Mr. McCANN. I would like to say for the information of the gentleman that one of the major problems confronting this session is Congressional reapportionment. I believe at this point he has received his invitation from the Governor for the meeting Wednesday night to which the Republican State Chairman, the Democratic State Chairman, the Republican secretary of the State Committee, the Democratic secretary of the State Committee, the floor leaders of the House, both Democratic and Republican, the floor leaders of the Senate, both Democratic and Republican, three Republican Congressmen chosen by the Republican State Chairman and three Democratic Congressmen chosen by the Democratic State Chairman have been invited. The meeting will be held in the Governor's office at 8 p. m., daylight saving time, Wednesday night, for the purpose of discussing Congressional reapportionment.

Mr. A. W. JOHNSON. Mr. Speaker, as long as we are on that subject, if, by any strange stroke of fate, that committee should agree on a reapportionment bill, could we not release a reapportionment bill to the floor, say, on Thursday and have it read for the first time and then offer amendments on Monday on second reading, which would place a bill like that in shape for final passage next Tuesday in the House. That would be possible, would it not?

Mr. McCANN. That would be possible, Mr. Speaker, as the gentleman explains it, and I hope he would be right.

Mr. A. W. JOHNSON. Then if we would do that and pass it, it would be possible, would it not, to adojurn sine die the following week, not this week, but next week?

Mr. McCANN. May I state to the gentleman, Mr. Speaker, that there are the following major pieces of legislation:

Congressional reapportionment, the amended education program, the backfill mine stripping bills that are now being amended, or whatever they are doing to them in the Senate, the General State Authority bill and 12 conference committee reports, in addition to the judges for the new courts in the Commonwealth of Pennsylvania. Those are all a part of it, although the two major ones we talk about are Congressional reapportionment and the education program. But that could be done and completed as the gentleman from McKean, Mr. Johnson, clearly indicated, the following week.

Mr. A. W. JOHNSON. Then, Mr. Speaker, the gentleman intends to have us stay here four days this week, I take it? That would be because of the reapportionment meeting Wednesday night, is that right?

Mr. McCANN. I do. Although following that meeting we would determine, you and I would determine, the course of the action of the House, whether we would be in session the next day, even though this meeting is late at night.

Mr. A. W. JOHNSON. Mr. Speaker, again commenting on that, many of the members, if they were going to leave here on Wednesday, would want to check out of their hotels on Wednesday. Your plan would mean they would have to stay overnight. If they have to stay overnight, we might as well have a session on Thursday.

Mr. McCANN. That is right, we could still have the session and the members would have to stay. I ask that they bear with us during these crucial weeks while we are coming to this point. We hope that the answers will be favorable in the meetings in which you will participate, that we might complete this action this week and next week, and the House would be in session Thursday.

Mr. A. W. JOHNSON. Now, Mr. Speaker, I would like to ask another question: What is the rationale, or what is the motivating factor, that caused you today to eliminate rents and royalties from House bill 1789?

Mr. McCANN. I believe it would be a fair and honest answer to say, in an effort to secure votes to pass it.

Mr. A. W. JOHNSON. Then, is the rumor correct that has been floating around here today that you were able to get the Philadelphia delegation because you are ripping rents and royalties out of the bill?

Mr. McCANN. I think the record shows that every Republican voted against it but two, and 29 Democrats voted against it, although three of those were changes for reconsideration. I am seeking every means of trying to find that magic number of 106 Republican and Democratic votes to pass that bill.

Mr. A. W. JOHNSON. Then your answer is that, in order to appease Philadelphia, you did rip rents and royalties out of the bill?

Mr. McCANN. Perhaps I could say, to appease the Republican members.

Mr. A. W. JOHNSON. You are not answering my question. Did you not do it to appease the Philadelphia delegation following their caucus today?

Mr. McCANN. I did not.

Mr. A. W. JOHNSON. I will accept your explanation.

The SPEAKER pro tempore. For what purpose does the gentleman from Allegheny, Mr. Goldstein, rise?

Mr. M. H. GOLDSTEIN. To make an observation.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. M. H. GOLDSTEIN. Mr. Speaker, it seems to me, we get more facts and results in an empty House.

ADJOURNMENT

Mr. ESLER. Mr. Speaker, I move that this House do now adjourn until Tuesday, August 15, 1961 at 12 o'clock noon, e. s. t.

The motion was agreed to, and (at 5:19 p. m., e. s. t.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1961. 145th of the General Assembly.

Vol. 38. HARRISBURG, PA., TUESDAY, AUGUST 15, 1961. No. 89.

SENATE

TUESDAY, AUGUST 15, 1961.

The Senate met at 12:15 p. m., Eastern Standard Time.

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

PRAYER

The Chaplain, Rev. PETER VROOM, Pastor of Baptist Temple, Philadelphia, offered the following prayer:

Our Father and our God, again we thank Thee for this beautiful day. We thank Thee for our night's rest and today, once again, we pray for Thy divine wisdom and guidance as another Session of the Pennsylvania State Senate is about to be opened. We thank Thee that in our Country we may still open such a meeting as this with prayer to Thee. We thank Thee that we are still a people under God, indivisible, with liberty and justice for all.

O Lord, we do humbly pray that it may not be just a mere formality which looks good in print. May our faith in Thee have a sincere meaning, may it be practical, and may we, in our judgments and dicisions, be guided by our relationship to Thee. Help us to realize that Thou dost hold us responsible to use the talents and the abilities with which Thou hast endowed us to bring honor to Thy name and blessing to the people of our wonderful Commonwealth. We pray for Governor Lawrence and his advisers as they face their many pressing problems and duties this day. O Lord, be very much in evidence as the Members of this Senate wait before Thee.

We humbly pray that Thou wilt forgive us where we sin and where we fail and where we fall short. Help us, O Lord, in all things to give Thee praise. We pray humbly in Thy name. Amen.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WEINER and Mr. DiSILVESTRO, further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, **SB 200,** with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. The bill, as amended, will be placed on the Calendar.

HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate, **SB 511, 637, 708, 780, 788** and **842,** with the information that the House has passed the same without amendments.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence **HB 112** and **520,** which were referred to the Committee on Highways.

He also presented for concurrence **HB 1317** and **1318,** which were referred to the Committee on Rules.

He also presented for concurrence **HB 1822,** which was referred to the Committee on Local Government.

He also presented for concurrence **HB 1839,** which was referred to the Committee on Appropriations.

He also presented for concurrence **HB 1842,** which was referred to the Committee on State Government.

REPORTS FROM COMMITTEES

Mr. McCREESH, from the Committee on Elections, reported, as committed, **SB 233.**

Mr. HALUSKA, from the Committee on Local Government, reported, as committed, **HB 727** and **1830;** rereported, as committed, **HB 1221** and **1531.**

Mr. BELL, from the Committee on Military Affairs and Aeronautics, reported, as committed, **HB 1549.**

PERMISSION TO ADDRESS SENATE

Mr. SEYLER asked and obtained unanimous consent to address the Senate.

Mr. SEYLER. Mr. President, I am about to introduce another bill which deals with congressional reapportionment. I would like to say a few words about this bill because it represents an additional approach to the problem of trying to solve our reapportionment problem.

The most important problem, of course, as one approaches the process of reapportionment, is to try to seek equal districts so that the people of the Commonwealth can be represented equally in Congress. The Governor put that very well in a recent statement he made, when he said that the most important problem in reapportionment was trying to get districts which are as near as possible to the ratio of 419,000 people per district. With that, you would have an ideal representation.

Now it is obviously impossible to arrive at districts which equal 419,000 people exactly because you are deal-

ing with blocks of population in the form of counties and, if you break down counties in the form of other municipalities, it will not add up to even numbers.

Therefore, in setting the goal for making a good reapportionment, I think we can safely say that if the reapportionment results in districts which are within ten per cent of the ideal ratio, then certainly we have come up with a proposal which is fair. Of course, in addition to having equal representation, districts should be contiguous; that is, they must all be in one piece. They should also be compact, in that the territory, in so far as possible, should be one which is not strung out all over the map.

In considering the problem of reapportioning Pennsylvania, there are two districts which immediately strike one as the main problem in trying to get equal reapportionment. Those are the counties of Delaware and Montgomery. The reason I refer to these counties as the chief problem is because each has a population in themselves which is beyond the ten per cent ratio.

We said that 419,000 was our goal. Four hundred and nineteen thousand, plus ten per cent, would be 461,000. Four hundred and nineteen thousand, minus ten per cent, would be 377,000. Between those limits, we are trying to fall. Yet, here we have two counties, Delaware and Montgomery, one of which, Delaware, has 553,000 people, and Montgomery has 516,000 people. There are obviously several things we can do. We can break off a piece of that county and attach it to another county. Or, we can break off a piece of another county and attach it to each of those counties in order to make it big enough to have two. The third approach, which is the one this bill attempts,—I think it has some merit and, at least, I would like to offer it for your consideration—is to survey the map to find out how we can join counties without breaking down parts of counties.

I think Senator Bell expressed very well the sentiment which prevails in his section in that they do not like the idea of breaking down pieces of counties. The only other alternative is to do as follows:

We look at Delaware County and see if we can attach it to Chester County and get the kind of a result which would lead to two equal districts. We find this is impossible. By adding Delaware and Chester, we would still get districts which do not fall within our ten per cent.

Then we try Montgomery County, which also touches Delaware. We find by adding those two counties, we get a district which would be too large for two, obviously, since each of them is more than a district, and would not total enough population for three counties. Therefore, if we wish to avoid breaking up counties and still wish to get equal districts, then the only place to attach Delaware County is to the city of Philadelphia. This is not with the idea of breaking off pieces, but simply adding the two. The two added together give a total population of 2,555,000. That makes six districts of 425,000 each. In other words, the proposal outlined in this bill would set up those two counties as a district, with six members elected at-large.

Now when we come to Montgomery County, we take the same sort of survey. We find there that the only place where we can make a jointure, without breaking down pieces of counties, is with Bucks County. By adding Montgomery and Bucks County, we get 824,000, or two districts of about 412,000 each, which falls well within our ten per cent limit.

Going from those two, we go into the rest of the Commonwealth and we find that we have no problem in constructing districts which fall within the limitation of ten per cent larger or ten per cent smaller than the ideal number, with one exception. That exception is when we come to Lancaster County. Lancaster County has 278,000 people. We try every county around it. We try adding it to York County and we find that there the result is much over our ten per cent limit. We try adding it to Dauphin County and we find the same thing. Added to Lebanon County, it becomes too small. Added to Berks County, it become much too large. Added to Chester County, it becomes too large, but adding it to Chester County becomes the nearest approach to our ten per cent, although it does not quite satisfy our ten per cent limit. However, we find this is the best combination whereby we can obtain the desired result.

Therefore, we come out with a plan of reapportionment in which every district would fall within ten per cent larger or ten per cent smaller than the ideal amount, with the exception of Lancaster and Chester Counties. That is the best result we can get, taking all the districts that are possible to combine and trying every combination possible. We also find that what results are districts which are contiguous; that is to say, they are all in one piece. They are also districts which are as compact as is possible. We have no problem with compactness in the districts formed by, say, Delaware and Philadelphia, or Montgomery and Bucks, or most of the districts. When we get up into the part of the Commonwealth which has the smaller counties, then obviously we get larger districts, less compact than could be desired, but perfectly contiguous and as compact as possible.

There may be some problem arise, Mr. President, as to whether the approach outlined here—namely, of creating districts with a number of Senators elected at-large—is constitutional or legal. Research reveals the following: The 1911 law, passed by Congress and dealing with reapportionment, forbids what this is proposing. However, the 1929 law did not forbid it nor did it mention it. Since that time, the 1941 law, which amended the 1929 law, also does not forbid it. The Supreme Court has twice decided that the 1929 law repealed the 1911 law. For that reason, there is absolutely nothing constitutional or legal to prevent this approach. There may be political reasons or other reasons opposed to it, but, legally and constitutionally, Mr. President, I am convinced there is no problem.

I think this solution, from the standpoint of equality of districts, compactness and contiguity, is as good an approach as is likely to be reached. Of course, I am not sure that, for political reasons, people will desire to have this solution. If we were looking for a solution which was quite independent of politics, and which only sought fair and equal representation, it is my present conviction, in default of someone else showing me a better plan, that this plan would be ideal and would result in the sort of reapportionment we want.

Therefore, Mr. President, I submit this as another approach. I understand there will be a conference on congressional reapportionment and I hope, at that time, this approach will be considered along with those which have been previously offered.

Therefore, Mr. President, I am introducing the following bill.

BILL INTRODUCED AND REFERRED

Mr. SEYLER presented to the Chair **SB 918,** entitled:

An Act to apportion the Commonwealth into congressional districts.

Which was committed to the Committee on Reapportionment.

STATEMENT BY THE CHAIR

The PRESIDING OFFICER. The Chair would like to address its remarks to the people who are in this room today and who are here for most of the Sessions.

The President pro tempore of the Senate, Senator DiSilvestro, has requested the Chair to tell you that a number of Senators have complained to the President pro tempore that the people who come to the Senate, and who are interested in bills, are disturbing the Senators during the Sessions.

The Chair has been advised by the President pro tempore to instruct the Sergeant-at-Arms that no one is to approach the rail enclosure during the Sessions to call a Senator from his seat. It is not that the Senators want to be discourteous, but there is business being conducted on the floor, and it is important business. We would like them to follow the Calendar and concentrate on what is going on.

PERMISSION TO ADDRESS SENATE

Mr. BELL asked and obtained unanimous consent to address the Senate.

Mr. BELL. Mr. President, I sat here and was absolutely dumfounded by the proposal of Senator Seyler to include all of the county of Delaware in the six Philadelphia Congressional Districts. I have not seen his bill, but that is what I gathered from listening to his remarks.

Senator Seyler overlooks two things. The first is that he has taken an arbitrary figure of ten per cent. I do not know where he got that figure, and I do not know how he can ever justify that to the people of my county.

Secondly, Senator Seyler is playing the numbers game. He is treating the people of my county, and he is treating the people of Pennsylvania, just the same as a contractor treats sacks of concrete. Gentlemen, you do not treat people that way. We, in this Commonwealth, have a heritage of freedom. We have a heritage of self-government.

I condemn this bill and—

The PRESIDING OFFICER. The Chair just made a statement that no one is to approach the rail enclosure. Please, we will have no more disturbances of this sort.

Mr. BELL. Mr. President, Pennsylvania's heritage, from the time of William Penn, has been to get away from the type of thinking that sublimates the individual, sublimates freedom, and sublimates the community of interest to the numbers game. I condem this approach as something that is odious to my county.

PERMISSION TO ADDRESS SENATE

Mr. SEYLER asked and obtained unanimaus consent to address the Senate.

Mr. SEYLER. Mr. President, I simply wish to say that we are trying to count people so that they get equal representation. I do not known what other procedure we can use but numbers. I think the main purpose in reapportioning is to try to get as equal representation as possible for the people of the Commonwealth.

REPORT FROM COMMITTEE

Mr. HALUSKA, by unanimous consent, from the Committee on Local Government, reported, as amended **HB 1771.**

RECESS

Mr. WEINER, Mr. President, I request a one-hour recess of the Senate for the purpose of holding both a Democratic and a Republican Caucus, to be held in the respective Caucus Rooms. I would suggest that the Senators take their bills with them to Caucus as there may not be a sufficient number of bills and Calendars there.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a one-hour recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER (Joseph D. Ripp) in the Chair.

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

REPORT FROM COMMITTEE

Mr. SEYLER, by unanimous consent, from the Committee on Reapportionment, reported, as amended, **SB 761.**

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. DEVLIN, by unanimous consent, from the committee on Executive Nominations, reported the following nominations, made by his Excellency, the Governor, which were laid on the table:

MEMBER OF THE BOARD OF TRUSTEES OF THE COMMONWEALTH MENTAL HEALTH RESEARCH FOUNDATION

August 14, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George M. Leader, 1230 Waverly Road, Gladwyne, Montgomery County, for appointment as a member of the Board of Trustees of the Commonwealth Mental Health Research Foundation, until December 31, 1963, and until his successor shall be duly appointed and qualified, vice J. W. Gitt, Hanover, whose term expired.

DAVID L. LAWRENCE

MEMBER OF THE STATE BOARD OF CHIROPODY EXAMINERS

August 14, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Matthew F. Gutowicz, 2522 East Allegheny Avenue, Philadelphia, Philadelphia County, for reappointment as a member of the State Board of Chiropody Examiners, for the term of four years, and until his successor shall have been appointed and qualified.

DAVID L. LAWRENCE

MEMBER OF THE BOARD OF TRUSTEES OF BLOSSBURG STATE HOSPITAL

July 31, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Louis C. Buchanan, 251 South Main Street, Mansfield, Tioga County, for appointment as a member of the Board of Trustees of Blossburg State Hospital, until the third Tuesday of January 1967, and until his successor is appointed and qualified, vice John A. Frazier, Liberty, deceased.

DAVID L. LAWRENCE

MEMBER OF THE BOARD OF TRUSTEES OF HAZLETON STATE HOSPITAL

August 14, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph J. Banyas, 437 Hemlock Street, Freeland, Luzerne County, for appointment as a member of the Board of Trustees of Hazleton State Hospital, until the third Tuesday of January 1965, and until his successor is appointed and qualified, vice John Evancho, Jr., Freeland, whose term expired.

DAVID L. LAWRENCE

MEMBER OF THE BOARD OF TRUSTEES OF HAZLETON STATE HOSPITAL

July 12, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas Kennedy, Jr., 545 West Diamond Avenue, Hazleton, Luzerne County, for reappointment as a member of the Board of Trustees of Hazleton State Hospital, until the third Tuesday of January 1967, and until his successor is appointed and qualified.

DAVID L. LAWRENCE

MEMBER OF THE BOARD OF TRUSTEES OF HOLLIDAYSBURG STATE HOSPITAL

August 8, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James M. Dente, 1801 Seventh Avenue, Altoona, Blair County, for reappointment as a member of the Board of Trustees of Hollidaysburg State Hospital, until the third Tuesday of January 1967, and until his successor is appointed and qualified.

DAVID L. LAWRENCE

MEMBER OF THE TIOGA COUNTY BOARD OF ASSISTANCE

July 24, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Oscar M. Lutes (Democrat), Sullivan Street, Mansfield, Tioga County, for appointment as a member of the Tioga County Board of Assistance, until December 31, 1962, and until his successor is duly appointed and qualified, vice Mrs. Madelyn Weidman, Westfield, resigned.

DAVID L. LAWRENCE

MEMBER OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE UNIVERSITY

August 14, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward J. Lynett, 1636 North Washington Avenue, Scranton, Lackawanna County, for reappointment as a member of the Board of Trustees of The Pennsylvania State University, until July 1, 1964, and until his successor shall have been appointed and qualified.

DAVID L. LAWRENCE

JUDGE OF THE SUPREME COURT OF PENNSYLVANIA

July 31, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Anne X. Alpern, 3441 Beechwood Boulevard, Pittsburgh, Allegheny County, for appointment as Judge of the Supreme Court of Pennsylvania, until the first Monday of January 1962, vice Hon. Charles Alvin Jones, resigned.

DAVID L. LAWRENCE

MEMBER OF THE SNYDER COUNTY BOARD OF ASSISTANCE

August 8, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph H. Dodd (Democrat), McClure, Snyder County, for appointment as a member of the Snyder County Board of Assistance, until December 31, 1962, and until his successor is duly appointed and qualified, vice Mrs. Kathryn C. Mattern, McClure, whose term expired.

DAVID L. LAWRENCE

MR. DIETER HEIMER, FROM GUTERSLOH, GERMANY, PRESENTED TO SENATE

The PRESIDING OFFICER. We have a guest in our midst, a gentleman from Germany. It has been suggested that the Chair introduce this gentleman to the Senate and to the audience in the Senate Chamber.

The gentleman's name is Dieter Heimer. Mr. Heimar is here through the "Experiment in International Living," an organization founded with the thought of showing Europeans how American boys and girls live. This is an exchange arrangement, and Americans are in Europe on the same basis.

Those European young people visiting in this County are the guests of American families.

Mr. Heimer is the guest of the Middletown Rotary Club, and is accompanied by Mr. Donald Craig of the Middletown Rotary Club. Mr. Heimer spends a week with each of its members. He came to America in the middle of June and will be in this Country until about the middle of September. He has spent some time in New York, and expects to spend a few days in Washington, D. C.

It gives me honor and pleasure to introduce to the Members of the Senate, and those in the Chamber, Mr. Dieter Heimer, of Gutersloh, Germany.

Mr. HEIMER. Thank you very much. I am very glad to be here. I have been the guest of American families now for about four weeks, and I have seen a lot of the Ameri-

can life. I am very glad to see and to hear something about your work and something about the work of the American—especially Pennsylvania—Government. Thank you.

The PRESIDING OFFICER. Thank you also, Mr. Heimer.

REPORTS FROM COMMITTEES

Mr. KALMAN, by unanimous consent, from the Committee on Judiciary General, reported, as committed, **SB 206** and **1484**; rereported, as committed, **SB 418** and **791.**

Mr. McMENAMIN, by unanimous consent, from the Committee on Highways, reported, as committed, **SB 779** and **HB 1028**; as amended, **SB 574** and **HB 1707**; and rereported, as amended, **HB 1259.**

CALENDAR

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SB 111 (Pr. No. 1164)—Mr. WEINER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 111, and that a Committee of Conference on the part of the Senate be appointed.

Mr. LANE. Mr. President. I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 294 (Pr. No. 1115)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 294.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 698 (Pr. No. 1184)—Mr. WEINER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 698, and that a Committee of Conference on the part of the Senate be appointed.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS OF COMMITTEES OF CONFERENCE

SB 192 (Pr. No. 1203)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 192, entitled:

An Act amending the act of April 29, 1959 (P. L. 58) entitled "The Vehicle Code" further providing for the placing of reflectors on vehicles and providing penalties.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS 0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representative accordingly.

HB 715 (Pr. No. 2589)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 715, entitled:

An Act amending the act of June 1, 1959 (P. L. 392) entitled "An act relating to the retirement of State employes amending revising consolidating and changing the laws relating thereto" providing for the creation of a dual coverage group and the right of certain members to elect dual coverage.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HB 716 (Pr. No. 2590)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 716, entitled:

An Act amending the act of June 1, 1959 (P. L. 350)

entitled "An act relating to the retirement of public school employes amending revising consolidating and changing the laws relating thereto" providing for the creation of a dual coverage group and the right of certain members to elect dual coverage.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Represenatives accordingly.

HB 990 (Pr. No. 2576)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 990, entitled:

An Act amending the "Liquor Code" approved April 12, 1951 (P. L. 90) prescribing the prices at which malt and brewed beverages may be sold by distributors and importing distributors and fixing penalties.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER

HB 1082—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON FINAL PASSAGE

HB 1402 (Pr. No. 2192)—On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bell,	Hays,	Mullin,	Stevenson,
Camiel,	Kalman,	Murray,	Stiefel,
Chapman,	Keller,	Propert,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Weiner,
Flack,	McCreesh,	Seyler,	Yatron,
Fleming,	McGinnis,	Silvert,	Ripp,
Haluska,	McMenamin,	Staisey,	Presiding Officer

NAYS—9

Berger,	Kromer,	Shafer,	Ware, III,
Hawbaker,	Pechan,	Stroup,	Wolfe,
Kessler,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

THIRD READING CALENDAR

BILL ON THIRD READING AND FINAL PASSAGE, RECALLED FROM THE GOVERNOR

SB 735 (Pr. No. 1199—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

EDUCATION BILLS OVER IN ORDER

SB 130, 646, 683, 688, 690, 734, HB 810, SB 867 and **HB 1377**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL OVER IN ORDER TEMPORARILY

HB 1813—Mr. WEINER. Mr. President, I request that House Bill No. 1813, go over in its order temporarily

since this bill is not part of the education program, but is part of the education program of the city of Pittsburgh. I shall call it up for action by the Senate later in the day.

The PRESIDING OFFICER. There being no objection, the bill will go over in its order.

BILL OVER IN ORDER

HB 95—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON THIRD READING AMENDED

HB 161 (Pr. No. 161)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. VAN SANT, by unanimous consent, offered the following amendments:

Amend Title, page 2, next to last line of Title, by inserting after "laws": changing the limit on retail licenses and

Amend Bill, page 2, lines 1 and 2, by striking out all of line 1, "Code" in line 2 and inserting: Section 1 Subsection (a) of section 461 act of April 12 1951 (P L 90) known as the "Liquor Code" amended August 11 1959 (P L 670) and December 17 1959 (P L 1932) is amended to read: Section 461 Limiting Number of Retail Licenses To Be Issued In Each Municipality—(a) No licenses shall hereafter be granted by the board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each one thousand five hundred inhabitants in any municipality exclusive of licenses granted to airport restaurants and hotels as defined in this section and clubs but at least one such license may be granted in each municipality and in each part of a municipality where such municipality is split so that each part thereof is separated by another municipality except in municipalities where the electors have voted against the granting of any retail licenses Nothing contained in this section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed but where such number exceeds the limitation prescribed by this section no new license except for hotels and airport restaurants as defined in this section shall be granted so long as said limitation is exceeded

Section 2 The act

Amend Sec. 1 (Sec. 472.1), page 2, line 3, by striking out "ten" and inserting: five

Amend Sec. 2, page 3, line 5, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. VAN SANT.

BILLS OVER IN ORDER

HB 203, 216 and **SB 353**—Without objection, the bills were passed over in their order at the request of Mr. BERGER.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 518 (Pr. No. 2606)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. WEINER. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. WEINER. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. LANE. Mr. President, I also desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. DEVLIN. Mr. President, I wish to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—21

Camiel,	Mahady,	Murray,	Silvert,
DiSilvestro,	McCreesh,	Rooney,	Staisey,
Donolow,	McGinnis,	Sarraf,	Stiefel,
Haluska,	McMenamin,	Sesler,	Yatron,
Hays,	Mullin,	Seyler,	Ripp,
Kalman,			Presiding Officer

NAYS—28

Bell,	Fleming,	Mallery,	Taylor,
Berger,	Hawbaker,	Pechan,	Van Sant,
Chapman,	Keller,	Propert,	Wade,
Confair,	Kessler,	Scott,	Wagner,
Devlin,	Kromer,	Shafer,	Ware, III,
Ehrgood,	Lane,	Stevenson,	Weiner,
Flack,	Madigan,	Stroup,	Wolfe,

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILL OVER IN ORDER

HB 522—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 565 (Pr. No. 610)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kromer,	Propert,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Donolow,	Mallery,	Sesler,	Ware, III,
Ehrgood,	McCreesh,	Seyler,	Weiner,
Flack,	McGinnis,	Shafer,	Wolfe,
Fleming,	McMenamin,	Silvert,	Yatron,
Haluska,	Miller,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Kessler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 621 (Pr. No. 2446)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. BELL. Mr. President, I am going to vote against this bill because it requires a guard at a manhole, and it does not state that this manhole must be located on a public highway. In other words, some of our municipalities have manholes in their sewage disposal plants that go across open fields. I cannot see the necessity of putting a traffic guard on a manhole in an open field.

I think this bill could have been much better written, and, therefore, I am going to vote against it.

Mr. WEINER. Mr. President, I believe anyone who has come across an open manhole, and who might have had the opportunity of falling in, certainly would feel kindly disposed toward this measure.

I believe perhaps the Senator has led a very sheltered life and possibly has not had the opportunity of coming across a manhole where he might have fallen in. Therefore, in that vein, he feels less disposed toward this measure.

I think this is a safety measure and, as such, we should help people who may be in the vicinity of an open manhole. You also have the other facet of it, where you might have an escape of gas in these manholes which contain not only electrical lines, but also other pipelines going through them. Sometimes it is a deadly gas, and a man could pass out without anyone being aware that he is there. This would provide the added feature of having someone available, who is in condition, to aid in bringing out an injured person. Sometimes there are two or three persons working at the same time down there, due to the expertise that one or more of these people might have in working in one of these areas with a helper.

As a result, I think it is not an undue burden to have someone present. They can even alternate or change the people working there in order to keep a watch on this open manhole.

I know the Senator very well and I am certain that he would not want to jeopardize anyone's life by not having a guard to help, should anyone fall in. There have been many instances—and very recently—where persons have been injured not only by falling into a manhole, but also by having objects fall on the persons working in the manholes, when no one was aware of their presence there.

Mr. BELL. Mr. President, I yield to the Majority Leader's superior experience in falling into manholes. I have never fallen into one.

However, this is a prime example of poorly written legislation. If the Majority Leader wants to protect the traveling public from falling into manholes that would contain gases, why does he not say so in the bill? You do not hit specific dangers by striking at a very broad class of items which, in this case, would create quite a burden on our municipalities and on our water companies, in addition to telephone and electric companies.

I again say that the reason I am voting against this is because it is a poorly written piece of legislation.

Mr. WEINER. Mr. President, if that is the difficulty the gentleman is having with the bill, I would respectfully suggest to him that he could amend this to make it a better drawn bill and, possibly, take out the parts to which he objects.

One of the problems mentioned by the gentleman was that the bill is not more specific. Suppose we mentioned five, six or seven specific things and left out the eighth one or the other possibility, and then you would have no regulation or no way to regulate it. Like this bill, if you give them the whole class to regulate, they can properly do so without it being a specific or class legislation.

I ask my colleagues to vote "aye" on this measure.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Berger,	Kalman,	Pechan,	Stevenson,
Camiel,	Kromer,	Propert,	Stiefel,
Chapman,	Lane,	Rooney,	Stroup,
Confair,	Mahady,	Sarraf,	Taylor,
Devlin,	Mallery,	Scott,	Van Sant,
DiSilvestro,	McCreesh,	Sesler,	Wagner,
Donolow,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Yatron,
Haluska,	Mullin,	Silvert,	Ripp,
Hays,	Murray,	Staisey,	Presiding Officer

NAYS—10

Bell,	Hawbaker,	Madigan,	Ware, III,
Ehrgood,	Keller,	Wade,	Wolfe,
Flack,	Kessler,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SB 665 (Pr. No. 775)—Read at length the third time and agreed to,

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bell,	Hawbaker,	Mullin,	Stiefel,
Berger,	Hays,	Murray,	Stroup,
Camiel,	Kalman,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Rooney,	Wade,
Devlin,	Kromer,	Sarraf,	Wagner,
DiSilvestro,	Lane,	Scott,	Ware, III,
Donolow,	Madigan,	Sesler,	Weiner,
Ehrgood,	Mallery,	Shafer,	Wolfe,
Flack,	McCreesh,	Silvert,	Yatron,
Fleming,	McGinnis,	Staisey,	Ripp,
Haluska,	Miller,	Stevenson,	Presiding Officer

NAYS—3

Mahady,	McMenamin,	Seyler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 666 (Pr. No. 1150)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bell,	Hays,	Murray,	Stiefel,
Berger,	Kalman,	Pechan,	Stroup,
Camiel,	Keller,	Propert,	Taylor,
Chapman,	Kessler,	Rooney,	Van Sant,
Confair,	Kromer,	Sarraf,	Wade,
Devlin,	Lane,	Scott,	Wagner,
DiSilvestro,	Madigan,	Sesler,	Ware, III,
Donolow,	Mallery,	Shafer,	Weiner,
Flack,	McCreesh,	Silvert,	Wolfe,
Fleming,	McGinnis,	Staisey,	Yatron,
Haluska,	Miller,	Stevenson,	Ripp,
Hawbaker,	Mullin,		Presiding Officer

NAYS—4

Ehrgood,	Mahady,	McMenamin,	Seyler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

SB 801—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 826 (Pr. No. 2487)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—23

Camiel,	Kalman,	Murray,	Staisey,
Devlin,	Lane,	Rooney,	Stiefel,
DiSilvestro,	Mahady,	Sarraf,	Weiner,
Donolow,	McCreesh,	Sesler,	Yatron,
Haluska,	McGinnis,	Seyler,	Ripp,
Hays,	Mullin,	Silvert,	Presiding Officer

NAYS—26

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,	McMenamin,		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILLS OVER IN ORDER

SB 835 and **836**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

SB 845 (Pr. No. 1049)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. SILVERT. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—23

Camiel,	Kalman,	Murray,	Staisey,
Devlin,	Lane,	Rooney,	Stiefel,
DiSilvestro,	Mahady,	Sarraf,	Weiner,
Donolow,	McCreesh,	Sesler,	Yatron,
Haluska,	McGinnis,	Seyler,	Ripp,
Hays,	Mullin,	Silvert,	Presiding Officer

NAYS—26

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,	McMenamin,		

Less than a majority of all the Senators having voted 'aye," the question was determined in the negative, and the bill was defeated.

BILLS OVER IN ORDER

SB 865—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

SB 882—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILLS ON THIRD READING AND FINAL PASSAGE

SB 884 (Pr. No. 1201)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WEINER. Mr. President, the purpose of this bill is to bring the Act into statutory line with the recent decisions of the Supreme Court. I think we need this legislation very badly in order to have a standard with which people can comply.

This deals with the definition of the word "obscenity" or "obscene." It follows along with the position taken by the court, so that no one will be in doubt as to what standard they must conform with. The Supreme Court, about which I am speaking, is the Supreme Court of the United States. I think this will make it easier for the law enforcement agencies to deal with this problem.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,

Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

HB 1124 (Pr. No. 1256)—Read at length the third time and agreed to,

On the question,

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1125 (Pr. No. 1257)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1216 (Pr. No. 1739)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1248 (Pr. No. 2425)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1345 (Pr. No. 2181)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1382 (Pr. No. 2209)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1383 (Pr. No. 2210)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1384 (Pr. No. 1650)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING AMENDED

HB 1385 (Pr. No. 2586)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendments:

Amend Sec. 1 (Sec. 204), page 3, line 9, by striking out "ace" and inserting are

Amend Sec. 1 (Sec. 204), page 3, by inserting between lines 12 and 13: * * *

Amend Sec. 3, page 4, line 17, by inserting after "act": amended April 28, 1961 (P. L. 158)

Amend Sec. 3 (Sec. 402), page 5, line 7, by inserting after "D": Class D-1

Amend Sec. 4 (Sec. 506), page 6, by inserting between lines 11 and 12: * * *

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1386 (Pr. No. 1652)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING AMENDED

HB 1422 (Pr. No. 2557)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. YATRON, by unanimous consent, offered the following amendment:

Amend Sec. 8, page 8, lines 6 to 11, by striking out all of said lines.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. YATRON.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 1519 (Pr. No. 1875)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred):

Mr. DEVLIN. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. DEVLIN. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. WEINER. Mr. President, I also desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. LANE. Mr. President, I wish to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—21

Camiel,	Mahady,	Murray,	Silvert,
DiSilvestro,	McCreesh,	Rooney,	Staisey,
Donolow,	McGinnis,	Sarraf,	Stiefel,
Haluska,	McMenamin,	Sesler,	Yatron,
Hays,	Mullin,	Seyler,	Ripp,
Kalman,			Presiding Officer

NAYS—28

Bell,	Fleming,	Mallery,	Taylor,
Berger,	Hawbaker,	Pechan,	Van Sant,
Chapman,	Keller,	Propert,	Wade,
Confair,	Kessler,	Scott,	Wagner,
Devlin,	Kromer,	Shafer,	Ware, III,
Ehrgood,	Lane,	Stevenson,	Weiner,
Flack,	Madigan,	Stroup,	Wolfe,

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILLS OVER IN ORDER

HB 1678—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

HB 1683—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

HB 1793—Mr. PECHAN. Mr. President, I request that House Bill No. 1793 go over in its order inasmuch as Senator Bell is having amendments prepared which are not, as yet, ready.

The PRESIDING OFFICER. There being no objection, the bill will go over in its order.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1814 (Pr. No. 2511)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably ot the provisions of the Constitution, and were as follows, viz:

YEAS—30

Berger,	Kalman,	Murray,	Taylor,
Camiel,	Kessler,	Rooney,	Wade,
Confair,	Lane,	Sarraf,	Wagner,
Devlin,	Madigan,	Seyler,	Ware, III,
DiSilvestro,	Mallery,	Silvert,	Weiner,
Fleming,	McCreesh,	Stevenson,	Yatron,
Hawbaker,	McGinnis,	Stiefel,	Ripp,
Hays,	McMenamin,		Presiding Officer

NAYS—18

Bell,	Keller,	Propert,	Staisey,
Chapman,	Kromer,	Scott,	Stroup,
Ehrgood,	Mahady,	Sesler,	Van Sant,
Flack,	Mullin,	Shafer,	Wolfe,
Haluska,	Pechan,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1813 CALLED UP

HB 1813 (Pr. No. 2430)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Reading Calendar, by Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1813 (Pr. No. 2430)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING POSTPONED

SB 670 (Pr. No. 1047)—Without objection, the bill was called up from the Postponed Calendar by Mr. LANE.

BILL ON THIRD READING AMENDED

SB 670 (Pr. No. 1047)—Read at length the third time.

On the question,

Will the Senate agree to the bill on third reading?

Mr. LANE, by unanimous consent, offered the following amendments:

Amend Title, page 1, second line of Title, by inserting after "COURT": division in the Court of Common Pleas

Amend Title, page 1, next to last line of Title, by inserting after "court" where it appears the third time: division

Amend Title, page 1, last line of Title, by striking out "subdivisions in the family court" and inserting: additional law judges of the court of common pleas in the fifth judicial district

Amend Sec. 3, page 3, line 1, by inserting after "Established": as Division of Court of Common Pleas in Allegheny County

Amend Sec. 3, page 3, line 8, by inserting after "ESTABLISHED": in the Court of Common Pleas of Allegheny County a division to be known as

Amend Sec. 3, page 3, line 11, by inserting after "ACT": as a division of the court of common pleas

Amend Sec. 3, page 3, line 12, by inserting after "HAVE": all

Amend Sec. 3, page 3, line 13, by inserting after "OF" where it appears the second time: common pleas including the powers of a court of

Amend Sec. 4, page 4, lines 11 to 19; page 5, lines 1 to 14, by striking out all of said lines and inserting: At least three judges elected or appointed to the office of judge of common pleas shall be assigned by the President Judge of common pleas to the family court division and the judges so assigned together with the incumbent judge of the Juvenile Court of Allegheny County at the time this act takes effect shall compromise the Board of Judges of the Family Court The President Judge shall designate one of the assigned Juvenile judges as chief judge The incumbent judge of the Juvenile Court as a member of the Board of Judges shall exercise only those powers presently conferred upon him by the act of June 3 1933 (P L 1449) known as the "Juvenile Court Law of Allegheny County"

Amend Sec. 5, page 5, lines 18 to 20; page 6, lines 1 to 4, by striking out all of said lines and inserting: (1) Report to and cooperate with the President Judge of common pleas

Amend Sec. 6, page 6, line 17, by striking out "and" where it appears the first time.

Amend Sec. 6, page 6, line 19, by inserting after "including": but not limited to

Amend Sec. 6, page 7, line 11, by inserting after "adopt": as

Amend Sec. 6, page 7, line 11, by inserting after "court": the present seal of the court of common pleas with the addition of the words "Family Court Division"

Amend Sec. 6, page 7, line 16, by striking out all of said line and inserting: President Judge of common pleas

Amend Sec. 8, page 10, line 1, by inserting after "the" where it appears the first time: President Judge of common pleas, the common pleas

Amend Sec. 9, page 11, lines 1 to 3, by striking out "at least com-" in line 1, all of lines 2 and 3, and inserting: fixed by the Allegheny County Salary Board

Amend Sec. 10, page 11, line 18, by inserting after "THE" where it appears the second time: family

Amend Sec. 15, page 17, line 5, by inserting after "the": powers conferred by law upon the court of common pleas and the

Amend Sec. 16, page 18, line 10, by inserting after "provided": The dockets and records of proceedings of the court shall be kept separate from the dockets and records of the court of common pleas

Amend Sec. 18, page 19, line 3, by striking out "exclusively".

Amend Sec. 18, page 19, lines 4 and 5, by striking out "EXCEPT WHERE CONCURRENT JURISDIC-" in line 4 and all of line 5.

Amend Bill, page 19, by inserting between lines 10 and 11:

Section 20 Additional Judgeships Authorized—(a) In addition to the judges provided for in the act of January 8 1952 (P L 1844) entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution and to provide for the election and commissioning of judges learned in the law for the said district" three additional law judges are hereby authorized and provided for the court of common pleas of the fifth judicial district who shall possess the same qualifications which are required by the Constitution and laws for the President Judge of the court of common pleas of the district and who shall hold their offices for a like term and by the same tenure and shall have the same power authority and jurisdiction and shall be subject to the same duties restrictions and penalties and shall receive the same compensation provided for by law for judges learned in the law as if the same offices had been established in the time of and subject to the provisions of the act of June 1 1956 (P L 1959) entitled "An act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned in the law certain state officers and the salary and expenses of the members of the General Assembly and repealing certain inconsistent acts"

(b) At the general election in November 1962 the qualified electors of the fifth judicial district shall elect in the same manner prescribed by law for the election of the President Judge of the court of common pleas of the district three competent persons learned in the law to serve as additional law judges of the court of common pleas of the fifth judicial district from the first Monday in January 1963 for a term of ten years, Vacancies in the offices hereby created whether caused by death resignation expiration of term or otherwise shall be filled in the same manner as is required by law in case of a similar vacancy in the office of President Judge of the court

(c) Effective upon the end of the present term of the incumbent juvenile court judge or upon vacancy occurring in such office whichever occurs first a fourth additional law judge is hereby authorized and provided for the court of common pleas of the fifth judicial district who shall have the qualifications term tenure power authority jurisdiction be subject to the same duties and receive the same compensation as provided in subsection (a) of this section

Amend Sec. 20, page 19, line 11, by striking out "20" and inserting: 21

Amend Sec. 20, page 19, lines 19 and 20; page 20, lines 1 to 20, by striking out all of said lines and inserting: Judge Repeal of Juvenile Court Law of Allegheny County—At the end of the term

of the incumbent juvenile court judge of Allegheny County or if the judgeship should be vacated at any time at the time such vacancy occurs the said judgeship shall cease to exist and the act of June 3 1933 (P L 1449) known as the "Juvenile Court Law of Allegheny County" is hereby repealed in so far as it is inconsistent herewith such repeal to be effective at the end of the term of the present incumbent judge or upon vacancy occurring in such office whichever occurs first

Amend Sec. 21, page 21, line 1, by striking out "21" and inserting: 22

Amend Sec. 22, page 21, line 3, by striking out "22" and inserting: 23

Amend Sec. 22, page 21, line 3, by striking out "immediately" and inserting "February 1, 1962".

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. LANE.

COMMITTEES OF CONFERENCE APPOINTED ON SB 111 AND SB 698

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Committees of Conference on the part of the Senate to confer with similar committees of the House (if the House shall appoint such committees) to consider the differences existing between the two houses in relation to the following bills:

Senate Bill No. 111—Messrs. SILVERT, DONOLOW and SCOTT;

Senate Bill No. 698—Messrs. HAYS, SEYLER and BELL.

PERSONAL PRIVILEGE

Mr. PECHAN. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The gentleman will state it.

Mr. PECHAN. Mr. President, today there was circulated throughout the Senate the most vicious piece of untruth that I have seen circulated in this Hall since I have been a Member of this august Body.

To show the type of people who are opposing a certain bill, there is an agenda—perhaps it is not an agenda—and on the last page of this brochure, or whatever you may call it, which I understand came from the office of Senator Mahady, the Chairman of the Insurance Committee—

Mr. WEINER. Mr. President, I believe the gentleman rose to a question of personal privilege. I do not think that gives him the right to heap abuse on any other Member of the Senate. I think he should—

Mr. PECHAN. I am not abusing any other Member; I was abused.

The PRESIDING OFFICER. Please address the Chair, if you care to be recognized. Senator Weiner has the floor.

Mr. WEINER. Mr. President, I believe if the Senator is being abused, he should state the point of abuse before he moves into another area and accuses someone else. I think the proper way would be for him to present his case and let us take if from there, rather than begin by an accusation.

Mr. PECHAN. Mr. President, I am making no accusations. I talked to the gentleman and he told me himself that it came out of his office.

INTERROGATION

Mr. PECHAN. Mr. President, I desire to interrogate the gentleman from Westmoreland, Senator Mahady.

The PRESIDING OFFICER. Will the gentleman from Westmoreland, Mr. Mahady, permit himself to be interrogated?

Mr. MAHADY. I will, Mr. President.

Mr. PECHAN. Mr. President, I am not accusing Senator Mahady of anything which is untrue. Is it not true, Senator Mahady, that these circulars came from your office?

Mr. MAHADY. Mr. President, I will answer that question in this way, as I explained to Senator Pechan. I understood it was a factual presentation; I had not read it. I asked the Page to distribute them because I was asked to see that all the Senators were informed of the arguments contained therein. The minute I found out, when it was shown to me, that it referred to Senator Pechan, I had them all picked up again. All except two were picked up. Senator Pechan and Senator Berger said they wanted to keep their copies.

In answer to the gentleman's question, I will state that the facts contained on the last page were not only in bad taste, but they were, I would say, completely untrue. I have known Senator Pechan since I have been here and I knew him before I came here. Senator Pechan, I would say, is the type of a man who, if his best friend asked him to be for a bill and he did not believe in the bill, would not be for it.

I can humbly say that I have been guilty of what is one of the cardinal sins; that is, the sin of laziness. I did not read it before I agreed to seeing that all of the Members received it. If there has been any harm done and if anyone else saw it besides those whose desks it was put on,—it was only there for a few minutes—I say that my sin of negligence in not reading it, I am guilty of. I humbly apologize from the bottom of my heart.

I would also say that at no time in this Senate have I ever attempted to be anything but courteous. However, this was beyond courtesy. This was a matter which should not have happened. As I said, the fault of laziness on my part in not reading if beforehand, I admit. I thought I would cover it before the bill came up. I am at fault and I apologize to everyone for it.

Mr. PECHAN. I want you to know—

The PRESIDING OFFICER. Did you want to say something, Senator Pechan?

Mr. PECHAN. I will, Mr. President.

The PRESIDING OFFICER. That was an expression by the Senator which will go into the record. I am sure that all those concerned will be able to see for themselves in the record the issue concerned.

Has that matter been taken care of, Senator Pechan?

Mr. PECHAN. No, Mr. President.

The PRESIDING OFFICER. That is all right; just take your time.

Mr. PECHAN. Mr. President, I want to thank Senator Mahady and I accept his apology. I feel badly that I am such a weak sister, but the gentleman's apology so moved me. Forgive me.

The PRESIDING OFFICER. Take your time, Senator Pechan, and relax.

Mr. PECHAN. I know Senator Mahady did not do it maliciously and I agree that he did not know it was there or he would not have done it.

However, Mr. President, I just wondered to what length some people will go—and I am not speaking about Senator Mahady—to get across a point or an untruth. As Senator Mahady said, there is not one word of truth appearing on the page which refers to Senator Pechan.

It mentions a person's name who is a very dear friend of mine. I have known him many, many years. I presume that I have gone out to dinner with him many times. I, perhaps, have picked up the check more often than he has because I can afford it just as well as he can. I enjoy his company, and he happens to be a patient of mine. He also happens to visit in my home.

I am not the sponsor of this bill. The bill came over from the House. In the past, I have sponsored legislation which covered the small loan people. Four or five years ago, I sponsored a bill, raising the limit from $300 to $600, which in the same sense reduced the amount of interest to the consumer.

I do not know what connection I have with this bill. I do not know who the person is who got this thing together. I think perhaps, as Senator Mahady explained it, he was a little lax. However, I will forgive him and I am going to forget it.

PERMISSION TO ADDRESS SENATE

Mr. ROONEY asked and obtained unanimous consent to address the Senate.

Mr. ROONEY. Mr. President, in 1959, I was elected to serve in this great deliberative Body. I believe one of the first encounters I ever had on the floor of this Senate was with my dear friend and colleague, Senator Pechan.

From time to time, Senator Pechan and I have not seen eye to eye on our political philosophy. However, I read the letter and I do not know of any statement that could be further from the truth than the untrue statement which the letter contained. I have been out with Senator Pechan on numerous occasions. He is a great fellow. I know he was deeply touched here by the apology which was extended to him by my colleague, Senator Mahady. It is unfortunate that these things exist, but we, in political life,—and I would like to remind the newspapermen of this—are subjected to great criticism from time to time.

Last Saturday evening, there appeared an article in one of my local newspapers, stating that a contractor went out of business because of political payoffs to politicians and to people who are employed by the Department of Highways. On Monday morning, I called the Attorney General in and at 4:55 p.m., yesterday afternoon, that contractor signed a sworn statement to the fact that he never made the statement. However, I believe he did make the statement. I believe the people who wrote this letter, and who are responsible for it, are trying to cause animosity among the Members of this Senate.

I hope to be around here for a long time and I hope that I will never again see a recurrence of such a vicious and scandalous letter as was sent to my office this afternoon.

PERMISSION TO ADDRESS SENATE

Mr. SESLER asked and obtained unanimous consent to address the Senate.

Mr. SESLER. Mr. President, I do not wish to belabor this issue, but I do think this is an opportune time to bring up a point which has bothered me from time to time. I regret the incident, because I agree with all the other Members of this Senate that the two Senators who are involved here are personal friends of all of us. I am sure we have the highest regard for their integrity and ability.

However, Mr. President, I would like to say something to the men who sit around the outside of this rail enclosure. I am one of the younger Members, but I do expect to be here for a few years. From time to time, when they give us information, they provide a good function for us. Oftentimes, they explain the position of a particular industry or a particular group of people who are affected by legislation which we are considering.

I would like to say to them, however, and I hope I speak for all the Senators: "Gentlemen, it is all right to build your case, but, in building your case, make sure that you are scrupulously accurate and that you, at no time, impringe on anyone's reputation."

Unfortunately, from time to time, I have checked on some of the so-called facts given to me in support of various pieces of legislation. I have found them not to be completely true. Sometimes, the sins were mostly of omission; sometimes, they were of commission. However, in either case, I think you gentlemen owe a duty to we Legislators, who are representing the 11,000,000 people of Pennsylvania, to give us only facts.

RECESS

Mr. BERGER. Mr. President, I request a twenty minute recess of the Senate for the purpose of holding a Republican Caucus.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a twenty minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

REPORT FROM COMMITTEE

Mr. LANE, by unanimous consent, from the Committee on Rules, reported, as amended, **HB 283.**

BILLS INTRODUCED AND REFERRED

Messrs. CONFAIR and MAHADY, by unanimous consent, presented to the Chair **SB 919,** entitled:

A Joint Resolution proposing an amendment to article nine, section four of the Constitution of the Commonwealth of Pennsylvania; providing for and regulating Commonwealth debt for capital improvements and certain other purposes and prohibiting debts and obligations inconsistent therewith.

Which was committed to the Committee on Constitutional Changes and Federal Relations.

Messrs. STAISEY and SESLER, by unanimous consent, presented to the Chair **SB 920,** entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," further regulating the election and term of office of school directors when districts are formed into union or merged districts.

Which was committed to the Committee on Education.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Mr. SCOTT submitted the Report of Committee of Conference on **HB 517**, which was laid over for printing under the rules.

SECOND READING CALENDAR

HB 1438 CALLED UP OUT OF ORDER

HB 1438 (Pr. No. 2587)—Mr. WEINER. Mr. President, I call up out of order, from page 25 of the Second Reading Calendar, House Bill No. 1438.

The PRESIDING OFFICER. Is there objection?

Mr. LANE. Mr. President, I am agreeing that this bill be called up and read for the second time, but I would like to have the assurance of the Members of the Senate that I will be in a position to offer amendments to this legislation on Third Reading. I do not expect any opposition. However, I would like to be assured of that privilege.

Mr. BERGER. Mr. President, I am sure we all understand that we have always followed the policy that bills which have been moved up in this manner can always be amended on Third Reading.

Mr. LANE. Thank you very much, Senator Berger.

The PRESIDING OFFICER. There being no objection, the Senate will proceed to the consideration of House Bill No. 1438, on second reading.

BILL ON SECOND READING

HB 1438 (Pr. No. 2587)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HB 1663 CALLED UP OUT OF ORDER

HB 1663 (Pr. No. 2605)—Without objection, the bill was called up out of order, from page 27 of the Second Reading Calendar, by Mr. WEINER.

BILL ON SECOND READING

HB 1663 (Pr. No. 2605)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HB 1664 CALLED UP OUT OF ORDER

HB 1664 (Pr. No. 2353)—Without objection, the bill was called up out of order, from page 27 of the Second Reading Calendar, by Mr. WEINER.

BILL ON SECOND READING

HB 1664 (Pr. No. 2353)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SB 651 CALLED UP OUT OF ORDER

SB 651 (Pr. No. 1136)—Without objection, the bill was called up out of order, from page 21 of the Second Reading Calendar, by Mr. BERGER.

BILL ON SECOND READING AMENDED

SB 651 (Pr. No. 1136)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. STEVENSON offered the following amendments:

Amend Table of Contents, page 2, last line of Table of Contents by striking out all of said line.

Amend Sec. 103, page 3, lines 7 to 19 by striking out all of said lines and inserting:

Section 103 Construction and Applicability of the Act—(a) This act shall not apply in any municipality unless the municipality shall by ordinance elect to comply with and be governed by the provisions of this act Any such election shall be inclusive of all provisions of this act and all provisions in other acts of Assembly relating to matters within the scope of this act shall be inapplicable after the adoption of the ordinance electing that the municipality shall comply with and be governed by the provisions of this act except that when any county elects by ordinance to comply with and be governed by the provisions of this act and any city borough incorporated town or township within such county has not made such election the provisions of the other laws shall apply to any such city borough incorporated town or township in regard to any matters within the scope of such other laws This act shall not repeal or modify any of the provisions of the "Public Utility Law"

(b) The election of any municipality to comply with and be governed by the provisions of this act shall not affect any act done contract or liability incurred prior to the date on which the election to accept this act occurred or affect any suit or prosecution pending or to be instituted to enforce any right rule regulation or ordinance or to punish any offense against such other laws or against any ordinance enacted under them All ordinances resolutions regulations and rules made pursuant to any other act of Assembly shall continue in effect as if such other act had not been superseded by such election to accept the provisions of this act

Amend Sec. 105, page 4, line 16 by inserting after "foreseen": It is the further intent of this act that any recommendations made by any planning agency to any governing body shall be advisory only

Amend Sec. 107, page 5, lines 7 to 10 by striking out "the council in incorporated towns" in line 7, all of lines 8 to 10 and inserting: and (i) the president of the council in boroughs and incorporated towns or the president of the board of commissioners in townships of the first class or the chairman of the board of supervisors in townships of the second class if the powers and duties set forth in this act are conferred upon a committee of the governing body and (ii) the governing body as a whole, if a planning commission or planning department or both is created in any borough incorporated town or township

Amend Sec. 107, page 6, line 11 by inserting after "ment": or a planning committee of the governing body

Amend Sec. 201, page 8, line 5 by inserting after "act": in lieu of a planning commission or planning department the governing body may elect to assign the powers and duties conferred by this act upon a planning committee comprised of members appointed from the governing body

Amend Sec. 202, page 8, line 8 by striking out "five" and inserting: three

Amend Sec. 203, page 8, line 20 by striking out "five" and inserting: four

Amend Sec. 203, page 9, line 2, by inserting after "that": on commissions of eight members or less

Amend Sec. 203, page 9, line 2, by striking out "nor less than one."

Amend Sec. 203, page 9, line 3, by striking out "each succeeding" and inserting: any

Amend Sec. 203, page 9, line 3, by inserting after "year": and on commissions of nine members no more than three shall be so reappointed or replaced

Amend Sec. 204, page 9, line 8, by striking out "former" and inserting: other

Amend Sec. 205, page 10, line 12, by inserting after "On": a commission of three members at least two shall be citizen members on

Amend Sec. 205, page 10, line 13 by inserting after "of": four or

Amend Sec. 205, page 10, line 13, by striking out "four" and inserting: three

Amend Sec. 209, page 12, line 18, by striking out "administer and enforce" and inserting: and administer

Amend Sec. 209, page 13, line 16, by striking out "on its own initiative."

Amend Sec. 304, page 18, line 7 by striking out "adequate."

Amend Sec. 402, page 19, lines 16 to 19 and page 20, lines 1 and 2 by striking out "Such notice shall be sent by cer-" in line 16, all of lines 17 to 19, page 19 and all of lines 1 and 2, page 20.

Amend Sec. 408, page 23, lines 2 to 5 by striking out "The adoption of an official map by any county within the Common-" in line 2, all of lines 3 and 4 "shall adopt an official map for the municipality" in line 5 and inserting: The powers of the governing bodies of counties to adopt amend and repeal official maps shall be limited to land and watercourses in those cities boroughs incorporated towns and townships wholly or partly within the county which have no official map in effect at the time an official map is introduced before the governing body of the county and until the city borough incorporated town or township official map is in effect The adoption of an official map by any municipality other than a county whose land or watercourses are subject to county official mapping shall act as a repeal protanto of the county official map within the municipality adopting such ordinance

Amend Sec. 502, page 24, lines 16 to 20; page 25, line 1 by striking out "A subdivision and land development ordinance" in line 16, all of lines 17 to 20, page 24 and "one exists" in line 1, page 25, and inserting: The powers of the governing bodies of counties to enact amend and repeal subdivision and land development ordinances shall be limited to land in those cities boroughs incorporated towns and townships wholly or partly within the county which have no subdivision and land development ordinance in effect at the time a subdivision and land development ordinance is introduced before the governing body of the county and until the city borough incorporated town or township subdivision and land development ordinance is in effect and a certified copy of such ordinance is filed with the county planning agency if one exists The enactment of a subdivision and land development ordinance by any municipality other than a county whose land is subject to a county subdivision and land development ordinance shall act as a repeal protanto of the county subdivision and land development ordinance within the municipality adopting such ordinance

Amend Sec. 502, page 25, lines 4 and 5 by striking out "review and report" and inserting: study and recommendation

Amend Sec. 517, page 34, lines 13 to 17 by striking out "The passage of this act and the repeal" in line 13, all of lines 14 to 17 and inserting: The election by any municipality to comply with and be governed by the provisions of this act shall not invalidate any subdivision ordinance resolution or regulations enacted under other enabling laws relating to subdivisions control The acceptance of this act by any municipality in such respect shall be deemed a continuation and codification of such other laws

Amend Sec. 603, page 36, line 8 by striking out all of said line.

Amend Sec. 604, page 37, lines 9 to 11 by striking out "and the relation-" in line 9 and all of lines 10 and 11.

Amend Sec. 606, page 38, line 14, by striking out "effective date" and inserting: date on which an election is made to accept the provisions

Amend Sec. 623, page 48, lines 12 to 18 by striking out "The passage of this act and the repeal" in line 12, all of lines 13 to 18 and inserting: The election by any municipality to comply with and be governed by the provisions of this act shall not invalidate any zoning ordinance enacted under other enabling laws relating to zoning ordinances The acceptance of this act by any municipality in such respect shall be deemed a continuation and codification of such other laws

Amend Sec. 701, page 49, line 4 by striking out "prior" and inserting: other

Amend Sec. 702, page 49, line 9 by striking out "this act becomes effective" and inserting: an election is made to accept the provisions of this act

Amend Sec. 702, page 49, line 14 by striking out "former."

Amend Art. X, page 67, lines 7 and 8 by striking out both of said lines.

Amend Sec. 1001, page 67, lines 9 to 19; page 68, lines to 20; page 69, lines 1 to 20; page 70, lines 1 to 18 and page 71, lines 1 to 20 by striking out all of said lines.

Amend Sec. 1002, page 72, lines 1 to 4 by striking out all of said lines.

Amend Bill, page 72, by inserting after line 4:

Section 908 Saving Clause—The election by any municipality to comply with and be governed by the provisions of this act shall not invalidate any regional planning commission created under other laws relating to regional planning The acceptance of this act by any municipality in such respect shall be deemed a continuation and codification of such other laws

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. STEVENSON.

REMAINING BILLS ON SECOND READING CALENDAR OVER IN ORDER

All remaining bills on today's Second Reading Calendar not considered were passed over in their order at the request of Mr. BERGER.

SENATE CONCURRENT RESOLUTION, SERIAL No. 126, CALLED UP

Mr. WEINER, without objection, called up from page 29 of the Calendar, Senate Concurrent Resolution, **Serial No. 126,** entitled:

Requesting the Public Utility Commission and Interstate Commerce Commission to Study the Bituminous Coal Freight Rates

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION, SERIAL No. 126, ADOPTED

Mr. WEINER. Mr. President, I move that the Senate do adopt this resolution.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to and the resolution was adopted.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

SENATE CONCURRENT RESOLUTION, SERIAL No. 108, TAKEN FROM THE TABLE

Mr. WEINER, with objection, called from the table, Senate Concurrent Resolution, **Serial No. 108,** entitled:

Directing the Joint State Government Commission to Study the Relocation of Eastern and Western Correctional Institutions

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE CONCURRENT RESOLUTION, SERIAL No. 108

Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Concurrent Resolution, Serial No. 108.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Repretatives accordingly.

STATEMENT CONCERNING HOUSE BILL No. 1221, PRINTER'S No. 2585

Mr. HALUSKA. Mr. President, this afternoon I rereported House Bill No. 1221 from committee. I want to make certain it is understood that the bill was rereported from committee and is to appear on the Third Reading Calendar tomorrow. After Second Reading, the bill was recommitted to my committee, and now it will appear tomorrow on the Third Reading Calendar. I would like the record to show this.

The PRESIDING OFFICER. That was House Bill No. 1221, which had previously passed Second Reading. It was a rereport, and therefore, the bill will appear on tomorrow's Third Reading Calendar. Is that correct, Senator Haluska?

Mr. HALUSKA. That is right, Mr. President.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. WEINER. Mr. President, I request a ten minute recess for the purpose of holding a meeting of the Committee on Appropriations. I believe the Senate can proceed with the regular order of business while this meeting is being held.

The PRESIDING OFFICER. There being no objection, the Committee on Appropriations may proceed with its meeting.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Mr. LANE submitted the Report of Committee of Conference on House Concurrent Resolution **No. 62,** which was laid over for printing under the rules.

The PRESIDENT pro tempore (Anthony J. DiSilvestro) in the Chair.

BILLS SIGNED

The President pro tempore (Anthony J. DiSilvestro) in the presence of the Senate signed the following bills:

SB 511, 637, 708, 780, 788, 842, HB 320, 945, 1190, 1397, 1446, 1498, 1554, 1579, 1617 and **1621.**

The PRESIDING OFFICER (Joseph D. Ripp) in the Chair.

REPORTS FROM COMMITTEE

Mr. McGINNIS, by unanimous consent, from the Committee on Appropriations, reported, as committed, **HB 137, 924, 1013, 1050, 1177, 1431,** and **1610;** as amended, **HB 1564;** and rereported, as committed, **SB 769, HB 644** and **1415.**

BILL ON FIRST READING

Mr. WEINER. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

The bills were as follows:

SB 233, 574, 761, 779, HB 137, 206, 283, 727, 924, 1013, 1015, 1028, 1177, 1431, 1484, 1549, 1564, 1610, 1707, 1771 and **1830.**

And said bills having been read at length for the first time,

Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

COMMITTEE MEETING
WEDNESDAY, AUGUST 16, 1961

Eastern Daylight Saving Time	COMMITTEE	ROOM
10:00 A. M.	PUBLIC HEALTH & WELFARE	535A

ADJOURNMENT

Mr. WEINER. Mr. President, I move that the Senate do now adjourn until Wednesday, August 16, 1961, at 9:30 a.m., Eastern Standard Time.

Mr. SEYLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:19 p.m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, August 15, 1961

The House met at 12 o'clock noon, e. s. t.

The SPEAKER (Hiram G. Andrews) in the Chair

PRAYER

The Chaplain, Reverend David R. Hoover, offered the following prayer:

Almighty and Everlasting Father, as finite creatures of Thy creation, we are prone to become so entangled in the mesh of this earthly existence that we neglect and disregard our higher estate with Thee. As the press and heat of daily affairs and discussions close in upon us, grant to each of us the ability to think clearly, reason logically, debate soundly, and act wisely to the honor and glory of Thy blessed name: through Jesus Christ, Thy Son our Lord. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Monday, August 14, 1961, will be postponed until printed.

The Chair hears none.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1198.

An Act making appropriations to the Department of Forests and Waters for certain capital improvements in accordance with long range planning for capital improvements designed to make the most effective use of the State's available resources.

HOUSE BILL No. 1251.

An Act amending the State Employes' Retirement Code of 1959" approved June 1, 1959 (P. L. 392), further providing for the reduction of superannuation and withdrawal allowances.

HOUSE BILL No. 1510.

An Act amending "The Insurance Company Law of 1921" approved May 17, 1921 (P. L. 682), requiring certain domestic mutual insurance companies to accumulate unearned premium reserves within a prescribed period.

HOUSE BILL No. 1588.

An Act amending the act of May 28, 1931 (P. L. 202), entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth * * *" removing the requirement that metallic plates shall be issued.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGES

The clerk of the Senate being introduced, returned bills extracts from the Journal of the Senate:

Amended House Bills returned for concurrence, Nos. 1217, 1220 and 1578.

REPORTS FROM COMMITTEE

Mrs. S. A. ANDERSON from the Committee on Education, reported as amended, House bill No. 1816, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), enlarging the functions of the State colleges, and providing for certain duties for the Board of Presidents of State Colleges and for the Department of Public Instruction and changing provisions relating to tuition, board and fees.

Mr. MURRAY from the Committee on Education, reported as amended, House bill No. 1846, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177), creating the State Council of Higher Education as a departmental administrative board in the Department of Public Instruction; defining its powers and duties; transferring certain duties to the State Council of Higher Education of the State Council of Education; and defining and co-ordinating functions of the two councils.

Mr. DENGLER from the Committee on Education, reported as committed House bill No. 200, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), providing for fire drills on school buses.

Mr. WILT from the Committee on Appropriations, reported as committed, House bill No. 1224, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), providing for the payments by the Commonwealth for certain equipment used for the instruction of handicapped children.

Mr. WILT from the Committee on Appropriations, reported as committed, House bill No. 1539, entitled:

An Act amending the act of June 22, 1931 (P. L. 881), entitled "An act prescribing rights and remedies and the procedure in connection with suits and recovery on bonds conditioned for the payment of material and labor furnished supplied or performed in the prosecution of any public work or improvement," extending the act to include Federal and State-aided institutions.

Mr. WILT from the Committee on Appropriations, reported as committed, House bill No. 1824, entitled:

An Act making an appropriation to the Department of Property and Supplies for the publication of the History and Roster of the Tenth Pennsylvania Volunteer Infantry.

Mr. WILT from the Committee on Appropriations, reported as committed, House bill No. 1827, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Department of Forests and Waters to lease land in Valley Forge State Park to the United States Post Office Department for the purpose of the construction and operation of a post office.

Mr. WILT from the Committee on Appropriations, reported as amended, House bill No. 1841, entitled:

An Act amending "The General Appropriation Act of 1961" approved May 25, 1961 (Appropriation Act No. 5-A), changing certain amounts appropriated to the Department of Public Instruction and the Department of Revenue and making an appropriation to the Department of Public Instruction for community colleges.

Mr. McCANN from the Committee on Rules, reported as committed, House bill No. 1845, entitled:

An Act amending the "Public School Code of 1949,"

approved March 10, 1949 (P. L. 30), providing for reimbursement for school nurses.

Mr. DENGLER from the Committee on Education, reported as committed, Senate bill No. 604, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further providing for director representation in union or merged districts under certain conditions.

Mr. HAMILTON from the Committee on Education, reported as committed, Senate bill No. 196, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," authorizing the extension of sabbatical leaves of absence because of sickness or physical disability.

Mr. HAMILTON from the Committee on Education, reported as committed, Senate bill No. 662, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," qualifying the membership of county board of school directors.

Mr. DOUGHTEN from the Committee on Insurance, reported as committed, Senate bill No. 644, entitled:

An Act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties.

Mr. WILT from the Committee on Appropriations, rereported as committed, Senate bill No. 823, entitled:

An Act amending the act of June 15, 1961 (Act No. 207), entitled "Inheritance and Estate Tax Act of 1961," making a continuing appropriation for the payment of refunds of taxes to which the Commonwealth is not rightfully or equitably entitled.

Mr. WILT from the Committee on Appropriations, rereported as committed, Senate bill No. 830, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for laboratory schools of State-owned colleges and providing for payments in connection therewith.

Mr. WILT from the Committee on Appropriations, rereported as amended, Senate bill No. 96, entitled:

An Act authorizing the Department of Highways with the approval of the Governor to construct a highway and to erect and maintain a bridge over the Kiskiminetas River in Westmoreland and Armstrong Counties and to provide the necessary approaches and connections with State highways empowering counties to pay certain damages and making an appropriation therefor.

Mr. WILT from the Committee on Appropriations, rereported as committed, House bill No. 1796, entitled:

An Act amending the act of July 7, 1955 (P. L. 258), entitled "An act providing for anthracite mine drainage contingent on Federal aid and making an appropriation," removing certain restrictions.

Mr. McCANN from the Committee on Rules, reported as committed, House Resolution No. 90.

Mr. McCANN from the Committee on Rules, reported as committed, Senate Resolution Serial No. 121.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 200, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), providing for fire drills on school buses.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1845, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), providing for reimbursement for school nurses.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 604, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," further providing for director representation in union or merged districts under certain conditions.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 196, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing the extension of sabbatical leaves of absence because of sickness or physical disability.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 662, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," qualifying the membership of county board of school directors.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 644, entitled:

An Act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

BILLS RE-REFERRED

Mrs. REIBMAN from the Committee on Education, returned with the recommendation that it be re-referred to the Committee on Appropriations, House bill No. 1782, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), establishing an educational Research and Revelopment Fund, granting cer-

tain powers and duties to the State Council of Education, and making an appropriation.

The SPEAKER. The bill is re-referred to the Committee on Appropriations.

Mr. McCANN from the Committee on Rules, returned with the recommendation that it be re-referred to the Committee on Elections, House bill No. 1849, entitled:

An Act amending "The First Class City Permanent Registration Act," approved March 30, 1937 (P. L. 115), providing for the registration of physically disabled persons.

The SPEAKER. The bill is re-referred to the Committee on Elections.

Mr. McCANN from the Committee on Rules, returned with the recommendation that it be re-referred to the Committee on Elections, House bill No. 1850, entitled:

An Act amending "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns and Townships," approved April 29, 1937 (P. L. 487), providing for the registration of physically handicapped persons.

The SPEAKER. The bill is re-referred to the Committee on Elections.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 298, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177), changing membership of the State Board of Medical Education and Licensure.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 469, entitled:

An Act amending the act of May 26, 1949 (P. L. 1828), entitled "Fiduciaries Investment Act of 1949," making further provisions concerning authorized investments in corporate bonds and stocks.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 852, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey land situate in Derry Township, Mifflin County, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

BIRTHDAY

The SPEAKER. While we are awaiting the return of the minority leader, the Chair has been informed that today is the birthday of the gentleman from Blair, Mr. Miller. The gentleman is in the hall of the House and so is Mr. Dengler who will proceed to perform his usual function.

Mr. DENGLER. Mr. Speaker, let us sing "Happy Birthday, dear Harold." Everybody sing including our visitors in the back of the room.

(Singing of "Happy Birthday" ensued).

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Miller.

Mr. MILLER. Mr. Speaker, and members of the House, I thank you for your kindness today on my birthday.

LEAVES OF ABSENCE

By unanimous consent leaves of absence were granted as follows:

Mr. Tompkins for Mr. J. H. ANDERSON for today to attend funeral.

Mr. Tompkins for Mr. ASHTON for today.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1666.

An Act amending the act of April 29, 1937 (P. L. 487), entitled as amended "An act to provide for the permanent personal registration of electors in cities of the second class A cities of the third class boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of election and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties," eliminating requirements that registrars of vital statistics make death reports and requiring the cancellation of registrations of persons reported dead.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 2, line 12 of Title, by inserting after the part word "alties" the following: Section 1, page 2, line 1, by striking out after "Section 1" at the beginning of the line the word "Section" and inserting in lieu thereof "Subsections (a) and (b) of Section 29"; page 3, line 2, by striking out after "(P L 62)" the following: and inserting in lieu thereof the word "are"; line 5, by striking out after the word "from" the words "Register of Vital Statistics" and inserting in lieu thereof the words "Department of Health"; line 11, by striking out at the beginning of the line "(a.1)" and inserting immediately thereafter the following: (a) The Registrar of Vital Statistics of every city of the second class city of the second class A city of the third class borough town and township shall

report in writing at least weekly to the Registration Commission the deaths of residents of the city of the second class city of the second class A city of the third class borough town or township except residents less than twenty years of age. Said written report shall contain the full name of the decedent his last residence address the date of his birth if available and the date of his death. The Commission shall forthwith cancel the registration of each registered elector so reported; page 4, line 8, by striking out after the word "by" the following: the Department of Health or any registrar of vital statistics and inserting in lieu thereof the following: any registrar of vital statistics the Department of Health

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provision of the Constitution the yeas and nays were taken and were as follows:

YEAS—193

Adams,	Fulmer,	Lamb,	Riley,
Anderson, S. A.,	Gailey,	Lee, A. M.,	Rovansek,
Arlene,	Gallagher,	Leonard,	Royer,
Auker,	Gelfand,	Limper,	Rubin,
Bachman,	George,	Lippincott,	Rudisill,
Backenstoe,	Gibb,	Long, Wm. Jas.,	Rutherford,
Blair,	Goldstein, J. H.,	Long, Wm. Jos.,	Sakulsky,
Boies,	Goldstein, M. H.,	Lutty,	Scarcelli,
Bonner,	Goodrich,	Magee,	Schaaf,
Bossert,	Gramlich,	Manbeck,	Schuster,
Bower,	Greenlee,	Markley,	Seltzer,
Bowman,	Gremminger,	Marsh,	Shelton,
Breth,	Gross,	Maxwell,	Shupnik,
Buchanan,	Guesman,	May,	Simmons,
Bush,	Guthrie,	McCandless,	Slack,
Capano,	Hamilton,	McCann,	Snare,
Capitolo,	Hankins,	McDevitt,	Stank,
Cauley,	Hartley,	McDonald,	Steckel,
Cianfrani,	Haudenshield,	McKeever,	Stimmel,
Cioffi,	Heavey,	McLaughlin,	Stiteler,
Clarke,	Heffner,	McNally,	Stone,
Comer,	Helm,	Meholchick,	Sullivan, J. A.,
Cooley,	Henzel,	Merry,	Sullivan, T. F.,
Crossin,	Hocker,	Miller,	Taylor,
Curwood,	Holl,	Mills,	Thompson,
Davis,	Holliday,	Monroe,	Tomascik,
Dengler,	Holman,	Morley,	Tompkins,
Dennison,	Horst,	Munley,	Ujobai,
Donaldson,	Irvis,	Murphy,	Varner,
Dougherty,	Isaacs,	Murray,	Verona,
Doughten,	Jenkins,	Musto,	Wall,
Down,	Jim,	Needham,	Walsh,
Edwards,	Johnson, A. W.,	O'Dell,	Wargo,
Eilberg,	Johnson, R. P.,	O'Donnell, J. A.,	Weidner,
Elvey,	Jones,	Odorisio,	Welsh,
Eshback,	Kamyk,	Ogilvie,	Wescott,
Eshleman,	Keiser,	Parlante,	Whittaker,
Esler,	Kelly,	Pashley,	Willard,
Ewing,	Kernaghan,	Perry,	Willaredt,
Farabaugh,	Kessler,	Petrosky,	Williams, A. D.,
Fetterolf,	King,	Piper,	Williams, E. S.,
Filo,	Kistler,	Polaski,	Wood,
Fineman,	Klein,	Polen,	Worley,
Flynn,	Knecht,	Prendergast,	Wynd,
Foerster,	Kooker,	Price,	Yetter,
Foor,	Kornick,	Pursley,	Zember,
Fox,	Korns,	Reibman,	Zimmerman,
Frascella,	Kramer,	Renwick,	Andrews,
Fry,			Speaker

NAYS—0

NOT VOTING—17

Anderson, J. H.,	Lawson,	Mihm,	Sherman,
Ashton,	Lee, K. B.,	Mullen,	Strausser,
Branca,	McCormack,	O'Donnell, J. P.,	Trusio,
Gibbons,	McInroy,	Reidenbach,	Wilt,
Gray,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

The SPEAKER. For what purpose does the gentleman from Allegheny rise?

Mr. WILT. Mr. Speaker, if I had been in my seat on the last bill I would have voted "aye."

The SPEAKER. The remarks of the gentleman will be spread upon the Journal.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1667.

An Act amending the act of March 30, 1937 (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties," eliminating requirements that registrars of vital statistics make death reports and requiring the cancellation of registration of persons reported dead.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 2, line 9 of Title by inserting after the word "penalties" the following: eliminating requirements that registrars of vital statistics make death reports and; Section 1, line 1, by striking out after "Section 1" the word "Section" and inserting in lieu thereof "Subsections (a) and (b) of Section 31"; line 3, by striking out after the word "Act"' the following: is amended by adding after subsection (a) a new subsection and subsection (b) is and inserting in lieu thereof the word "are"; line 5, by striking out after the word "from" the words "Registrars of Vital Statistics" and inserting in lieu thereof "Department of Health"; page 3, line 5, by striking out at the beginning of the line "(a.1)" and inserting immediately thereafter the following: (a) The Registrar of Vital Statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the Registration Commission the deaths of residents of the city except residents less than twenty years of age. Said written report shall contain the full name of the decedent his residence address the date of his birth if available and the date of his death. The Commission shall forthwith cancel the registration of each registered elector so reported; line 18, by striking out after the word "deceased" the following: by the Department of Health or; line 19, by striking out after the word "by" the words "any registrar of vital statistics" and inserting in lieu thereof "the Department of Health."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—191

Adams,	Fulmer,	Limper,	Rubin,
Anderson, S. A.,	Gailey,	Lippincott,	Rudisill,
Arlene,	Gallagher,	Long, Wm. Jas.,	Rutherford,
Auker,	Gelfand,	Long, Wm. Jos.,	Sakulsky,
Bachman,	George,	Lutty,	Scarcelli,
Backenstoe,	Gibb,	Magee,	Schaaf,
Blair,	Goldstein, J. H.,	Manbeck,	Schuster,
Boles,	Goldstein, M. H.,	Markley,	Seltzer,
Bonner,	Goodrich,	Marsh,	Shelton,
Bossert,	Greenlee,	Maxwell,	Shupnik,
Bower,	Gremminger,	May,	Simmons,
Bowman,	Gross,	McCandless,	Slack,
Breth,	Guesman,	McCann,	Snare,
Buchanan,	Guthrie,	McDevitt,	Stank,
Bush,	Hamilton,	McDonald,	Steckel,
Capano,	Hankins,	McInroy,	Stimmel,
Capitolo,	Hartley,	McKeever,	Stiteler,
Cauley,	Haudenshield,	McLaughlin,	Stone,
Cianfrani,	Heavey,	McNally,	Sullivan, J. A.,
Cioffi,	Heffner,	Meholchick,	Sullivan, T. F.,
Clarke,	Helm,	Merry,	Taylor,
Comer,	Henzel,	Miller,	Thompson,
Cooley,	Hocker,	Mills,	Tomascik,
Crossin,	Holl,	Monroe,	Tompkins,
Curwood,	Holliday,	Morley,	Trusio,
Davis,	Holman,	Munley,	Ujobai,
Dengler,	Irvis,	Murphy,	Varner,
Dennison,	Isaacs,	Murray,	Verona,
Donaldson,	Jenkins,	Musto,	Wall,
Dougherty,	Jim,	Needham,	Walsh,
Doughten,	Johnson, A. W.,	O'Dell,	Wargo,
Down,	Johnson, R. P.,	O'Donnell, J. A.,	Weidner,
Edwards,	Jones,	Odorisio,	Welsh,
Eilberg,	Kamyk,	Ogilvie,	Wescott,
Elvey,	Kelly,	Parlante,	Whittaker,
Eshback,	Kernaghan,	Pashley,	Willard,
Eshleman,	Kessler,	Perry,	Willaredt,
Esler,	King,	Petrosky,	Williams, A. D.,
Ewing,	Kistler,	Piper,	Williams, E. S.,
Fetterolf,	Klein,	Polaski,	Wilt,
Filo,	Knecht,	Polen,	Wood,
Fineman,	Kooker,	Prendergast,	Worley,
Flynn,	Kornick,	Price,	Wynd,
Foerster,	Korns,	Pursley,	Yetter,
Foor,	Kramer,	Reibman,	Zember,
Fox,	Lamb,	Renwick,	Zimmerman,
Frascella,	Lee, A. M.,	Riley,	Andrews,
Fry,	Leonard,	Rovansek,	Speaker

NAYS—0

NOT VOTING—19

Anderson, J. H.,	Gramlich,	Lee, K. B.,	Reidenbach,
Ashton,	Gray,	McCormack,	Royer,
Branca,	Horst,	Mihm,	Sherman,
Farabaugh,	Keiser,	Mullen,	Strausser,
Gibbons,	Lawson,	O'Donnell, J. P.,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

REPORT FROM COMMITTEE

Mr. PIPER from the Committee on Liquor Control, reported as committed, Senate bill No. 811, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" removing the prohibition against Sunday sales of liquor or malt or brewed beverages by public service licensees.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 811, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" removing the prohibition against Sunday sales of liquor or malt or brewed beverages by public service licensees.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. Does the gentleman from Montgomery, Mr. Fetterolf, desire to be recognized on a question of personal privilege?

Mr. FETTEROLF. I do, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentelman from Montgomery.

Mr. FETTEROLF. Mr. Speaker, I rise to point out the fact that in the Journal of March 22, on page 873, a bill which I introduced is listed as House bill 422. The listing should be House bill 442. It has since become Act No. 282. I bring this up in order to correct the Journal.

The SPEAKER. The Chair thanks the gentleman and the remarks of the gentleman will be spread upon the record.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. KAMYK asked and obtained permission for the Committee on Ways and Means to meet during the session of the House.

BILLS ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on final passage of House bill No. 1831, entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number eight and providing for the appointment and election of judges for the court.

On the question recurring,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. FILO. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. EILBERG asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Sec. 2, page 2, line 15 by striking out "next"

Amend Sec. 2, page 2, line 16 by striking out "1961" and inserting: 1963

Amend Sec. 3, page 3, line 6 by striking out "succeeding the next municipal election" and inserting: 1964

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on final passage of Senate bill No. 605, entitled

An Act amending the act of January 29, 1844 (P. L. 25), entitled "An act supplementary to an act to incorporate the president and directors of the water pipes in Aaronsburg" permitting additional persons to vote for the directors further providing who shall be taxed increasing one tax providing for flat rates and tap on charges requiring approval of rates by the Public Utility Commission and repealing inconsistent legislation.

On the question recurring,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. FULMER. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. FULMER asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 1, last two lines of Title, by striking out all of next to last line of Title and "UTILITY COMMISSION" in last line.

Amend Sec. 1 (Sec. 1), page 4, lines 9 to 11, by striking out "INCLUDING REGULA-" in line 9, all of line 10 and "SION" in line 11.

Amend Sec. 1 (Sec. 1), page 5, lines 5 to 7, by striking out "INCLUDING GOVERNMENT REP-" in line 5, all of line 6 and "VANIA" in line 7.

Amend Sec. 1 (Sec. 3), page 6, lines 14 to 19, by striking out "PROVIDED HOWEVER THAT" in line 14 and all of lines 15 to 19.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1803, entitled:

An Act relating to certain charitable organizations requiring the registration of such organizations regulating the solicitation of moneys and property by or on behalf of charitable organizations establishing a Commission on Charitable Organizations and an Advisory Council on Charitable Organizations and placing duties upon the Department of State.

On the question,

Will the House agree to the bill on third reading?

Mr. McCANN asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Sec. 1, page 2, line 2, by striking out ""Charitable Registration Act"" and inserting "Solicitation of Charitable Funds Act"

Amend Sec. 2, page 4, line 3, by inserting after "organizations" in connection with soliciting contributions

Amend Sec. 2, page 4, line 5, by striking out "whose duties to raise funds"

Amend Sec. 2, page 4, line 9, by striking out "employed or"

Amend Sec. 2, page 4, line 15 by striking out "whose duties to raise funds"

Amend Sec. 3, page 12, lines 7 to 9, by striking out "OR" in line 7, all of line 8 and "AGENCY" in line 9

Amend Sec. 5, page 20, line 11, by striking out "THREE" and inserting four

Amend Sec. 5, page 20, line 13, by inserting after "WEALTH" or his designate

Amend Sec. 5, page 20, line 14, by striking out "AND"

Amend Sec. 5, page 20, line 16, by inserting after "DESIGNATE" and one of whom shall be the Secretary of Health or his designate

Amend Sec. 5, page 20, line 18, by inserting after "REGULATIONS" after consultation with the council and

Amend Sec. 6, page 21, line 13, by striking out "WITH STAGGERED TERMS" and inserting to serve at his pleasure

Amend Sec. 7, page 23, line 2, by inserting after "public" in connection with the soliciting of contributions

Amend Sec. 9, page 25, line 7, by inserting after "($25)" A partnership or corporation which is a professional fund raiser or professional solicitor may register for and pay a single fee on behalf of its members, officers and employes.

Amend Sec. 9, page 25, line 16, by inserting after "activities" A partnership or corporation which is a professional fund raiser or professional solicitor may file a consolidated bond on behalf of its members, officers and employes.

Amend Sec. 20, page 37, line 4, by striking out "department" and inserting commission

Amend Sec. 22, page 38, line 10, by inserting after "will" not

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER. For what purpose does the gentleman from Dauphin, Mr. Bowman, rise?

Mr. BOWMAN. To interrogate the majority leader with respect to further amendments to this bill after these, Mr. Speaker. I have no objections to these amendments, but I am concerned about offering additional amendments and whether I should offer them today or after the bill is reprinted.

Mr. McCANN. Mr. Speaker, I ask that he prepare the amendments as we discussed informally yesterday. I will offer these amendments and prepare the gentleman's amendments should they change the lines of the bill.

Mr. BOWMAN. I thank the gentleman.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

REPORTS FROM COMMITTEE

Mr. SCARCELLI from the Committee on Liquor Control, reported as amended, Senate bill No. 435, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" authorizing issuance of liquor licenses in lieu of retail dispenser's licenses to clubs and authorizing the transfer of hotel, restaurant and eating place licenses to clubs without affecting the number of licenses thereafter grantable in any municipality.

Mr. FRASCELLA from the Committee on Ways and Means, reported as committed, House bill No. 1840, entitled:

An Act amending the act of July 15, 1897 (P. L. 292), entitled "An act to provide revenue by taxation" clarifying provisions for imposing, colelcting and paying tax on deposits and shares of savings banks without capital stock, building and loan associations and federal and state savings and loan associations measured by their surplus, undivided profits and reserves.

Mr. CAPANO from the Committee on Education, reported as committed, House bill No. 1848, entitled:

An Act amending the " Public School Code of 1949," approved March 10, 1949 (P. L. 30), changing minimum salaries for certain professional employes, and increasing the total compensation for certain professional employes.

Mr. TRUSIO from the Committee on Liquor Control, reported as committed, Senate bill No. 351, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" authorizing licensed establishments to sell until two o'clock antemeridian on Sundays.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1840, entitled:

An Act amending the act of July 15, 1897 (P. L. 292), entitled "An act to provide revenue by taxation" clarifying provisions for imposing, collecting and paying tax on deposits and shares of savings banks without capital stock, building and loan associations and federal and state savings and loan associations measured by their surplus, undivided profits and reserves.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1848, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), changing minimum salaries for certain professional employes, and increasing the total compensation for certain professional employes.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 351, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" authorizing licensed establishments to sell until two o'clock antemeridian on Sundays.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

RESOLUTION

DISCHARGING COMMITTEE ON HOUSE BILL No. 330

Messrs. M. H. GOLDSTEIN and McCORMACK offered a resolution which was read by the clerk as follows:

In the House of Representatives, August 9, 1961.

Resolved, That House bill No. 330, printer's No. 359, entitled "An act defining and regulating the conduct and activities of officers and employes of the Commonwealth and firms, partnerships, associations and corporations in which such persons are members or stockholders, forbidding certain situations which may involve a conflict of interest between the discharge of official duties and private business or professional activity, providing for the keeping of records, authorizing the issuance of rules and regulations hereunder and providing penalties for the violation hereof," having been referred to the Committee on Judiciary on February 1, 1961, and the committee not having reported the same to the House for a period of over fifteen days, the committee is discharged from further consideration thereof.

On the question,

Will the House adopt the resolution?

Mr. M. H. GOLDSTEIN. Mr. Speaker, House bill No. 330, for the information of the membership, is entitled the conflict of interest act. It was one of the early pieces of legislation introduced by four members of the House, all of whom are members of the Democratic Party. This piece of legislation, of great import, has been in the Judiciary Committee since February 1, 1961. It provides that for state employes there would be a prohibition from their practicing before any state body or for a state employe to engage in any business in a contractual relationship with the State. We are not permitted to debate the merits of the bill in a discharge resolution, but I would call to the attention of the majority party that in its 1958 platform one of the planks was as follows: "Legislation setting ethical standards for public employes."

House bill No. 330, the conflict of interest act, implements the 1958 Democratic Party platform and we now ask all members of the House, both Democrats and Republicans, in this late stage to vote in favor of this discharge resolution so this important legislation may be considered upon its merits on the floor of the House of Representatives. I ask for a roll call.

Mr. McCANN. Mr. Speaker, I ask the membership on this side of the House to vote "no" on the roll call to discharge the Judiciary Committee.

The SPEAKER. The Chair recognizes the gentleman from Adams, Mr. Worley.

Mr. WORLEY. I rise to support this discharge resolution. I think this bill, if it comes to the floor, will promote ethics in government.

On the question recurring,

Will the House adopt the resolution?

The yeas and nays were required by Messrs. M. H. GOLDSTEIN and McCANN and were as follows:

YEAS—63

Backenstoe,	Fetterolf,	Johnson, R. P.,	Simmons,
Blair,	Foor,	Kessler,	Snare,
Bossert,	Fox,	King,	Stimmel,
Bower,	Fulmer,	Kistler,	Stiteler,
Buchanan,	George,	Korns,	Thompson,
Bush,	Gibb,	Lee, A. M.,	Varner,
Cauley,	Goldstein, J. H.,	Magee,	Wescott,
Cianfrani,	Goldstein, M. H.,	Manbeck,	Whittaker,
Davis,	Gramlich,	Marsh,	Willard,
Donaldson,	Gross,	May,	Willaredt,
Down,	Guthrie,	McCandless,	Williams, A. D.,
Edwards,	Haudenshield,	Merry,	Williams, E. S.,
Elvey,	Henzel,	O'Dell,	Wilt,
Eshback,	Holl,	Ogilvie,	Worley,
Esler,	Holliday,	Seltzer,	Zember,
Ewing,	Holman,	Shupnik,	

NAYS—125

Adams,	Goodrich,	Lutty,	Reidenbach,
Anderson, S. A.,	Greenlee,	Markley,	Renwick,
Arlene,	Gremminger,	Maxwell,	Riley,
Auker,	Guesman,	McCann,	Rovansek,
Bachman,	Hamilton,	McDevitt,	Rubin,
Boies,	Hankins,	McDonald,	Sakulsky,
Bonner,	Hartley,	McKeever,	Scarcelli,
Bowman,	Heavey,	McLaughlin,	Schaaf,
Breth,	Heffner,	McNally,	Schuster,
Capano,	Helm,	Meholchick,	Shelton,
Capitolo,	Hocker,	Miller,	Slack,
Cioffi,	Horst,	Mills,	Stank,
Clarke,	Irvis,	Monroe,	Steckel,
Comer,	Isaacs,	Morley,	Stone,
Cooley,	Jenkins,	Munley,	Sullivan, J. A.,
Crossin,	Jim,	Murphy,	Sullivan, T. F.,
Curwood,	Johnson, A. W.,	Murray,	Taylor,
Dengler,	Jones,	Musto,	Tomascik,
Dennison,	Kamyk,	Needham,	Tompkins,
Dougherty,	Keiser,	O'Donnell, J. A.,	Trusio,
Doughten,	Kelly,	O'Donnell, J. P.,	Ujobai,
Ellberg,	Kernaghan,	Odorisio,	Verona,
Farabaugh,	Klein,	Parlante,	Wall,
Filo,	Kooker,	Pashley,	Wargo,
Fineman,	Kornick,	Perry,	Weidner,
Flynn,	Kramer,	Piper,	Welsh,
Foerster,	Leonard,	Polaski,	Wood,
Frascella,	Limper,	Polen,	Wynd,
Fry,	Lippincott,	Prendergast,	Yetter,
Gallagher,	Long, Wm. Jas.,	Pursley,	Zimmerman,
Gelfand,	Long, Wm. Jos.,	Reibman,	Andrews,
Gibbons,			Speaker

NOT VOTING—22

Anderson, J. H.,	Knecht,	Mihm,	Rudisill,
Ashton,	Lamb,	Mullen,	Rutherford,
Branca,	Lawson,	Petrosky,	Sherman,
Eshleman,	Lee, K. B.,	Price,	Strausser,
Gailey,	McCormack,	Royer,	Walsh,
Gray,	McInroy,		

So the question was determined in the negative and the resolution was not adopted.

PERMISSION TO ADDRESS HOUSE

Mr. FILO asked and obtained unanimous consent to address the House.

Mr. Speaker, I want to make a comment upon an article that I have seen in today's Evening News. There is a picture showing O. D. Shipley and the Governor checking over a Speedminder car fitted to assist at accidents, and the statement reads:

> The new equipment includes an asbestos fire-fighting suit, a fire extinguisher, a first aid kit, road flares and reflectors, a crash bar and wool blankets.

Mr. Speaker, I certainly want to commend the safety department for the action they are taking. The only thing I see that they have left out, and I might say that they could add, are lassos or lariats to catch the runaway trucks that are going to be so prominent on our highways from now on, the 55-foot ones.

BIRTHDAY

The SPEAKER. The Chair has been told that we neglected to note the fact that the gentleman from Washington, Mr. Polen, had a birthday, maybe it was yesterday. Is he still in the hall of the House? He had a birthday this week but we did not notice it. Dr. Dengler, will you lead the singing of Happy Birthday in memory of the gentleman from Washington?

Mr. DENGLER. I think the gentleman from Washington has done a wonderful job as the chairman of the Appropriations Committee. We should sing "Happy Birthday" with a lot of zest. Let's sing, "Happy Birthday, Dear Dean."

The SPEAKER. The Chair recognizes the gentleman from Washington, who takes the microphone to defend himself. The charge is that he did a good job on appropriations by cutting down most of them.

Mr. POLEN. Mr. Speaker, I am not certain that I heard you correctly but I thought that you said, "In memory of the gentleman from Washington."

The SPEAKER. That is a nominal truth.

Mr. POLEN. Mr. Speaker and members of the House, it has certainly been a very happy experience for me to serve in this House. The happiest days of my life have been spent here, and I only hope that if I reach the ripe old age attained by the gentleman from Cambria, the Speaker, Mr. Andrews, that I will be one-half as alert mentally as he is, and in as good physical condition.

I want to thank all those who wished me a happy birthday and hope that in the years to come all of you will have many, many happy birthdays. Thank you.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 401, entitled:

An Act amending the act of May 1, 1933 (P. L. 103), entitled "The Second Class Township Code" authorizing increase in the number of meetings for which supervisors may be paid without the prior approval of the auditors further providing for the attendance of supervisors or employes at road meetings and conventions imposing duties on township secretaries changing the time which may be expended by auditors in the completion of audits authorizing managers to attend meetings of county associations of township officers further providing for the parties who may protest a change in zoning and providing for review of township ordinances and regulations adversely affecting public utility service.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. FLYNN. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. FLYNN asked unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the clerk for information.

Amend title, page 2, 5th to 7th lines of title, by striking out the words "and providing for review of township ordinances and regulations adversely affecting public utility service"

The SPEAKER. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, there are 14 Conference Committees out that I would like to bring to the attention of the members of the House. I would appreciate their efforts in completing these conference committee reports today and tomorrow:

House bill No. 67, Mr. Needham, Mr. Musto and Mr. Bower;

House bill No. 81, which will be appointed in a few minutes, Mr. Heavey of Philadelphia, Mr. Comer of Philadelphia and Mr. A. M. Lee of Philadelphia;

House bill No. 254, Mr. Capano, Mr. Sakulsky and Mr. Bowman;

House bill No. 255, Mr. Capano, Mr. Sakulsky and Mr. Bowman;

House bill No. 517, Mr. Fineman, Mr. Guesman and Mr. Guthrie;

House bill No. 853, Mr. Murray, Mr. Guesman and Mr. Thompson;

House bill No. 869, Mr. Stone, Mr. Fineman and Mrs. Markley;

House bill No. 1407, Mr. Petrosky, Mr. Gallagher and Mr. A. D. Williams, Jr.;

House Resolution No. 62, Mrs. Munley, Mrs. Pashley and Mrs. Wynd;

Senate bill No. 65, House members, Mr. Fineman, Mr. Limper and Mr. Horst, a replacement on July 17 of Mr. Dennison;

Senate bill No. 99, House members, Mr. Fineman, Mr. Limper and Mr. Fetterolf;

Senate bill No. 312, House members, Mr. Gailey, Mr. Irvis and Mr. George;

Senate bill No. 486, Mr. Polaski, Mr. McDevitt and Mr. Adams;

Senate bill No. 716, Mr. Irvis, Mr. Murphy and Mr. Marsh.

Mr. Speaker, I ask these members of the various conference committees appointed to this date, if it is at all possible, to try to complete their conference committee meetings on these bills today or Wednesday and prepare a conference committee report, if such a report is to be prepared.

DEMOCRATIC CAUCUS

Mr. McCANN. Mr. Speaker, I am going to ask at this point for a recess of one hour and fifteen minutes. When I do ask for a recess, I will ask the Democratic members to come immediately to the new House caucus room and bring with them their House calendars.

Mr. Speaker, I yield to the minority leader.

REPUBLICAN CAUCUS

Mr. A. W. JOHNSON. Mr. Speaker, we will likewise caucus for the period suggested by the majority leader. We would like every Republican member to come to caucus because it is really a very important caucus that we are going to have.

RECESS

The SPEAKER. Without objection, the Chair now declares a recess of one hour and a quarter.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR.

REPORT OF COMMITTEE OF FREE CONFERENCE ON HOUSE BILL No. 678

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Free Conference on House bill No. 678.

The report of the Committee of Free Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Free Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House bill No. 678, entitled: "An act amending the act of July 7, 1955 (P. L. 258), entitled 'An act providing for anthracite mine drainage contingent on Federal aid and making an appropriation' extending the provisions of the act to authorize the sealing of abandoned coal mines and filling voids in abandoned coal mines and making money heretofore appropriated available for those purposes."

Respectfully submit the following bill as our report:

MARTIN L. MURRAY,
HUGH J. McMENAMIN,
PAUL L. WAGNER,
(Committee on the part of the Senate.)
FRANK P. CROSSIN,
JAMES MUSTO,
GEORGE W. HEFFNER,
(Committee on the part of the House of Representatives.)

An Act amending the act of July 7, 1955 (P. L. 258), entitled "An act providing for anthracite mine drainage contingent on Federal aid and making an appropriation" extending the provisions of the act to authorize the sealing of abandoned coal miles and filling voids in abandoned coal mines and making money heretofore appropriated available for those purposes and retaining certain money for the control and drainage of water from anthracite coal formations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 1 and 2 act of July 7, 1955 (P. L. 258), entitled "An act providing for anthracite mine drainage contingent on Federal aid and making an appropriation" amended February 11, 1959 (P. L. 3), are amended to read

Section 1 In the event that Federal moneys are made available on a matching basis for the control and drainage of water from anthracite coal formations to seal abandoned coal mines and to fill voids in abandoned coal mines the Commonwealth accepts the grant of Federal aid thereunder subject to the terms and conditions of the grant

Section 2 In such event the Department of Mines and Mineral Industries shall construct ditches flumes backfill

stripping pits and cropfalls and improve stream beds for the purpose of preventing the flow of surface water into mines and shall purchase the necessary materials for the same and also shall purchase and install pumps pipes machinery equipment and materials for the purpose of pumping water from abandoned mines and shall seal abandoned coal mines and fill voids in abandoned coal mines in those instances where such work is in the interest of public welfare Provided however That the Commonwealth shall not bear any operating and maintenance costs whatsoever and shall not bear the installation costs of any underground facilities however this restriction shall not apply and shall not pertain to cases of emergencies endangering life created by the flooding of mines nor shall the functions herein set out be restricted to abandoned mines in cases of such emergency

In such instances upon the prior determination by the Secretary of Mines and Mineral Industries when the Secretary of the Interior of the United States of America operating under the Federal companion legislation has likewise ruled that an emergency exists the Department of Mines and Mineral Industries shall

(1) Conduct rescue operations

(2) Without advertising or competitive bidding purchase material and equipment and provide labor and techniques for pumping of water from the mines constructing ditches flumes and other devices for mine drainage for sealing backfilling and for the performance of any other work designated by the Secretary of Mines and Mineral Industries as expedient to prevent the spreading and reduce the hazards from flooding of mines

(3) Pay for power and for other costs attendant upon the operation and maintenance of pumping and other devices for mine drainage

(4) Perform the purpose of the act with personnel of the department or by contract with others

(5) Reimburse any person agency or corporation for material labor and equipment furnished at the request of the Department of Mines and Mineral Industries in the performance of the aforesaid duties

(6) Pay for the foregoing whether already undertaken or to be undertaken hereafter

(7) Conduct investigation to determine the cause of this disaster and to institute measures to insure the future safety and health of persons in the area and

(8) Do all necessary and expedient to effect the purposes of this act

Section 2 Section 4 of the act is amended to read

Section 4 The sum of eight million five hundred thousand dollars ($8,500,000) or as much thereof as is necessary is appropriated to the Department of Mines and Mineral Industries to match Federal moneys made available for the control and drainage of water from anthracite coal formations to seal abandoned coal mines and to fill voids in abandoned coal mines in this Commonwealth and to carry out the purposes of this act Provided That from the total sum made available by the Federal government and matched by the Commonwealth there shall be retained the sum of two million dollars ($2,000,000) for the control and drainage of water from anthracite coal formations

Section 3 This act shall take effect immediately

On the question,

Will the House adopt the report of the Committee of Free Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—203

Adams,	Gailey,	Lee, A. M.,	Riley,
Anderson, J. H.,	Gallagher,	Leonard,	Rovansek,
Anderson, S. A.,	Gelfand,	Limper,	Royer,
Arlene,	George,	Lippincott,	Rubin,
Auker,	Gibb,	Long, Wm. Jas.,	Rudisill,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	Maxwell,	Sherman,
Bowman,	Gremminger,	May,	Shupnik,
Branca,	Gross,	McCandless,	Simmons,
Breth,	Guesman,	McCann,	Slack,
Bush,	Guthrie,	McDevitt,	Snare,
Capano,	Hamilton,	McDonald,	Stank,
Capitolo,	Hankins,	McInroy,	Steckel,
Cauley,	Hartley,	McKeever,	Stimmel,
Cianfrani,	Haudenshield,	McLaughlin,	Stiteler,
Cioffi,	Heavey,	McNally,	Stone,
Clarke,	Heffner,	Meholchick,	Sullivan, J. A.,
Comer,	Helm,	Merry,	Sullivan, T. F.,
Cooley,	Henzel,	Miller,	Taylor,
Crossin,	Hocker,	Mills,	Thompson,
Curwood,	Holl,	Monroe,	Tomascik,
Davis,	Holliday,	Morley,	Tompkins,
Dengler,	Holman,	Mullen,	Trusio,
Dennison,	Horst,	Munley,	Ujobai,
Donaldson,	Irvis,	Murphy,	Varner,
Dougherty,	Isaacs,	Murray,	Verona,
Doughten,	Jenkins,	Musto,	Wall,
Down,	Jim,	Needham,	Walsh,
Edwards,	Johnson, A. W.,	O'Dell,	Wargo,
Eilberg,	Johnson, R. P.,	O'Donnell, J. A.,	Weidner,
Elvey,	Jones,	O'Donnell, J. P.,	Welsh,
Eshback,	Kamyk,	Odorisio,	Wescott,
Eshleman,	Keiser,	Ogilvie,	Whittaker,
Esler,	Kelly,	Parlante,	Willard,
Ewing,	Kernaghan,	Pashley,	Willaredt,
Farabaugh,	Kessler,	Perry,	Williams, A. D.,
Fetterolf,	King,	Petrosky,	Williams, E. S.,
Filo,	Kistler,	Piper,	Wilt,
Fineman,	Klein,	Polaski,	Wood,
Flynn,	Knecht,	Polen,	Worley,
Foerster,	Kooker,	Prendergast,	Wynd,
Foor,	Kornick,	Price,	Yetter,
Fox,	Korns,	Pursley,	Zember,
Frascella,	Kramer,	Reibman,	Zimmerman,
Fry,	Lamb,	Reidenbach,	Andrews,
Fulmer,	Lawson,	Renwick,	Speaker

NAYS—0

NOT VOTING—7

Ashton,	Lee, K. B.,	Mihm,	Strausser,
Buchanan,	McCormack,	Rutherford,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Free Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 718.

An Act amending the act of May 27, 1937 (P. L. 926), entitled "An act relating to the manufacture repair renovating cleansing sterilizing and disinfecting of mattresses pillows bolsters feather beds and other filled bedding cushions and upholstered furniture intended for sale or lease and to the sale or lease thereof requiring the placing of tag and adhesive stamp on such material providing for the sale of adhesive stamps authorizing and requiring the Department of Labor and Industry to adopt rules and regulations providing penalties and repealing certain acts" adding a definition changing tag stamp and registration provisions providing for licenses and certain fees reports reports and prescribing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 2, line 3, by striking out after the word "fees" the word "reports" and inserting in lieu thereof the word "reports"; Section 2, page 5, by striking out after line 4, all of lines 5 through 19, as follows:

(d) Every licensee shall make a report to the secretary every three months The report shall show the exact number of articles sold in this Commonwealth or shipped into this Commonwealth for sale in this Commonwealth by the licensee which are covered by the provisions of this act during the period covered by the report and the licensee shall at the same time pay to the secretary one and one-half cents (1½¢) for each such article The reports shall be made under oath within thirty days of the expiration of the three months period unless the period is extended by the secretary Whenever any licensee shall fail to make the report and payment required herein or whenever a report is unsatisfactory the secretary may cause the books and records of such licensee to be examined for the purpose of determining the correct amount due from such licensee Any licensee failing to pay any amount found to be due or the expenses incurred in making the examination shall forfeit its license and registration

and by inserting immediately thereafter, the following:

(d) Every licensee shall make a report to the secretary every three months the report shall show the exact number of articles sold in this Commonwealth or shipped into this Commonwealth for sale in this Commonwealth by the licensee which are covered by the provisions of this act during the period covered by the report and the licensee shall at the same time pay to the secretary one and one-half cents (1½¢) for each such article The reports shall be made under oath within thirty days of the expiration of the three month period unless the period is extended by the secretary Whenever any licensee shall fail to make the report and payment required herein or whenever a report is unsatisfactory the secretary may cause the books and records of such licensee to be examined for the purpose of determining the correct amount due from such licensee Any licensee failing to pay any amount found to be due or the expenses incurred in making the examination shall forfeit its license and registration.

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

The SPEAKER. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, I ask the members on this side of the House to vote "no" on this motion to concur.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—106

Anderson, S. A.,	Gailey,	McCann,	Reidenbach,
Arlene,	Gallagher,	McDevitt,	Renwick,
Bachman,	Gelfand,	McDonald,	Riley,
Boles,	Gray,	McKeever,	Rovansek,
Bonner,	Greenlee,	McLaughlin,	Rubin,
Branca,	Gramminger,	McNally,	Rudisill,
Breth,	Guesman,	Meholchick,	Sakulsky,
Capano,	Hankins,	Mills,	Scarcelli,
Capitolo,	Hartley,	Monroe,	Schaaf,
Cauley,	Heavey,	Morley,	Schuster,
Cianfrani,	Irvis,	Mullen,	Shelton,
Cioffi,	Jenkins,	Munley,	Sherman,
Clarke,	Jim,	Murphy,	Shupnik,
Comer,	Jones,	Murray,	Stank,
Cooley,	Kamyk,	Musto,	Stone,
Crossin,	Kelly,	Needham,	Sullivan, J. A.,
Curwood,	Klein,	O'Donnell, J. A.,	Sullivan, T. F.,
Dougherty,	Kornick,	O'Donnell, J. P.,	Taylor,
Doughten,	Kramer,	Parlante,	Tomascik,
Ellberg,	Lamb,	Pashley,	Trusio,
Farabaugh,	Lawson,	Perry,	Verona,
Filo,	Leonard,	Petrosky,	Walsh,
Fineman,	Limper,	Polaski,	Wargo,
Flynn,	Long, Wm. Jas.,	Polen,	Welsh,
Foerster,	Long, Wm. Jos.,	Prendergast,	Yetter,
Frascella,	Lutty,	Reibman,	Andrews, Speaker
Fry,	Maxwell,		

NAYS—98

Adams,	George,	Kistler,	Simmons,
Anderson, J. H.,	Gibb,	Knecht,	Slack,
Auker,	Gibbons,	Kooker,	Snare,
Backenstoe,	Goldstein, J. H.,	Korns,	Steckel,
Blair,	Goldstein, M. H.,	Lee, A. M.,	Stimmel,
Bossert,	Goodrich,	Lee, K. B.,	Stiteler,
Bower,	Gramlich,	Lippincott,	Thompson,
Bowman,	Gross,	Magee,	Tompkins,
Buchanan,	Guthrie,	Manbeck,	Ujobai,
Bush,	Haudenshield,	Markley,	Varner,
Davis,	Heffner,	Marsh,	Wall,
Dengler,	Helm,	May,	Weidner,
Dennison,	Henzel,	McCandless,	Wescott,
Donaldson,	Hocker,	McInroy,	Whittaker,
Down,	Holl,	Merry,	Willard,
Edwards,	Holliday,	Miller,	Willaredt,
Elvey,	Holman,	O'Dell,	Williams, A. D.,
Eshback,	Horst,	Odorisio,	Williams, E. S.,
Eshleman,	Isaacs,	Ogilve,	Wilt,
Esler,	Johnson, A. W.,	Piper,	Wood,
Ewing,	Johnson, R. P.,	Price,	Worley,
Fetterolf,	Keiser,	Pursley,	Wynd,
Foor,	Kernaghan,	Royer,	Zember,
Fox,	Kessler,	Seltzer,	Zimmerman,
Fulmer,	King,		

NOT VOTING—6

Ashton,	McCormack,	Rutherford,	Strausser,
Hamilton,	Mihm,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 610, entitled:

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code," further providing for change in classification of counties upon change in population.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—165

Anderson, J. H.	Frascella,	Lawson,	Prendergast,
Anderson, S. A.,	Fry,	Lee, A. M.,	Pursley,
Arlene,	Gailey,	Leonard,	Reibman,
Bachman	Gallagher,	Limper,	Reidenbach,
Backenstoe,	Gelfand,	Lippincott,	Renwick,
Blair,	Gibb,	Long, Wm. Jas.,	Riley,
Boles,	Gibbons,	Long, Wm. Jos.,	Rovansek,
Bonner,	Goldstein, M. H.,	Lutty,	Rubin,
Bossert,	Goodrich,	Magee,	Rudisill,
Bower,	Gray,	Manbeck,	Sakulsky,
Branca,	Greenlee,	Markley,	Scarcelli,
Breth,	Gremminger,	Maxwell,	Schaaf,
Buchanan,	Gross,	May,	Schuster,
Capano,	Guesman,	McCandless,	Seltzer,
Capitolo,	Guthrie,	McCann,	Shelton,
Cauley,	Hankins,	McDevitt,	Sherman,
Cianfrani,	Hartley,	McDonald	Shupnik,
Cioffi,	Haudenshield,	McKeever,	Simmons,

Clarke,	Heavey,	McLaughlin,	Snare,
Comer,	Heffner,	McNally,	Stank,
Cooley,	Helm,	Meholchick,	Stimmel,
Crossin,	Henzel,	Merry,	Stone,
Curwood,	Holl,	Mills,	Sullivan, J. A.,
Davis,	Holman,	Monroe,	Sullivan, T. F.,
Dengler,	Horst,	Morley,	Taylor,
Dennison,	Irvis,	Mullen,	Thompson,
Dougherty,	Jenkins,	Munley,	Tomascik,
Doughten,	Jim,	Murphy,	Verona,
Down,	Johnson, R. P.,	Murray,	Wall,
Edwards,	Jones,	Musto,	Walsh,
Eilberg,	Kamyk,	Needham,	Wargo,
Elvey,	Kelly,	O'Donnell, J. A.,	Welsh,
Eshback,	Kernaghan,	O'Donnell, J. P.,	Wescott,
Esler,	Kessler,	Odorisio,	Willard,
Ewing,	King,	Parlante,	Willaredt,
Farabaugh,	Kistler,	Pashley,	Wilt,
Filo,	Klein,	Perry,	Worley,
Fineman,	Kornick,	Petrosky,	Wynd,
Flynn,	Korns,	Piper,	Yetter,
Foerster,	Kramer,	Polaski,	Zember,
Foor,	Lamb,	Polen,	Andrews,
Fox,			Speaker

NAYS—36

Auker,	Hocker,	McInroy,	Tompkins,
Bowman,	Holliday,	Miller,	Ujobai,
Bush,	Isaacs,	O'Dell,	Varner,
Donaldson,	Johnson, A. W.,	Ogilvie,	Weidner,
Eshleman,	Keiser,	Price,	Whittaker,
Fetterolf,	Knecht,	Royer,	Williams, A. D.,
Fulmer,	Kooker,	Slack,	Williams, E. S.,
Goldstein, J. H.,	Lee, K. B.,	Steckel,	Wood,
Gramlich,	Marsh,	Stiteler,	Zimmerman,

NOT VOTING—9

Adams,	Hamilton,	Mihm,	Strausser,
Ashton,	McCormack,	Rutherford,	Trusio,
George,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Mr. ADAMS. Mr. Speaker, I would like to be recorded as voting for that last bill. My light slipped and I do not think it recorded in time.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 407, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to grant an easement over certain land situate in the City of Philadelphia, County of Philadelphia.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—198

Anderson, J. H.,	Gailey,	Lee, A. M.,	Renwick,
Anderson, S. A.,	Gallagher,	Lee, K. B.,	Riley,
Arlene,	Gelfand,	Leonard,	Rovansek,
Auker,	George,	Limper,	Royer,
Bachman,	Gibb,	Long, Wm. Jas.,	Rubin,
Backenstoe,	Gibbons,	Long, Wm. Jos.,	Rudisill,
Blair,	Goldstein, J. H.,	Lutty,	Sakulsky,
Boles,	Goldstein, M. H.,	Magee,	Scarcelli,
Bonner,	Goodrich,	Manbeck,	Schaaf,
Bossert,	Gramlich,	Markley,	Seltzer,
Bower,	Gray,	Marsh,	Shelton,
Bowman,	Greenlee,	Maxwell,	Sherman,
Branca,	Gremminger,	May,	Shupnik,
Breth,	Gross,	McCann,	Simmons,
Buchanan,	Guesman,	McDevitt,	Slack,
Bush,	Guthrie,	McDonald,	Snare,
Capano,	Hankins,	McInroy,	Stank,
Capitolo,	Hartley,	McKeever,	Steckel,
Cauley,	Haudenshield,	McLaughlin,	Stimmel,
Cianfrani,	Heavey,	McNally,	Stiteler,
Cioffi,	Heffner,	Meholchick,	Stone,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Mills,	Taylor,
Crossin,	Holl,	Monroe,	Thompson,
Curwood,	Holliday,	Morley,	Tomascik,
Davis,	Holman,	Mullen,	Tompkins,
Dengler,	Horst,	Munley,	Ujobai,
Donaldson,	Irvis,	Murphy,	Varner,
Dougherty,	Isaacs,	Murray,	Verona,
Doughten,	Jenkins,	Musto,	Wall,
Down,	Jim,	Needham,	Walsh,
Edwards,	Johnson, A. W.,	O'Dell,	Wargo,
Eilberg,	Johnson, R. P.,	O'Donnell, J. A.,	Weidner,
Elvey,	Jones,	O'Donnell, J. P.,	Welsh,
Eshback,	Kamyk,	Odorisio,	Wescott,
Eshleman,	Keiser,	Ogilvie,	Whittaker,
Esler,	Kelly,	Parlante,	Willard,
Ewing,	Kernaghan,	Pashley,	Willaredt,
Farabaugh,	Kessler,	Perry,	Williams, A. D.,
Fetterolf,	King,	Petrosky,	Williams, E. S.,
Filo,	Kistler,	Piper,	Wilt,
Fineman,	Klein,	Polaski,	Wood,
Flynn,	Knecht,	Polen,	Worley,
Foerster,	Kooker,	Prendergast,	Wynd,
Foor,	Kornick,	Price,	Yetter,
Fox,	Korns.	Pursley,	Zember,
Frascella,	Kramer.	Reibman,	Zimmerman,
Fry,	Lamb.	Reidenbach,	Andrews,
Fulmer,	Lawson,		Speaker

NAYS—3

Adams,	Lippincott,	Schuster,

NOT VOTING—9

Ashton,	McCandless,	Mihm,	Strausser,
Dennison,	McCormack,	Rutherford,	Trusio,
Hamilton,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 672, entitled:

An Act amending the act of June 24, 1937 (P. L. 2045), entitled as amended "The Support Law," prescribing liabilities for assistance with respect to medical assistance for the aged.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—202

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Riley,
Arlene,	George,	Lippincott,	Rubin,
Auker,	Gibb,	Long, Wm. Jas.,	Rudisill,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,

Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	Maxwell,	Sherman,
Bowman,	Gremminger,	May,	Shupnik,
Branca,	Gross,	McCandless,	Simmons,
Breth,	Guesman,	McCann,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hankins,	McDonald,	Stank,
Capano,	Hartley,	McInroy,	Steckel,
Capitolo,	Haudenshield,	McKeever,	Stimmel,
Cauley,	Heavey,	McLaughlin,	Stiteler,
Cianfrani,	Heffner,	McNally,	Stone,
Cioffi,	Helm,	Meholchick,	Sullivan, J. A.,
Clarke,	Henzel,	Merry,	Sullivan, T. F.,
Comer,	Hocker,	Miller,	Taylor,
Cooley,	Holl,	Mills,	Thompson,
Crossin,	Holliday,	Monroe,	Tomascik,
Curwood,	Holman,	Morley,	Tompkins,
Davis,	Horst,	Mullen,	Trusio,
Dennison,	Irvis,	Munley,	Ujobai,
Donaldson,	Isaacs,	Murphy,	Varner,
Dougherty,	Jenkins,	Murray,	Verona,
Doughten,	Jim,	Musto,	Wall,
Down,	Johnson, A. W.,	Needham,	Walsh,
Edwards,	Johnson, R. P.,	O'Dell,	Wargo,
Eilberg,	Jones,	O'Donnell, J. A.,	Weidner,
Elvey,	Kamyk,	O'Donnell, J. P.,	Welsh,
Eshback,	Keiser,	Odorisio,	Wescott,
Eshleman,	Kernaghan,	Ogilvie,	Whittaker,
Esler,	Kelly,	Parlante,	Willard,
Ewing,	Kessler,	Pashley,	Willaredt,
Farabaugh,	King,	Petrosky,	Williams, A. D.,
Fetterolf,	Kistler,	Piper,	Williams, E. S.,
Filo,	Klein,	Polaski,	Wilt,
Fineman,	Knecht,	Polen,	Wood,
Flynn,	Kooker,	Prendergast,	Worley,
Foerster,	Kornick,	Price,	Wynd,
Foor,	Korns,	Pursley,	Yetter,
Fox,	Kramer,	Reibman,	Zember,
Frascella,	Lamb,	Reidenbach,	Zimmerman,
Fry,	Lawson,	Renwick,	Andrews,
Fulmer,	Lee, A. M.,		Speaker

NAYS—0

NOT VOTING—8

Ashton,	Hamilton,	Mihm,	Rutherford,
Dengler,	McCormack,	Perry,	Strausser,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Perry, rise?

Mr. PERRY. Mr. Speaker, I voted on the last roll call, but the light did not show against my name. I voted "aye" on the bill. I do not know whether I am recorded or not. If I am not, I wish it to be recorded that I would have voted "aye."

The SPEAKER. The gentleman is not recorded and the remarks of the gentleman will be spread upon the record.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 695, entitled:

An Act amending the act of March 19, 1949 (P. L. 30), entitled "Public School Code of 1949," further providing for the election of district superintendents and assistant superintendents in districts of the third class.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—152

Anderson, S. A.,	Fry,	Long, Wm. Jas.,	Renwick,
Arlene,	Galley,	Long, Wm. Jos.,	Riley,
Bachman,	Gallagher,	Lutty,	Rovansek,
Backenstoe,	Gelfand,	Magee,	Royer,
Blair,	Goldstein, J. H.,	Manbeck,	Rubin,
Boles,	Goldstein, M. H.,	Markley,	Rudisill,
Bower,	Goodrich,	Marsh,	Sakulsky,
Bowman,	Gramlich,	Maxwell,	Scarcelli,
Branca,	Gray,	May,	Schaaf,
Breth,	Greenlee,	McCandless,	Schuster,
Buchanan,	Gremminger,	McCann,	Seltzer,
Bush,	Guesman,	McDevitt,	Shelton,
Capano,	Guthrie,	McDonald,	Sherman,
Capitolo,	Hankins,	McInroy,	Snare,
Cauley,	Hartley,	McKeever,	Stank,
Cianfrani,	Haudenshield,	McLaughlin,	Steckel,
Cioffi,	Heavey,	Meholchick,	Stimmel,
Clarke,	Henzel,	Mills,	Stone,
Comer,	Hocker,	Monroe,	Sullivan, J. A.,
Cooley,	Horst,	Morley,	Sullivan, T. F.,
Crossin,	Irvis,	Mullen,	Taylor,
Curwood,	Jenkins,	Murphy,	Tomascik,
Donaldson,	Jim,	Murray,	Trusio,
Dougherty,	Jones,	Musto,	Ujobai,
Doughten,	Kamyk,	Needham,	Verona,
Eilberg,	Keiser,	O'Dell,	Walsh,
Eshback,	Kelly,	O'Donnell, J. A.,	Welsh,
Eshleman,	Kessler,	O'Donnell, J. P.,	Wescott,
Esler,	King,	Ogilvie,	Whittaker,
Farabaugh,	Klein,	Parlante,	Willard,
Fetterolf,	Kornick,	Pashley,	Willaredt,
Filo,	Kramer,	Perry,	Williams, A. D.,
Fineman,	Lamb,	Petrosky,	Williams, E. S.,
Flynn,	Lawson,	Polaski,	Wood,
Foerster,	Lee, A. M.,	Prendergast,	Worley,
Foor,	Lee, K. B.,	Pursley,	Wynd,
Fox,	Leonard,	Reibman,	Yetter,
Frascella,	Limper,	Reidenbach,	Andrews,
			Speaker

NAYS—50

Adams,	George,	Kistler,	Simmons,
Anderson, J. H.,	Gibb,	Knecht,	Slack,
Auker,	Gibbons,	Kooker,	Stiteler,
Bonner,	Gross,	Korns,	Thompson,
Bossert,	Heffner,	Lippincott,	Tompkins,
Davis,	Helm,	McNally,	Varner,
Dengler,	Holl,	Merry,	Wall,
Dennison,	Holliday,	Miller,	Wargo,
Down,	Holman,	Munley,	Weidner,
Edwards,	Isaacs,	Odorisio,	Wilt,
Elvey,	Johnson, A. W.,	Piper,	Zember,
Ewing,	Johnson, R. P.,	Shupnik,	Zimmerman,
Fulmer,	Kernaghan,		

NOT VOTING—8

Ashton,	McCormack,	Polen,	Rutherford,
Hamilton,	Mihm,	Price,	Strausser,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 789, entitled:

An Act amending the act of May 15, 1933 (P. L. 624), entitled as amended "Banking Code," authorizing banks and bank and trust companies to purchase shares of capital in certain corporations or associations engaged in financial operations subject to conditions and further providing for the acquisition in whole or in part of mortgage loans by a bank or bank and trust company.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—161

Adams,	Frascella,	Lamb,	Price,
Anderson, J. H.,	Fry,	Lee, A. M.,	Pursley,
Anderson, S. A.,	Gailey,	Lee, K. B.,	Reibman,
Arlene,	Gallagher,	Leonard,	Reidenbach,
Bachman,	Gelfand,	Limper,	Riley,
Backenstoe,	Gibbons,	Lippincott,	Rovansek,
Blair,	Goldstein, J. H.,	Long, Wm. Jas.,	Rubin,
Boles,	Goodrich,	Long, Wm. Jos.,	Rudisill,
Bonner,	Gramlich,	Lutty,	Sakulsky,
Bower,	Gray,	Manbeck,	Scarcelli,
Bowman,	Greenlee,	Marsh,	Schaaf,
Branca,	Gremminger,	Maxwell,	Schuster,
Breth,	Gross,	McCandless,	Seltzer,
Buchanan,	Guesman,	McCann,	Shelton,
Bush,	Guthrie,	McDevitt,	Sherman,
Capano,	Hankins,	McDonald,	Shupnik,
Capitolo,	Hartley,	McInroy,	Simmons,
Cauley,	Heavey,	McKeever,	Snare,
Cianfrani,	Heffner,	McLaughlin,	Stank,
Cioffi,	Helm,	McNally,	Stimmel,
Clarke,	Henzel,	Meholchick,	Stone,
Comer,	Holl,	Miller,	Sullivan, J. A.,
Cooley,	Holliday,	Mills,	Sullivan, T. F.,
Crossin,	Horst,	Monroe,	Taylor,
Curwood,	Irvis,	Morley,	Tomascik,
Dengler,	Jenkins,	Munley,	Trusio,
Donaldson,	Jim,	Murphy,	Ujobai,
Dougherty,	Johnson, A. W.,	Murray,	Varner,
Doughten,	Johnson, R. P.,	Musto,	Verona,
Edwards,	Jones,	O'Donnell, J. A.,	Wall,
Eilberg,	Kamyk,	O'Donnell, J. P.,	Walsh,
Elvey,	Keiser,	Odorisio,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Ewing,	Kernaghan,	Pashley,	Willaredt,
Farabaugh,	Kessler,	Perry,	Williams, A. D.,
Fetterolf,	King,	Petrosky,	Williams, E. S.,
Filo,	Klein,	Piper,	Worley,
Flynn,	Kooker,	Polaski,	Yetter,
Foerster,	Kornick,	Polen,	Zember,
Foor,	Kramer,	Prendergast,	Andrews, Speaker
Fox,			

NAYS—37

Auker,	Haudenshield,	Merry,	Thompson,
Bossert,	Hocker,	Needham,	Tompkins,
Davis,	Holman,	O'Dell,	Weidner,
Dennison,	Isaacs,	Ogilvie,	Whittaker,
Down,	Kistler,	Renwick,	Willard,
Esler,	Knecht,	Royer,	Wilt,
Fulmer,	Korns,	Slack,	Wood,
George,	Markley,	Steckel,	Wynd,
Gibb,	May,	Stiteler,	Zimmerman,
Goldstein, M. H.,			

NOT VOTING—12

Ashton,	Hamilton,	McCormack,	Rutherford,
Eshleman,	Lawson,	Mihm,	Strausser,
Fineman,	Magee,	Mullen,	Wargo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 790, entitled:

An Act amending the act of May 13, 1915 (P. L. 286), entitled "Child Labor Law," further prescribing work in which minors may engage providing for the issuance of special permits for minors engaging in the entertainment and related fields changing provisions relating to working hours employment certificates regulations prescribing penalties and providing a short title.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—196

Adams,	Fulmer,	Lee, A. M.,	Riley,
Anderson, J. H.,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, S. A.,	Gallagher,	Leonard,	Royer,
Arlene,	Gelfand,	Limper,	Rubin,
Auker,	Gibb,	Long, Wm. Jas.,	Rudisill,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	Maxwell,	Sherman,
Bowman,	Gremminger,	May,	Shupnik,
Branca,	Gross,	McCandless,	Simmons,
Breth,	Guesman,	McCann,	Slack,
Buchanan,	Hamilton,	McDevitt,	Snare,
Bush,	Hankins,	McDonald,	Stank,
Capano,	Hartley,	McInroy,	Steckel,
Capitolo,	Haudenshield,	McKeever,	Stimmel,
Cauley,	Heavey,	McLaughlin,	Stone,
Cianfrani,	Heffner,	McNally,	Sullivan, J. A.,
Cioffi,	Henzel,	Meholchick,	Sullivan, T. F.,
Clarke,	Hocker,	Merry,	Taylor,
Comer,	Holl,	Miller,	Thompson,
Cooley,	Holliday,	Mills,	Tomascik,
Crossin,	Holman,	Monroe,	Tompkins,
Curwood,	Horst,	Morley,	Trusio,
Dengler,	Irvis,	Mullen,	Ujobai,
Dennison,	Isaacs,	Munley,	Varner,
Donaldson,	Jenkins,	Murphy,	Verona,
Doughten,	Jim,	Murray,	Wall,
Down,	Johnson, A. W.,	Musto,	Walsh,
Edwards,	Johnson, R. P.,	Needham,	Wargo,
Eilberg,	Jones,	O'Donnell, J. A.,	Weidner,
Elvey,	Kamyk,	O'Donnell, J. P.,	Welsh,
Eshback,	Keiser,	Odorisio,	Wescott,
Eshleman,	Kelly,	Ogilvie,	Whittaker,
Esler,	Kernaghan,	Parlante,	Willard,
Ewing,	Kessler,	Pashley,	Willaredt,
Farabaugh,	King,	Perry,	Williams, A. D.,
Fetterolf,	Kistler,	Petrosky,	Williams, E. S.,
Filo,	Klein,	Piper,	Wilt,
Fineman,	Knecht,	Polaski,	Wood,
Flynn,	Kooker,	Prendergast,	Worley,
Foerster,	Kornick,	Price,	Wynd,
Foor,	Korns,	Pursley,	Yetter,
Fox,	Kramer,	Reibman,	Zember,
Frascella,	Lamb,	Reidenbach,	Zimmerman,
Fry,	Lawson,	Renwick,	Andrews, Speaker

NAYS—6

Davis,	Guthrie,	O'Dell,	Stiteler,
George,	Lippincott,		

NOT VOTING—8

Ashton,	Helm,	Mihm,	Rutherford,
Dougherty,	McCormack,	Polen,	Strausser,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 860, entitled:

An Act amending the act of May 15, 1933 (P. L. 624),

entitled as amended "Banking Code," further providing for authorized investments and limitations on loans.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—196

Adams,	Fry,	Lamb,	Reidenbach,
Anderson, J. H.	Fulmer,	Lawson,	Renwick,
Anderson, S. A.,	Galley,	Lee, A. M.,	Riley,
Arlene,	Gallagher,	Lee, K. B.,	Rovansek,
Auker,	Gelfand,	Leonard,	Royer,
Backenstoe,	George,	Limper,	Rubin,
Blair,	Gibb,	Lippincott,	Rudisill,
Boles,	Gibbons,	Long, Wm. Jas.,	Sakulsky,
Bonner,	Goldstein, J. H.,	Long, Wm. Jos.,	Scarcelli,
Bossert,	Goodrich,	Lutty,	Schaaf,
Bower,	Gramlich,	Magee,	Schuster,
Bowman,	Gray,	Manbeck,	Seltzer,
Branca,	Greenlee,	Markley,	Shelton,
Breth,	Gremminger,	Marsh,	Sherman,
Buchanan,	Gross,	Maxwell,	Shupnik,
Bush,	Guesman,	May,	Simmons,
Capano,	Guthrie,	McCandless,	Snare,
Capitolo,	Hamilton,	McCann,	Slack,
Cauley,	Hankins,	McDevitt,	Stank,
Cianfrani,	Hartley,	McDonald	Steckel,
Cioffi,	Haudenshield,	McInroy,	Stimmel,
Clarke,	Heavey,	McKeever,	Stiteler,
Comer,	Heffner,	McLaughlin,	Sullivan, J. A.,
Cooley,	Helm,	McNally,	Sullivan, T. F.,
Crossin,	Henzel,	Meholchick,	Taylor,
Curwood,	Hocker,	Merry,	Thompson,
Davis,	Holl,	Miller,	Tomascik,
Dengler,	Holliday,	Mills,	Tompkins,
Dennison,	Holman,	Monroe,	Trusio,
Donaldson,	Horst,	Morley,	Ujobai,
Dougherty,	Irvis,	Munley,	Varner,
Doughten,	Isaacs,	Murray,	Verona,
Down,	Jenkins,	Musto,	Wall,
Edwards,	Jim,	Needham,	Walsh,
Eilberg,	Johnson, A. W.,	O'Dell,	Wargo,
Elvey,	Johnson, R. P.,	O'Donnell, J. A.,	Weidner,
Eshback,	Jones,	O'Donnell, J. P.,	Wescott,
Eshleman,	Kamyk,	Odorisio,	Whittaker,
Esler,	Keiser,	Ogilvie,	Willard,
Ewing,	Kelly,	Parlante,	Willaredt,
Farabaugh,	Kernaghan,	Pashley,	Williams, A. D.,
Fetterolf,	Kessler,	Perry,	Williams, E. S.,
Filo,	King,	Petrosky,	Wood,
Fineman,	Kistler,	Piper,	Worley,
Flynn,	Knecht,	Polaski,	Wynd,
Foerster,	Kooker,	Polen,	Yetter,
Foor,	Kornick,	Prendergast,	Zember,
Fox,	Korns,	Price,	Zimmerman,
Frascella,	Kramer,	Pursley,	Andrews, Speaker

NAYS—3

Goldstein, M. H.,	Murphy,	Wilt,

NOT VOTING—11

Ashton,	McCormack,	Reibman,	Strausser,
Bachman	Mihm,	Rutherford,	Welsh,
Klein,	Mullen,	Stone,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1821, entitled:

An Act amending "The Permanent Registration Act for Cities of the Second Class Cities of the Second Class A Cities of the Third Class Boroughs Towns and Townships," approved April 29, 1937 (P. L. 487), further regulating the days and hours of registration the days for receiving removal notices and transferring registration the days for changing enrollment of political party the days to make a check-up of registers the days to compare and correct the general and district registers the days for preparing street lists and the arrangement and distribution of street lists.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—107

Anderson, S. A.,	Galley,	Maxwell,	Reidenbach,
Arlene,	Gallagher,	McCann,	Renwick,
Bachman,	Gelfand,	McDevitt,	Riley,
Boles,	Gray,	McDonald,	Rovansek,
Bonner,	Greenlee,	McKeever,	Rubin,
Branca,	Gremminger,	McLaughlin,	Rudisill,
Breth,	Guesman,	McNally,	Sakulsky,
Capano,	Hamilton,	Meholchick,	Scarcelli,
Capitolo,	Hankins,	Mills,	Schaaf,
Cauley,	Hartley,	Monroe,	Schuster,
Cianfrani,	Heavey,	Morley,	Shelton,
Cioffi,	Irvis,	Mullen,	Sherman,
Clarke,	Jenkins,	Munley,	Shupnik,
Comer,	Jim,	Murphy,	Stank,
Cooley,	Jones,	Murray,	Stone,
Crossin,	Kamyk,	Musto,	Sullivan, J. A.,
Curwood,	Kelly,	Needham,	Sullivan, T. F.,
Dougherty,	Klein,	O'Donnell, J. A.,	Taylor,
Doughten,	Kornick,	O'Donnell, J. P.,	Tomascik,
Eilberg,	Kramer,	Parlante,	Trusio,
Farabaugh,	Lamb,	Pashley,	Verona,
Filo,	Lawson,	Perry,	Walsh,
Fineman,	Leonard,	Petrosky,	Wargo,
Flynn,	Limper,	Polaski,	Welsh,
Foerster,	Long, Wm. Jas.,	Polen,	Yetter,
Frascella,	Long, Wm. Jos.,	Prendergast,	Andrews, Speaker
Fry,	Lutty,	Reibman,	

NAYS—97

Adams,	George,	King,	Simmons,
Anderson, J. H.,	Gibb,	Kistler,	Slack,
Auker,	Gibbons,	Knecht,	Snare,
Backenstoe,	Goldstein, J. H.,	Kooker,	Steckel,
Blair,	Goldstein, M. H.,	Korns,	Stimmel,
Bossert,	Goodrich,	Lee, A. M.,	Stiteler,
Bower,	Gramlich,	Lippincott,	Thompson,
Bowman,	Gross,	Magee,	Tompkins,
Buchanan,	Guthrie,	Manbeck,	Ujobai,
Bush,	Haudenshield,	Markley,	Varner,
Davis,	Heffner,	Marsh,	Wall,
Dengler,	Helm,	May,	Weidner,
Dennison,	Henzel,	McCandless,	Wescott,
Donaldson,	Hocker,	McInroy,	Whittaker,
Down,	Holl,	Merry,	Willard,
Edwards,	Holliday,	Miller,	Willaredt,
Elvey,	Holman,	O'Dell,	Williams, A. D.,
Eshback,	Horst,	Odorisio,	Williams, E. S.,
Eshleman,	Isaacs,	Ogilive,	Wilt,
Esler,	Johnson, A. W.,	Piper,	Wood,
Ewing,	Johnson, R. P.,	Price,	Worley,
Fetterolf,	Keiser,	Pursley,	Wynd,
Foor,	Kernaghan,	Royer,	Zember,
Fox,	Kessler,	Seltzer,	Zimmerman,
Fulmer,			

NOT VOTING—6

Ashton,	McCormack,	Rutherford,	Strausser,
Lee, K. B.,	Mihm,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1828, entitled:

An Act amending the "1937 Magistrates' Court Act" approved June 15, 1937 (P. L. 1743), providing for election of the chief magistrate by the board of magistrates.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Lee.

Mr. A. M. LEE. Mr. Speaker, House bill 1828 would change the method of the selection of the chief magistrate in the city of Philadelphia. Under present law the chief magistrate is designated by the Governor of the Commonwealth. This bill would permit the board of magistrates in Philadelphia to elect the chief magistrate. In my opinion, the present system has worked well over the years it has been in operation, and I, therefore, ask all the members of the House to vote against this legislation. I do not think it is necessary. It is not needed, and we should continue the present system.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—107

Anderson, S. A.,	Galley,	Maxwell,	Reidenbach,
Arlene,	Gallagher,	McCann,	Renwick,
Bachman,	Gelfand,	McDevitt,	Riley,
Boles,	Gray,	McDonald,	Rovansek,
Bonner,	Greenlee,	McKeever,	Rubin,
Branca,	Gremminger,	McLaughlin,	Rudisill,
Breth,	Guesman,	McNally,	Sakulsky,
Capano,	Hamilton,	Meholchick,	Scarcelli,
Capitolo,	Hankins,	Mills,	Schaaf,
Cauley,	Hartley,	Monroe,	Schuster,
Cianfrani,	Heavey,	Morley,	Shelton,
Cioffi,	Irvis,	Mullen,	Sherman,
Clarke,	Jenkins,	Munley,	Shupnik,
Comer,	Jim,	Murphy,	Stank,
Cooley,	Jones,	Murray,	Stone,
Crossin,	Kamyk,	Musto,	Sullivan, J. A.,
Curwood,	Kelly,	Needham,	Sullivan, T. F.,
Dougherty,	Klein,	O'Donnell, J. A.,	Taylor,
Doughten,	Kornick,	O'Donnell, J. P.,	Tomascik,
Eilberg,	Kramer,	Parlante,	Trusio,
Farabaugh,	Lamb,	Pashley,	Verona,
Filo,	Lawson,	Perry,	Walsh,
Fineman,	Leonard,	Petrosky,	Wargo,
Flynn,	Limper,	Polaski,	Welsh,
Foerster,	Long, Wm. Jas.,	Polen,	Yetter,
Frascella,	Long, Wm. Jos.,	Prendergast,	Andrews,
Fry,	Lutty,	Reibman,	Speaker

NAYS—97

Adams,	George,	King,	Seltzer,
Anderson, J. H.,	Gibb,	Kistler,	Simmons,
Auker,	Gibbons,	Knecht,	Slack,
Backenstoe,	Goldstein, J. H.,	Kooker,	Steckel,
Blair,	Goldstein, M. H.,	Korns,	Stimmel,
Bossert,	Goodrich,	Lee, A. M.,	Stiteler,
Bower,	Gramlich,	Lee, K. B.,	Thompson,
Bowman,	Gross,	Lippincott,	Tompkins,
Buchanan,	Guthrie,	Magee,	Ujobai,
Bush,	Haudenshield,	Manbeck,	Varner,
Davis,	Heffner,	Markley,	Wall,
Dengler,	Helm,	Marsh,	Weidner,
Dennison,	Henzel,	May,	Wescott,
Donaldson,	Hocker,	McCandless,	Whittaker,
Down,	Holl,	McInroy,	Willard,
Edwards,	Holliday,	Merry,	Willaredt,
Elvey,	Holman,	Miller,	Williams, A. D.,
Eshback,	Horst,	O'Dell,	Williams, E. S.,
Eshleman,	Isaacs,	Odorisio,	Wilt,
Esler,	Johnson, A. W.,	Ogilvie,	Wood,
Ewing,	Johnson, R. P.,	Piper,	Worley,
Fetterolf,	Keiser,	Price,	Wynd,
Foor,	Kernaghan,	Pursley,	Zember,
Fox,	Kessler,	Royer,	Zimmerman,
Fulmer,			

NOT VOTING—6

Ashton,	Mihm,	Snare,	Strausser,
McCormack,	Rutherford,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on final passage of House bill No. 382, entitled:

An Act to repeal sections 663 and 730 of "The Penal Code" approved June 24, 1939 (P. L. 872) relating to the imposition of penalties against railroad employes and other persons for certain activities during strikes and against transportation employes for injuries or death resulting from their actions.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—107

Anderson, S. A.,	Galley,	Maxwell,	Reidenbach,
Arlene,	Gallagher,	McCann,	Renwick,
Bachman,	Gelfand,	McDevitt,	Riley,
Boles,	Gray,	McDonald,	Rovansek,
Bonner,	Greenlee,	McKeever,	Rubin,
Branca,	Gremminger,	McLaughlin,	Rudisill,
Breth,	Guesman,	McNally,	Sakulsky,
Capano,	Hamilton,	Meholchick,	Scarcelli,
Capitolo,	Hankins,	Mills,	Schaaf,
Cauley,	Hartley,	Monroe,	Schuster,
Cianfrani,	Heavey,	Morley,	Shelton,
Cioffi,	Irvis,	Mullen,	Sherman,
Clarke,	Jenkins,	Munley,	Shupnik,
Comer,	Jim,	Murphy,	Stank,
Cooley,	Jones,	Murray,	Stone,
Crossin,	Kamyk,	Musto,	Sullivan, J. A.,
Curwood,	Kelly,	Needham,	Sullivan, T. F.,
Dougherty,	Klein,	O'Donnell, J. A.,	Taylor,
Doughten,	Kornick,	O'Donnell, J. P.,	Tomascik,
Eilberg,	Kramer,	Parlante,	Trusio,
Farabaugh,	Lamb,	Pashley,	Verona,
Filo,	Lawson,	Perry,	Walsh,
Fineman,	Leonard,	Petrosky,	Wargo,
Flynn,	Limper,	Polaski,	Welsh,
Foerster,	Long, Wm. Jas.,	Polen,	Yetter,
Frascella,	Long, Wm. Jos.,	Prendergast,	Andrews,
Fry,	Lutty,	Reibman,	Speaker

NAYS—95

Adams,	Fulmer,	King,	Simmons,
Anderson, J. H.,	George,	Kistler,	Slack,
Auker,	Gibb,	Knecht,	Steckel,
Backenstoe,	Gibbons,	Kooker,	Stimmel,
Blair,	Goldstein, J. H.,	Korns,	Stiteler,
Bossert,	Goldstein, M. H.,	Lee, A. M.,	Thompson,
Bower,	Goodrich,	Lippincott,	Tompkins,
Bowman,	Gramlich,	Magee,	Ujobai,
Buchanan,	Gross,	Manbeck,	Varner,

Bush,	Guthrie,	Markley,	Wall,
Davis,	Haudenshield,	Marsh,	Weidner,
Dengler,	Helm,	May,	Wescott,
Dennison,	Henzel,	McCandless,	Whittaker,
Donaldson,	Hocker,	McInroy,	Willard,
Down,	Holl,	Merry,	Willaredt,
Edwards,	Holliday,	Miller,	Williams, A. D.,
Elvey,	Holman,	O'Dell,	Williams, E. S.,
Eshback,	Horst,	Odorisio,	Wilt,
Eshleman,	Isaacs,	Ogilvie,	Wood,
Esler,	Johnson, A. W.,	Piper,	Worley,
Ewing,	Johnson, R. P.,	Price,	Wynd,
Fetterolf,	Keiser,	Pursley,	Zember,
Foor,	Kernaghan,	Royer,	Zimmerman,
Fox,	Kessler,	Seltzer,	

NOT VOTING—8

Ashton,	Lee, K. B.,	Mihm,	Snare,
Heffner,	McCormack,	Rutherford,	Strausser,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

STATEMENT BY MINORITY LEADER

Mr. A. W. JOHNSON. Mr. Speaker, it is always interesting to observe the operations of the majority party when they have 107 votes in their seats. They accumulate these bills that they know we Republicans are against from week to week, and finally comes the day when the majority leader has the votes and they roll them. It is a steamroller and there is nothing we can do about it.

But, what does this mean? It means this: You have House bill 1789 on the calendar, a tax bill which you people like, and you have 107 votes over there. So why do you not call up 1789, lay your 107 votes on the line, pass that bill today and say to the people of Pennsylvania, we, the Democratic Party that ran on a campaign last year that we are the party of responsibility, we will do this, we will stand up and be counted. Why ask the minority to always pull your chestnuts out of the fire? Call up 1789 and lay your 107 votes on the line for it and then pass the rest of your education program.

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. This may sound a little bit funny, your applauding today on this situation. You will get the chance tomorrow to vote. The Republican Party can stand as it pleases, whether it is for education or not.

The SPEAKER. The Chair would suggest that it does not make any difference to the Chair, but this is hardly the method that a parliamentary body should employ. You could not do it in the Congress. It is a matter of indifference to the Chair as to how the House conducts itself, really—personally.

Mr. McCANN. Mr. Speaker, may I say publicly what I said to them in Rules Committee privately today? If I had 107 Democratic votes for that measure, I would never have pleaded with you for 10 Republican votes to pass an education bill. I am not asking for 95, I am not asking for 50—only a measly 10. I say to you that you will make the decision, because I ask you publicly for your support to pass that education program tomorrow afternoon when you vote for it.

Mr. HELM IN THE CHAIR

BILLS ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on final passage of House bill No. 1555, entitled:

An Act amending "The First Class City Permanent Registration Act" approved March 30, 1937 (P. L. 115), further regulating the days hours and places of registration.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—107

Anderson, S. A.,	Galley,	Maxwell,	Reidenbach,
Arlene,	Gallagher,	McCann,	Renwick,
Bachman,	Gelfand,	McDevitt,	Riley,
Boies,	Gray,	McDonald,	Rovansek,
Bonner,	Greenlee,	McKeever,	Rubin,
Branca,	Gremminger,	McLaughlin,	Rudisill,
Breth,	Guesman,	McNally,	Sakulsky,
Capano,	Hamilton,	Meholchick,	Scarcelli,
Capitolo,	Hankins,	Mills,	Schaaf,
Cauley,	Hartley,	Monroe,	Schuster,
Cianfrani,	Heavey,	Morley,	Shelton,
Cioffi,	Irvis,	Mullen,	Sherman,
Clarke,	Jenkins,	Munley,	Shupnik,
Comer,	Jim,	Murphy,	Stank,
Cooley,	Jones,	Murray,	Stone,
Crossin,	Kamyk,	Musto,	Sullivan, J. A.,
Curwood,	Kelly,	Needham,	Sullivan, T. F.,
Dougherty,	Klein,	O'Donnell, J. A.,	Taylor,
Doughten,	Kornick,	O'Donnell, J. P.,	Tomascik,
Eilberg,	Kramer,	Parlante,	Trusio,
Farabaugh,	Lamb,	Pashley,	Verona,
Filo,	Lawson,	Perry,	Walsh,
Fineman,	Leonard,	Petrosky,	Wargo,
Flynn,	Limper,	Polaski,	Welsh,
Foerster,	Long, Wm. Jas.,	Polen,	Yetter,
Frascella,	Long, Wm. Jos.,	Prendergast,	Andrews,
Fry,	Lutty,	Reibman,	Speaker

NAYS—97

Adams,	George,	King,	Seltzer,
Anderson, J. H.,	Gibb,	Kistler,	Simmons,
Auker,	Gibbons,	Knecht,	Slack,
Backenstoe,	Goldstein, J. H.,	Kooker,	Steckel,
Blair,	Goldstein, M. H.,	Korns,	Stimmel,
Bossert,	Goodrich,	Lee, A. M.,	Stiteler,
Bower,	Gramlich,	Lee, K. B.,	Thompson,
Bowman,	Gross,	Lippincott,	Tompkins,
Buchanan,	Guthrie,	Magee,	Ujobai,
Bush,	Haudenshield,	Manbeck,	Varner,
Davis,	Heffner,	Markley,	Wall,
Dengler,	Helm,	Marsh,	Weidner,
Dennison,	Henzel,	May,	Wescott,
Donaldson,	Hocker,	McCandless,	Whittaker,
Down,	Holl,	McInroy,	Willard,
Edwards,	Holliday,	Merry,	Willaredt,
Elvey,	Holman,	Miller,	Williams, A. D.,
Eshback,	Horst,	O'Dell,	Williams, E. S.,
Eshleman,	Isaacs,	Odorisio,	Wilt,
Esler,	Johnson, A. W.,	Ogilvie,	Wood,
Ewing,	Johnson, R. P.,	Piper,	Worley,
Fetterolf,	Keiser,	Price,	Wynd,
Foor,	Kernaghan,	Pursley,	Zember,
Fox,	Kessler,	Royer,	Zimmerman,
Fulmer,			

NOT VOTING—6

Ashton,	Mihm,	Snare,	Strausser,
McCormack,	Rutherford,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on final passage of House bill No. 1797, entitled:

An Act amending "The Permanent Registration Act for Cities of the Third Class Boroughs Towns and Townships" Cities of the Second Class Cities of the Second Class A approved April 29, 1937 (P. L. 487), further regulating the days hours and places of registration.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—107

Anderson, S. A.,	Gailey,	Maxwell,	Reidenbach,
Arlene,	Gallagher,	McCann,	Renwick,
Bachman,	Gelfand,	McDevitt,	Riley,
Boles,	Gray,	McDonald,	Rovansek,
Bonner,	Greenlee,	McKeever,	Rubin,
Branca,	Gremminger,	McLaughlin,	Rudisill,
Breth,	Guesman,	McNally,	Sakulsky,
Capano,	Hamilton,	Meholchick,	Scarcelli,
Capitolo,	Hankins,	Mills,	Schaaf,
Cauley,	Hartley,	Monroe,	Schuster,
Cianfrani,	Heavey,	Morley,	Shelton,
Cioffi,	Irvis,	Mullen,	Sherman,
Clarke,	Jenkins,	Munley,	Shupnik,
Comer,	Jim,	Murphy,	Stank,
Cooley,	Jones,	Murray,	Stone,
Crossin,	Kamyk,	Musto,	Sullivan, J. A.,
Curwood,	Kelly,	Needham,	Sullivan, T. F.,
Dougherty,	Klein,	O'Donnell, J. A.,	Taylor,
Doughten,	Kornick,	O'Donnell, J. P.,	Tomascik,
Eilberg,	Kramer,	Parlante,	Trusio,
Farabaugh,	Lamb,	Pashley,	Verona,
Filo,	Lawson,	Perry,	Walsh,
Fineman,	Leonard,	Petrosky,	Wargo,
Flynn,	Limper,	Polaski,	Welsh,
Foerster,	Long, Wm. Jas.,	Polen,	Yetter,
Frascella,	Long, Wm. Jos.,	Prendergast,	Andrews,
Fry,	Lutty,	Reibman,	Speaker

NAYS—97

Adams,	George,	King,	Seltzer,
Anderson, J. H.,	Gibb,	Kistler,	Simmons,
Auker,	Gibbons,	Knecht,	Slack,
Backenstoe,	Goldstein, J. H.,	Kooker,	Steckel,
Blair,	Goldstein, M. H.,	Korns,	Stimmel,
Bossert,	Goodrich,	Lee, A. M.,	Stiteler,
Bower,	Gramlich,	Lee, K. B.,	Thompson,
Bowman,	Gross,	Lippincott,	Tompkins,
Buchanan,	Guthrie,	Magee,	Ujobai,
Bush,	Haudenshield,	Manbeck,	Varner,
Davis,	Heffner,	Markley,	Wall,
Dengler,	Helm,	Marsh,	Weidner,
Dennison,	Henzel,	May,	Wescott,
Donaldson,	Hocker,	McCandless,	Whittaker,
Down,	Holl,	McInroy,	Willard,
Edwards,	Holliday,	Merry,	Willaredt,
Elvey,	Holman,	Miller,	Williams, A. D.,
Eshback,	Horst,	O'Dell,	Williams, E. S.,
Eshleman,	Isaacs,	Odorisio,	Wilt,
Esler,	Johnson, A. W.,	Ogilvie,	Wood,
Ewing,	Johnson, R. P.,	Piper,	Worley,
Fetterolf,	Keiser,	Price,	Wynd,
Foor,	Kernaghan,	Pursley,	Zember,
Fox,	Kessler,	Royer,	Zimmerman,
Fulmer,			

NOT VOTING—6

Ashton,	Mihm,	Snare,	Strausser,
McCormack,	Rutherford,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 601, entitled:

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" permitting motor vehicles owned and used by certain persons engaged in collecting news to be equipped with a warning light.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—151

Adams,	Fineman,	Kessler,	Petrosky,
Anderson, J. H.,	Flynn,	King,	Piper,
Anderson, S. A.,	Foerster,	Kistler,	Polaski,
Arlene,	Fox,	Klein,	Polen,
Auker,	Frascella,	Kooker,	Pursley,
Bachman,	Fulmer,	Kornick,	Reidenbach,
Backenstoe,	Gailey,	Kramer,	Riley,
Blair,	Gelfand,	Lamb,	Rovansek,
Boles,	George,	Lawson,	Rubin,
Bonner,	Gibb,	Lee, K. B.,	Rudisill,
Bossert,	Goldstein, J. H.,	Leonard,	Scarcelli,
Bower,	Goldstein, M. H.,	Limper,	Schuster,
Branca,	Goodrich,	Long, Wm. Jos.,	Seltzer,
Breth,	Gramlich,	Lutty,	Shelton,
Buchanan,	Gray,	Manbeck,	Sherman,
Capano,	Greenlee,	Markley,	Shupnik,
Capitolo,	Gremminger,	Marsh,	Simmons,
Cauley,	Guthrie,	May,	Stank,
Cianfrani,	Hamilton,	McCandless,	Steckel,
Cioffi,	Hankins,	McCann,	Stimmel,
Clarke,	Hartley,	McDonald,	Stone,
Comer,	Haudenshield,	McInroy,	Thompson,
Crossin,	Heavey,	McKeever,	Tomascik,
Curwood,	Helm,	McLaughlin,	Tompkins,
Davis,	Hocker,	Meholchick,	Trusio,
Dengler,	Holl,	Merry,	Varner,
Dennison,	Holliday,	Miller,	Wall,
Donaldson,	Horst,	Monroe,	Walsh,
Dougherty,	Irvis,	Morley,	Welsh,
Doughten,	Isaacs,	Mullen,	Wescott,
Down,	Jim,	Murray,	Willard,
Edwards,	Johnson, A. W.,	Musto,	Williams, A. D.,
Eilberg,	Johnson, R. P.,	O'Dell,	Williams, E. S.,
Elvey,	Jones,	O'Donnell, J. P.,	Wilt,
Eshback,	Kamyk,	Odorisio,	Wynd,
Esler,	Keiser,	Parlante,	Yetter,
Ewing,	Kelly,	Pashley,	Zimmerman,
Filo,	Kernaghan,	Perry,	

NAYS—49

Bowman,	Holman,	Needham,	Sullivan, J. A.,
Bush,	Jenkins,	O'Donnell, J. A.,	Sullivan, T. F.,
Cooley,	Korns,	Ogilvie,	Taylor,
Eshleman,	Lee, A. M.,	Prendergast,	Ujobai,
Farabaugh,	Lippincott,	Price,	Verona,
Fetterolf,	Long, Wm. Jas.,	Reibman,	Wargo,
Foor,	Magee,	Renwick,	Weidner,
Gallagher,	Maxwell,	Royer,	Whittaker,
Gibbons,	McDevitt,	Sakulsky,	Willaredt,
Gross,	Mills,	Schaaf,	Wood,
Guesman,	Munley,	Slack,	Worley,
Heffner,	Murphy,	Stiteler,	Zember,
Henzel,			

NOT VOTING—10

Ashton,	McCormack,	Rutherford,	Strausser,
Fry,	McNally,	Snare,	Andrews,
Knecht,	Mihm,		Speaker

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 628, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" classifying film film strips transparencies records and tapes as school supplies of the first class.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—200

Adams,	Gailey,	Lee, A. M.,	Renwick,
Anderson, J. H.,	Gallagher,	Lee, K. B.,	Riley,
Anderson, S. A.,	Gelfand,	Leonard,	Rovansek,
Auker,	George,	Limper,	Royer,
Bachman,	Gibb,	Lippincott,	Rubin,
Backenstoe,	Gibbons,	Long, Wm. Jas.,	Rudisill,
Blair,	Goldstein, J. H.,	Long, Wm. Jos.,	Sakulsky,
Boles,	Goldstein, M. H.,	Lutty,	Scarcelli,
Bonner,	Goodrich,	Magee,	Schaaf,
Bossert,	Gramlich,	Manbeck,	Schuster,
Bower,	Gray,	Markley,	Seltzer,
Bowman,	Greenlee,	Marsh,	Shelton,
Branca,	Gremminger,	Maxwell,	Sherman,
Breth,	Gross,	May,	Shupnik,
Buchanan,	Guesman,	McCann,	Simmons,
Bush,	Guthrie,	McCandless,	Slack,
Capano,	Hamilton,	McDevitt,	Stank,
Capitolo,	Hankins,	McDonald,	Steckel,
Cauley,	Hartley,	McInroy,	Stimmel,
Cianfrani,	Haudenshield,	McKeever,	Stiteler,
Clarke,	Heavey,	McLaughlin,	Stone,
Comer,	Heffner,	McNally,	Sullivan, J. A.,
Cooley,	Helm,	Meholchick,	Sullivan, T. F.,
Crossin,	Henzel,	Merry,	Taylor,
Curwood,	Hocker,	Miller,	Thompson,
Davis,	Holl,	Mills,	Tomascik,
Dengler,	Holliday,	Monroe,	Tompkins,
Dennison,	Holman,	Morley,	Trusio,
Donaldson,	Horst,	Mullen,	Ujobai,
Dougherty,	Irvis,	Munley,	Varner,
Doughten,	Isaacs,	Murphy,	Verona,
Down,	Jenkins,	Murray,	Wall,
Edwards,	Jim,	Musto,	Walsh,
Eilberg,	Johnson, A. W.,	Needham,	Wargo,
Elvey,	Johnson, R. P.,	O'Dell,	Weidner,
Eshback,	Jones,	O'Donnell, J. A.,	Welsh,
Eshleman,	Kamyk,	Odorisio,	Wescott,
Esler,	Keiser,	Ogilvie,	Whittaker,
Ewing,	Kelly,	Parlante,	Willard,
Farabaugh,	Kernaghan,	Pashley,	Willaredt,
Fetterolf,	Kessler,	Perry,	Williams, A. D.,
Filo,	King,	Petrosky,	Williams, E. S.,
Fineman,	Kistler,	Piper,	Wilt,
Flynn,	Klein,	Polaski,	Wood,
Foerster,	Kooker,	Polen,	Worley,
Foor,	Kornick,	Prendergast,	Wynd,
Fox,	Korns,	Price,	Yetter,
Frascella,	Kramer,	Pursley,	Zember,
Fry,	Lamb,	Reibman,	Zimmerman,
Fulmer,	Lawson,	Reidenbach,	Andrews, Speaker

NAYS—0

NOT VOTING—10

Arlene,	Knecht,	O'Donnell, J. P.,	Snare,
Ashton,	McCormack,	Rutherford,	Strausser,
Cioffi,	Mihm,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 691, entitled:

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58), providing for commercial motor vehicle operators' licenses setting fees for such licenses further regulating suspension and revocation of licenses and imposing penalties.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—179

Adams,	Gallagher,	Limper,	Renwick,
Anderson, S. A.,	Gelfand,	Lippincott,	Riley,
Arlene,	Gibbons,	Long, Wm. Jas.,	Rovansek,
Auker,	Goldstein, J. H.,	Long, Wm. Jos.,	Rubin,
Bachman,	Goodrich,	Lutty,	Rudisill,
Backenstoe,	Gramlich,	Manbeck,	Sakulsky,
Blair,	Gray,	Markley,	Scarcelli,
Boles,	Greenlee,	Marsh,	Schaaf,
Bonner,	Gremminger,	Maxwell,	Schuster,
Bossert,	Guesman,	May,	Shelton,
Bower,	Guthrie,	McCandless,	Sherman,
Branca,	Hamilton,	McCann,	Shupnik,
Breth,	Hankins,	McDonald,	Simmons,
Buchanan,	Hartley,	McInroy,	Slack,
Bush,	Haudenshield,	McKeever,	Stank,
Capano,	Heavey,	McLaughlin,	Steckel,
Capitolo,	Heffner,	McNally,	Stimmel,
Cauley,	Helm,	Meholohick,	Stiteler,
Cianfrani,	Henzel,	Merry,	Stone,
Cioffi,	Hocker,	Miller,	Sullivan, J. A.,
Clarke,	Holl,	Mills,	Sullivan, T. F.,
Comer,	Holliday,	Monroe,	Taylor,
Cooley,	Holman,	Morley,	Tomascik,
Crossin,	Horst,	Mullen,	Trusio,
Curwood,	Irvis,	Munley,	Ujobai,
Davis,	Isaacs,	Murphy,	Varner,
Dengler,	Jenkins,	Murray,	Verona,
Dougherty,	Jim,	Musto,	Wall,
Doughten,	Johnson, A. W.,	Needham,	Wargo,
Down,	Johnson, R. P.,	O'Donnell, J. A.,	Weidner,
Edwards,	Jones,	O'Donnell, J. P.,	Welsh,
Eilberg,	Kamyk,	Odorisio,	Wescott,
Eshleman,	Keiser,	Ogilvie,	Whittaker,
Ewing,	Kernaghan,	Parlante,	Willard,
Farabaugh,	Kessler,	Pashley,	Willaredt,
Fetterolf,	King,	Perry,	Williams, A. D.,
Filo,	Kistler,	Petrosky,	Williams, E. S.,
Fineman,	Klein,	Piper,	Wood,
Flynn,	Kooker,	Polaski,	Worley,
Foerster,	Kornick,	Polen,	Wynd,
Foor,	Korns,	Prendergast,	Yetter,
Frascella,	Kramer,	Price,	Zember,
Fry,	Lawson,	Pursley,	Zimmerman,
Fulmer,	Lee, K. B.,	Reibman,	Andrews, Speaker
Gailey,	Leonard,	Reidenbach,	

NAYS—19

Anderson, J. H.,	Eshback,	Goldstein, M. H.,	O'Dell,
Bowman,	Esler,	Gross,	Thompson,
Dennison,	Fox,	Lamb,	Walsh,
Donaldson,	George,	Lee, A. M.,	Wilt,
Elvey,	Gibb,	Magee,	

NOT VOTING—12

Ashton,	McCormack,	Royer,	Snare,
Kelly,	McDevitt,	Rutherford,	Strausser,
Knecht,	Mihm,	Seltzer,	Tompkins,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

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BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 103, entitled:

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58), providing for the granting of restricted operators' licenses in certain other cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—173

Adams,	Gallagher,	Leonard,	Reidenbach,
Anderson, J. H.,	Gelfand,	Limper,	Riley,
Anderson, S. A.,	George,	Lippincott,	Rovansek,
Arlene,	Gibbons,	Long, Wm. Jas.,	Royer,
Bachman,	Goldstein, J. H.,	Long, Wm. Jos.,	Rubin,
Backenstoe,	Goodrich,	Lutty,	Rudisill,
Blair,	Gray,	Markley,	Sakulsky,
Bonner,	Greenlee,	Marsh,	Scarcelli,
Bossert,	Gremminger,	Maxwell,	Schaaf,
Bower,	Guthrie,	May,	Shelton,
Branca,	Hamilton,	McCandless,	Sherman,
Breth,	Hankins,	McCann,	Shupnik,
Buchanan,	Hartley,	McDevitt,	Stank,
Bush,	Heavey,	McDonald,	Steckel,
Capano,	Heffner,	McKeever,	Stimmel,
Capitolo,	Helm,	McLaughlin,	Stiteler,
Cauley,	Henzel,	McNally,	Stone,
Cianfrani,	Hocker,	Meholchick,	Sullivan, J. A.,
Cioffi,	Holl,	Merry,	Sullivan, T. F.,
Clarke,	Holliday,	Miller,	Taylor,
Comer,	Holman,	Mills,	Tomascik,
Cooley,	Horst,	Monroe,	Tompkins,
Crossin,	Irvis,	Morley,	Trusio,
Curwood,	Isaacs,	Mullen,	Ujobai,
Dengler,	Jenkins,	Munley,	Varner,
Dennison,	Jim,	Murphy,	Verona,
Dougherty,	Johnson, A. W.,	Murray,	Wall,
Doughten,	Johnson, R. P.,	Musto,	Walsh,
Down,	Jones,	Needham,	Wargo,
Edwards,	Kamyk,	O'Donnell, J. A.,	Weidner,
Eilberg,	Keiser,	O'Donnell, J. P.,	Welsh,
Elvey,	Kelly,	Odorisio,	Wescott,
Eshback,	Kernaghan,	Ogilvie,	Whittaker,
Eshleman,	Kessler,	Parlante,	Willard,
Ewing,	King,	Pashley,	Willaredt,
Farabaugh,	Kistler,	Perry,	Williams, A. D.,
Fetterolf,	Klein,	Petrosky,	Williams, E. S.,
Filo,	Kooker,	Piper,	Wood,
Fineman,	Kornick,	Polaski,	Wynd,
Flynn,	Korns,	Polen,	Yetter,
Foerster,	Kramer,	Prendergast,	Zember,
Foor,	Lawson,	Pursley,	Zimmerman,
Frascella,	Lee, K. B.,	Reibman,	Andrews,
Fry,			Speaker

NAYS—29

Auker,	Gibb,	Lee, A. M.,	Schuster,
Bowman,	Goldstein, M. H.,	Magee,	Seltzer,
Davis,	Gramlich,	Manbeck,	Simmons,
Donaldson,	Gross,	McInroy,	Slack,
Esler,	Guesman,	O'Dell,	Thompson,
Fox,	Haudenshield,	Price,	Wilt,
Fulmer,	Lamb,	Renwick,	Worley,
Gailey,			

NOT VOTING—8

Ashton,	Knecht,	Mihm,	Snare,
Boles,	McCormack,	Rutherford,	Strausser,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1030, entitled:

An Act authorizing additional pension and retirement payments to members of pension and retirement funds after termination of services.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—192

Adams,	Gailey,	Lee, A. M.,	Renwick,
Anderson, J. H.,	Gallagher,	Lee, K. B.,	Riley,
Anderson, S. A.,	Gelfand,	Leonard,	Rovansek,
Arlene,	Gibb,	Limper,	Royer,
Bachman,	Gibbons,	Lippincott,	Rubin,
Backenstoe,	Goldstein, J. H.,	Long, Wm. Jas.,	Rudisill,
Blair,	Goldstein, M. H.,	Long, Wm. Jos.,	Sakulsky,
Boles,	Goodrich,	Lutty,	Scarcelli,
Bonner,	Gramlich,	Manbeck,	Schaaf,
Bossert,	Gray,	Markley,	Schuster,
Bower,	Greenlee,	Marsh,	Seltzer,
Bowman,	Gremminger,	Maxwell,	Shelton,
Branca,	Gross,	May,	Sherman,
Breth,	Guesman,	McCann,	Shupnik,
Buchanan,	Guthrie,	McDevitt,	Simmons,
Bush,	Hamilton,	McDonald,	Slack,
Capano,	Hankins,	McInroy,	Stank,
Capitolo,	Hartley,	McKeever,	Steckel,
Cauley,	Haudenshield,	McLaughlin,	Stimmel,
Cianfrani,	Heavey,	McNally,	Stiteler,
Cioffi,	Heffner,	Meholchick,	Stone,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Mills,	Taylor,
Crossin,	Holl,	Monroe,	Thompson,
Curwood,	Holliday,	Morley,	Tomascik,
Davis,	Horst,	Mullen,	Tompkins,
Dengler,	Irvis,	Munley,	Trusio,
Dennison,	Isaacs,	Murphy,	Ujobai,
Donaldson,	Jenkins,	Murray,	Varner,
Dougherty,	Jim,	Musto,	Verona,
Doughten,	Johnson, A. W.,	Needham,	Wall,
Down,	Johnson, R. P.,	O'Donnell, J. A.,	Walsh,
Edwards,	Jones,	O'Donnell, J. P.,	Wargo,
Elvey,	Kamyk,	Odorisio,	Weidner,
Eshback,	Keiser,	Ogilvie,	Welsh,
Eshleman,	Kelly,	Parlante,	Wescott,
Esler,	Kernaghan,	Pashley,	Whittaker,
Ewing,	Kessler,	Perry,	Willard,
Farabaugh,	Kistler,	Petrosky,	Willaredt,
Fetterolf,	Klein,	Piper,	Williams, E. S.,
Filo,	Knecht,	Polaski,	Wilt,
Fineman,	Kooker,	Polen,	Wood,
Flynn,	Kornick,	Prendergast,	Wynd,
Foerster,	Korns,	Price,	Yetter,
Fox,	Kramer,	Pursley,	Zember,
Fry,	Lamb,	Reibman,	Zimmerman,
Fulmer,	Lawson,	Reidenbach,	Andrews,
			Speaker

NAYS—10

Auker,	Holman,	McCandless,	Williams, A. D.,
Foor,	King,	O'Dell,	Worley,
George,	Magee,		

NOT VOTING—8

Ashton,	Frascella,	Mihm,	Snare,
Eilberg,	McCormack,	Rutherford,	Strausser,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1141, entitled:

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58) further providing for the establishing of prima facie evidence by the use of registration numbers and providing for the liability of bailors for hire of motor vehicles.

On the question,

Will the House agree to the bill on third reading?

MOTION TO RECOMMIT

Mr. A. M. LEE. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Frascella.

Mr. FRASCELLA. Mr. Speaker, I oppose the motion to recommit and I would like to ask all of the members, if they possibly can, to vote against the recommittal and to let this bill go to a vote. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Lee.

Mr. A. M. LEE. Mr. Speaker, just briefly in support of my motion, House bill 1141 would impose the responsibility for traffic violations upon the bailors of motor vehicles. In other words, the car rental agency when it rented a car would be responsible for any violation of the Vehicle Code which the operator of the car incurred and, if the operator of the car failed to pay the ticket or the fine or whatever it was, this would require the car rental agency to produce that person in court or they, the car rental agency, would be responsible.

Now I am sympathetic to the problem that this bill tries to correct, but, on the other hand, I feel it is a wholly improper way to go about it. Therefore, I feel that this bill should be recommitted for the purpose of additional study and perhaps coming up with a solution to this problem.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Eilberg.

Mr. EILBERG. Mr. Speaker, the last gentleman who spoke, Mr. Lee from Philadelphia, went into the merits of the bill and I was tempted, frankly, to rise to a point of order, but out of courtesy I did not do so.

I think in reply we should be permitted to refer to the very problem that Mr. Lee mentioned. In Philadelphia we have every year thousands of persons who rent cars, who negligently or deliberately commit traffic violations and leave the city of Philadelphia, and we have no way of bringing those people to justice. We think that there is a very real problem, that the motion to recommit this bill should be defeated and, following that, we ask everyone to vote for this bill.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. A. M. LEE and FRASCELLA and were as follows:

YEAS—81

Adams,	Foor,	Knecht,	Simmons,
Anderson, J. H.,	Fox,	Kooker,	Slack,
Auker,	Fulmer,	Korns,	Steckel,
Backenstoe,	Gibb,	Lee, A. M.,	Stimmel,
Blair,	Goldstein, J. H.,	Lee, K. B.,	Tompkins,
Bower,	Goldstein, M. H.,	Lippincott,	Ujobai,
Bowman,	Gramlich,	Magee,	Varner,
Buchanan,	Gross,	Manbeck,	Wall,
Bush,	Guthrie,	Markley,	Weidner,
Davis,	Haudenshield,	May,	Whittaker,
Dengler,	Heffner,	McCandless,	Willard,
Dennison,	Helm,	McDevitt,	Willaredt,
Donaldson,	Holliday,	McInroy,	Williams, A. D.,
Down,	Holman,	Merry,	Williams, E. S.,
Edwards,	Horst,	Miller,	Wilt,
Elvey,	Johnson, A. W.,	Odorisio,	Wood,
Eshback,	Keiser,	Price,	Worley,
Eshleman,	Kernaghan,	Pursley,	Wynd,
Esler,	Kessler,	Royer,	Zember,
Ewing,	Kistler,	Seltzer,	Zimmerman,
Fetterolf,			

NAYS—119

Anderson, S. A.,	Gelfand,	Long, Wm. Jos.,	Reibman,
Arlene,	George,	Lutty,	Reidenbach,
Bachman,	Gibbons,	Marsh,	Renwick,
Boles,	Gray,	McCann,	Riley,
Bonner,	Greenlee,	McDonald,	Rovansek,
Bossert,	Gremminger,	McKeever,	Rubin,
Branca,	Guessman,	McLaughlin,	Rudisill,
Breth,	Hamilton,	McNally,	Sakulsky,
Capano,	Hankins,	Mehoichick,	Scarcelli,
Capitolo,	Hartley,	Mills,	Schaaf,
Cauley,	Heavey,	Monroe,	Schuster,
Cianfrani,	Henzel,	Morley,	Shelton,
Cioffi,	Hocker,	Mullen,	Sherman,
Clarke,	Holl,	Munley,	Shupnik,
Comer,	Irvis,	Murphy,	Stank,
Cooley,	Isaacs,	Murray,	Stiteler,
Crossin,	Jenkins,	Musto,	Stone,
Curwood,	Jim,	Needham,	Sullivan, J. A.,
Dougherty,	Johnson, R. P.,	O'Dell,	Sullivan, T. F.,
Doughten,	Jones,	O'Donnell, J. A.,	Taylor,
Eilberg,	Kamyk,	O'Donnell, J. P.,	Thompson,
Farabaugh,	Kelly,	Ogilvie,	Tomascik,
Filo,	King,	Parlante,	Trusio,
Fineman,	Klein,	Pashley,	Verona,
Flynn,	Kramer,	Perry,	Walsh,
Foerster,	Lamb,	Petrosky,	Wargo,
Frascella,	Lawson,	Piper,	Welsh,
Fry,	Leonard,	Polaski,	Yetter,
Gailey,	Limper,	Polen,	Andrews,
Gallagher,	Long, Wm. Jas.,	Prendergast,	Speaker

NOT VOTING—10

Ashton,	Maxwell,	Rutherford,	Strausser,
Goodrich,	McCormack,	Snare,	Wescott,
Kornick,	Mihm,		

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Bowman.

Mr. BOWMAN. Mr. Speaker, the gentleman who spoke on this bill on the motion to recommit did not cover the entire content of this bill, and I would like to call the attention of the House to one additional feature of this bill which changes, radically changes, in my opinion, the existing law.

Now, Mr. Speaker, quite apart from this question of bailors for hire and their responsibility with respect to traffic violations of bailed vehicles, if you will examine the bill, it also changes the burden on you, as an individual owner of an automobile, as to what you must do in the event your car is involved in a traffic violation and you are not the driver of the car.

Under the present law you are only required to submit a statement, an affidavit, that you were not the driver of the car and, if you knew the operator of the car, to

submit the name of the driver to the proper authorities. This bill attempts to change that radically. This bill says that you must not only submit yourself but any and all persons having knowledge of the facts. In other words, you must not only submit yourself, but you must find and bring before the authorities, making you a quasi police officer, so to speak, the person who was driving your car.

Now it has been my experience in many of these cases, particularly where the police mis-read the license plate, it puts the burden on you to prove that it was not even your car that was involved. Now they want you to not only deny it was your car that was involved, they want you to not only submit yourself, but also the person who did drive the car and committed the traffic violation. That is ridiculous, in my opinion, and therefore this bill is ridiculous.

Just one more point, and that is on this bailor-for-hire situation: Perhaps Philadelphia does have a problem, perhaps the rental car agencies do rent many cars that are involved in violations, but this is certainly not the way to approach the problem. I do not see that that problem is any different than an out-of-State motorist in Philadelphia violating the traffic code. What do they do with him? They have procedures to cite him and they have procedures under the reciprocal laws to enforce traffic violations even though they happen in another State or another part of Pennsylvania. The procedure is available to obtain the license number, the name and the address of the person who actually operated the car and to prosecute him. They do not want to do that; they want to make it simple. They just want to make the bailor responsible without regard to whom the car is bailed.

I see no difference in this problem of bailed vehicles from that which is also true of out-of-city drivers in general, and I certainly do not think this is the way to approach that problem. It they want to enforce the law, they have means to enforce it.

I, therefore, oppose this bill and request all others to do so.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Lippincott.

Mr. LIPPINCOTT. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Frascella.

The SPEAKER pro tempore. Will the gentleman from Philadelphia, Mr. Frascella, permit himself to be interrogated?

Mr. FRASCELLA. I shall, Mr. Speaker.

Mr. LIPPINCOTT. Mr. Speaker, this bill states that it applies to any proceedings for violation of the Motor Vehicle Code. I wonder if the gentleman will state whether this would apply, for example, to a person who leaves the scene of an accident. Would it make the owner of the car responsible in the event that the operator left the scene of the accident and could not be found?

Mr. FRASCELLA. The way I look at the bill it says that they use the registration plates as a prima facie case on the basis of accidents, so draw your own conclusions.

Mr. LIPPINCOTT. So the man who owned this car and leased it might be sent to jail for a year, which I believe could be the penalty, even though he was not operating it, is that right?

Mr. FRASCELLA. No, I do not believe so.

Mr. LIPPINCOTT. That is a misdemeanor, I believe, and I think that is what the penalty is. Does that mean that he could be sentenced to that imprisonment?

Mr. FRASCELLA. I do not think the person would go to jail for a year.

Mr. LIPPINCOTT. Suppose a $500 fine is put on. Does that mean that the owner of the car would have to pay it even though he was not operating it?

Mr. FRASCELLA. If the gentleman would read the bill—far be it from me to try to compete with you lawyers.

Mr. LIPPINCOTT. I am just trying to read the language. It says, "In any proceeding for a violation of the provisions of this act."

I would like to ask the gentleman, for example, if the operator of the car was under the influence of intoxicating liquor, would that make the owner responsible?

Mr. FRASCELLA. Again I direct the gentleman to section 1212, where it says registration is the status of the prima facie case. Now whether a person is drunk or not, I could not answer.

In this particular section it is making reference to registration of license plates.

Mr. LIPPINCOTT. Mr. Speaker, another example: Suppose a truck was leased, and that is quite a growing business—as a matter of fact some corporations lease to other companies and so on—and a very serious overweight violation occurred, and I think the gentleman knows the tremendous penalties that are imposed for overweight violations, would this make the owner of the truck, for example, subject to a $4,000 or $5,000 fine as some truck owners have had to pay, if the operator overloads it?

Mr. FRASCELLA. Well, not being familiar with the truck lanes as you people are, probably; but I understand that the driver is held for being overweight.

Mr. LIPPINCOTT. This would be in violation of the Vehicle Code, though, would it not, as this act provides? Is that right?

Mr. FRASCELLA. It would be in violation, but I believe the driver is held. He is the one who was driving the vehicle at that time. They have that person, right there.

Mr. LIPPINCOTT. Mr. Speaker, I just wanted to point out very briefly some of the absurd things that I think could result from this bill as it is drawn. Maybe you could draw one that would limit it to summary offenses, or perhaps you could put a limitation on the penalties, but I think the way this bill is now, it could result in a very chaotic situation. As Mr. Bowman said, it seems to me under the powers in first class cities that are already in existence, for example, an out-of-State operator who would commit this violation could be taken before a magistrate forthwith. In other words, arrested on view, and we have just passed a bill that covers the rest of the State so far as arrest on view is concerned, which I think would take care of this situation.

I think it is a bad bill and should be defeated.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Frascella.

Mr. FRASCELLA. Mr. Speaker, I had not intended to comment on this bill. However, I would like to clear up a few things as probably a layman sees this bill.

First of all, let's deal with section 1212 of the Motor Vehicle Code. If anyone would take time out to read the present section 1212, the language is almost identical, other than being changed to the bill and adding different sections B and C. Let me assure everyone, if this vehicle

were a privately owned car with someone else driving it, the same provisions that are allowed in the code are still being allowed. You bring that driver's name to the information of that owner and the driver is the one held responsible. It is in the present code now.

Secondly, in respect to stolen vehicles, as someone was saying to me, not here but other places, you are not held responsible in that respect. That provision of protection is still in the bill.

This bill is primarily drawn up to have bailors for hire held responsible for traffic violations. In doing so we want to bring to them the fact that we have numerous violations, not only in the city of Philadelphia, but also throughout the Commonwealth. Some justices of the peace may have the same trouble as our magistrates have in the city of Philadelphia. I know for a fact that they are trying to work out an agreement, but they have not come to any agreement at all with agencies of this type. But this does not just say a person who hires a vehicle for a day or two. There are violations created by vehicles that are hired year around by these agencies—year around on the contract basis and drive all through our cities. We want the people who hire these for a profit to assume some of the responsibility. That is the only thing we are asking, and if they can cooperate by assuming some of the responsibility, then maybe we can get some better laws enacted. Therefore, Mr. Speaker, I ask all of the membership to vote for the bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—84

Anderson, S. A.,	Guesman,	McCann,	Piper,
Arlene,	Hamilton,	McDevitt,	Polaski,
Boies,	Hankins,	McKeever,	Polen,
Bonner,	Hartley,	McLaughlin,	Reidenbach,
Branca,	Heavey,	McNally,	Renwick,
Breth,	Hocker,	Meholchick,	Riley,
Capano,	Isaacs,	Mills,	Rovansek,
Capitolo,	Jim,	Monroe,	Rubin,
Cianfrani,	Johnson, R. P.,	Morley,	Sakulsky,
Cioffi,	Jones,	Mullen,	Schaaf,
Comer,	Kamyk,	Munley,	Schuster,
Crossin,	Kelly,	Murphy,	Shelton,
Dougherty,	King,	Musto,	Shupnik,
Doughten,	Kornick,	Needham,	Stank,
Eilberg,	Korns,	O'Dell,	Stone,
Filo,	Lawson,	O'Donnell, J. A.,	Sullivan, J. A.,
Flynn,	Leonard,	O'Donnell, J. P.,	Sullivan, T. F.,
Gallagher,	Limper,	Parlante,	Taylor,
Gray,	Lutty,	Pashley,	Wargo,
Greenlee,	Markley,	Perry,	Welsh,
Gremminger,	Maxwell,	Petrosky,	Andrews, Speaker

NAYS—119

Adams,	Foor,	Kistler,	Seltzer,
Anderson, J. H.,	Fox,	Klein,	Sherman,
Auker,	Frascella,	Knecht,	Simmons,
Bachman,	Fry,	Kooker,	Slack,
Backenstoe,	Fulmer,	Kramer,	Steckel,
Blair,	Gailey,	Lamb,	Stimmel,
Bossert,	Gelfand,	Lee, A. M.,	Stiteler,
Bower,	George,	Lee, K. B.,	Thompson,
Bowman,	Gibb,	Lippincott,	Tomascik,
Buchanan,	Gibbons,	Long, Wm. Jas.,	Tompkins,
Bush,	Goldstein, J. H.,	Long, Wm. Jos.,	Trusio,
Cauley,	Goldstein, M. H.,	Magee,	Ujobai,
Clarke,	Goodrich,	Manbeck,	Verona,
Cooley,	Gramlich,	Marsh,	Wall,
Curwood,	Gross,	May,	Walsh,
Davis,	Guthrie,	McCandless,	Weidner,
Dengler,	Haudenshield,	McDonald,	Wescott,
Dennison,	Heffner,	McInroy,	Whittaker,
Donaldson,	Helm,	Merry,	Willard,
Down,	Henzel,	Miller,	Willaredt,
Edwards,	Holl,	Murray,	Williams, A. D.,
Elvey,	Holliday,	Ogilvie,	Williams, E. S.,
Eshback,	Holman,	Odorisio,	Wilt,
Eshleman,	Horst,	Prendergast,	Wood,
Esler,	Irvis,	Price,	Worley,
Ewing,	Jenkins,	Pursley,	Wynd,
Farabaugh,	Johnson, A. W.,	Reibman,	Yetter,
Fetterolf,	Keiser,	Royer,	Zember,
Fineman,	Kernaghan,	Rudisill,	Zimmerman,
Foerster,	Kessler,	Scarcelli,	

NOT VOTING—7

Ashton,	Mihm,	Snare,	Varner,
McCormack,	Rutherford,	Strausser,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1724, entitled:

An Act amending "The Penal Code" approved June 24, 1939 (P. L. 872), making county treasurers agents of the Commonwealth for the purpose of issuing certain licenses.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—196

Adams,	Gallagher,	Lawson,	Reidenbach,
Anderson, J. H.,	Gelfand,	Lee, A. M.,	Renwick,
Anderson, S. A.,	George,	Lee, K. B.,	Riley,
Arlene,	Gibb,	Leonard,	Rovansek,
Auker,	Gibbons,	Lippincott,	Royer,
Bachman,	Goldstein, J. H.,	Long, Wm. Jas.,	Rubin,
Backenstoe,	Goldstein, M. H.,	Long, Wm. Jos.,	Rudisill,
Blair,	Goodrich,	Lutty,	Sakulsky,
Bonner,	Gramlich,	Magee,	Scarcelli,
Bossert,	Gray,	Manbeck,	Schaaf,
Bower,	Greenlee,	Markley,	Schuster,
Bowman,	Gremminger,	Marsh,	Seltzer,
Branca,	Gross,	Maxwell,	Shelton,
Buchanan,	Guesman,	May,	Sherman,
Bush,	Guthrie,	McCandless,	Shupnik,
Capano,	Hamilton,	McCann,	Simmons,
Capitolo,	Hankins,	McDevitt,	Slack,
Cauley,	Hartley,	McDonald,	Stank,
Cianfrani,	Haudenshield,	McInroy,	Steckel,
Cioffi,	Heavey,	McKeever,	Stimmel,
Clarke,	Heffner,	McLaughlin,	Stiteler,
Comer,	Helm,	McNally,	Stone,
Cooley,	Henzel,	Meholchick,	Sullivan, J. A.,
Crossin,	Hocker,	Merry,	Sullivan, T. F.,
Curwood,	Holl,	Miller,	Taylor,
Davis,	Holliday,	Mills,	Thompson,
Dengler,	Holman,	Monroe,	Tomascik,
Dennison,	Horst,	Morley,	Tompkins,
Donaldson,	Irvis,	Mullen,	Trusio,
Down,	Isaacs,	Munley,	Ujobai,
Edwards,	Jenkins,	Murray,	Varner,
Eilberg,	Jim,	Musto,	Verona,
Elvey,	Johnson, A. W.,	Needham,	Wall,
Eshback,	Johnson, R. P.,	O'Dell,	Walsh,
Eshleman,	Jones,	O'Donnell, J. A.,	Wargo,
Esler,	Kamyk,	O'Donnell, J. P.,	Weidner,
Ewing,	Keiser,	Odorisio,	Welsh,
Farabaugh,	Kelly,	Ogilvie,	Wescott,
Fetterolf,	Kernaghan,	Parlante,	Whittaker,
Filo,	Kessler,	Pashley,	Willard,
Fineman,	King,	Perry,	Willaredt,
Flynn,	Kistler,	Petrosky,	Williams, A. D.,
Foerster,	Klein,	Piper,	Williams, E. S.,
Foor,	Knecht,	Polaski,	Wilt,
Fox,	Kooker,	Polen,	Wood,
Frascella,	Kornick,	Prendergast,	Wynd,

Fry,	Korns,	Price,	Zember,
Fulmer,	Kramer,	Pursley,	Zimmerman,
Gailey,	Lamb,	Reibman,	Andrews, Speaker

NAYS—4

Doughten,	Murphy,	Worley,	Yetter,

NOT VOTING—10

Ashton,	Dougherty,	Mihm,	Snare,
Boles,	Limper,	Rutherford,	Strausser,
Breth,	McCormack,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. RUDISILL asked and obtained permission for the Committee on Judiciary to meet during the session of the House.

Mr. FINEMAN asked and obtained permission for the Committee on State Government to meet during the session of the House.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY THE HOUSE

The clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House bill No. 81, entitled:

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" requiring certain commercial motor vehicles, truck tractors, trailers and semi-trailers to be marked with the names and addresses of the owners or operators and prescribing penalties.

And has appointed Messrs. ROONEY, McCREESH and WARE a committee of conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 81

The SPEAKER pro tempore. The Speaker has appointed as a Committee of Conference on the part of the House, Messrs. HEAVEY, COMER and A. M. LEE.

Ordered, that the clerk inform the Senate accordingly.

BILLS INTRODUCED AND REFERRED

By Mrs. REIBMAN, Mr. IRVIS, Mrs. HENZEL and Mr. HELM. HOUSE BILL No. 1851.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), permitting payments by the Department of Public Instruction on account of specialized professional staff members of school districts out of funds which may from time to time become available.

Referred to the Committee on Education.

By Messrs. McCANN, STANK, J. A. O'DONNELL and COOLEY. HOUSE BILL No. 1852.

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333), further regulating the form of the official primary ballot.

Referred to the Committee on Elections.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 195.

An Act providing for group life insurance for State employes establishing a schedule providing for payment providing for reduction of insurance upon retirement authorizing the Secretary of the Commonwealth to act as exclusive broker for the purpose of contracting for insurance and providing for administration and advisory services by the Department of State.

Referred to the Committee on Insurance.

SENATE BILL No. 247.

An Act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift on behalf of the Commonwealth certain land located in the Borough of Cornwall, Lebanon County.

Referred to the Committee on State Government.

SENATE BILL No. 375.

An Act relating to collection agencies providing for and regulating the licensing of collection agencies and collectors granting powers and imposing duties on the Secretary of Banking prescribing unlawful acts and imposing penalties.

Referred to the Committee on Rules.

SENATE BILL No. 742.

An Act amending the act of May 17, 1921 (P. L. 789), entitled as amended "The Insurance Department Act of 1921," changing the maximum fee to be charged for group life insurance.

Referred to the Committee on Insurance.

SENATE BILL No. 750.

An Act amending the act of July 27, 1955 (P. L. 288), entitled as amended "An act making it unlawful for owners of certain property in cities of the first class and in cities of the second class to sell or agree to sell such property without first delivering to the purchaser a certification of the District classification . . ." requiring certification and disclosure of outstanding notices of fire building safety and housing ordinance violations.

Referred to the Committee on Cities—Counties First Class.

SENATE BILL No. 876.

An Act amending the act of July 15, 1957 (P. L. 901), entitled "Optional Third Class City Charter Law" to permit cities adopting an optional charter plan under said act to provide for the hearing of appeals from assessments and the revision thereof by an administrative procedure.

Referred to the Committee on Cities—Third Class.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. PIPER, MANBECK, KNECHT and BACKENSTOE. RESOLUTION No. 100.

In the House of Representatives, August 14, 1961.

The dismissal on August 11, 1961 of Samuel Braid of Philadelphia as Director of Procurement in the Department of Public Welfare on charges of attempting to defraud the Commonwealth marks the third dismissal of a high-ranking member of the Lawrence administration in the past month.

The pattern of corruption in Harrisburg, which these dismissals indicate, was clearly connected with disclosures of corruption in Philadelphia by the dismissal July 6, 1961, of William J. Kilroy of Philadelphia as chief administrative officer in the Bureau of Professional Licensing.

The question immediately arises in the public mind: how widespread is this pattern of graft and corruption in Harrisburg? Has the public been given the full story?

In the case of the dismissal of Samuel Braid, several facts concerning Braid's alleged attempt to defraud the Commonwealth were made public, and it was announced that facts uncovered by the Department of Justice will be turned over to the proper authorities for possible legal action.

In the case of the dismissal of William J. Kilroy, and of George W. Schroeck as Deputy Attorney General assigned to the Bureau of Professional Licensing, the public has been given no facts, and the Justice Department has not reported that it has turned over information it has uncovered in those cases to the proper authorities for possible legal action.

On July 10, 1961, a resolution was introduced in the House (Resolution No. 89) calling for a bipartisan investigation by a special House-Senate commission into political influences upon the Board of Professional Licensing.

Thus far the Democratic party leadership in the House has held that resolution in Rules Committee, despite widespread editorial support in the press for such an investigation.

The Attorney General, commenting on this House Resolution, promised to make a full disclosure of facts involving wrongdoing in the Bureau of Professional Licensing. The promise was made a month ago, but thus far there have been no disclosures by the Justice Department; now therefore be it

Resolved, that the House of Representatives call upon the Attorney General to make public all information uncovered involving corruption within the Bureau of Professional Licensing and of any political influence exerted upon it; and be it further

Resolved, that the Attorney General make public all facts involving corruption within the Department of Public Welfare, or in any other department of state government of which it has information; and be it further

Resolved, that such facts and information be turned over to proper authorities for appropriate legal action; and be it further

Resolved, that the Department of Justice recommend to the General Assembly any legislation it deems adviseable to insure the integrity of the various administrative departments of state government.

Referred to the Committee on Rules.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 640, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949" placing certain restrictions on payments on account of closed schools.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. ADAMS. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. ADAMS. Mr. Speaker, I wish to yield the floor to the gentleman from Adams, Mr. Worley.

The SPEAKER pro tempore. The gentleman from Berks, Mr. Adams, yields to the gentleman from Adams, Mr. Worley.

Mr. WORLEY. Mr. Speaker, is it my understanding that House bill No. 640 is on third reading and final passage now?

The SPEAKER pro tempore. The bill is definitely on third reading.

Mr. WORLEY. Mr. Speaker, I desire to speak against the bill.

The SPEAKER pro tempore. We are not voting on the bill. The Chair understood the gentleman desired to offer amendments to the bill.

Mr. WORLEY. Mr. Speaker, I desire to oppose the bill and then to make a motion.

The SPEAKER pro tempore. What is the pleasure of the gentleman from Berks, Mr. Adams?

Mr. ADAMS. Mr. Speaker, I yielded to Mr. Worley so that he could make a motion to recommit. If that fails, I want the floor back so I can make amendments.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, it was my understanding from yesterday, rather clearly I thought, Mr. Johnson asked me that the gentleman be given an opportunity; I would make a motion for reconsideration so that he could offer his amendments so they could be printed and be before the members with the amendments in the bill to be considered. Is that not correct?

Mr. ADAMS. I talked to the minority leader since and I am following his instructions.

Mr. McCANN. Mr. Speaker, may I interrogate the gentleman?

The SPEAKER pro tempore. Will the gentleman from Berks, Mr. Adams, permit himself to be interrogated?

Mr. ADAMS. I shall, Mr. Speaker.

Mr. McCANN. Mr. Speaker, Mr. Johnson informs me the gentleman from Adams is going to offer his amendments which were agreed to be placed in the bill, is that correct?

Mr. ADAMS. I am not the gentleman from Adams.

Mr. McCANN. I beg your pardon, sir. Mr. Adams, from Berks.

Mr. ADAMS. That is correct.

The SPEAKER pro tempore. The gentleman will offer his amendments.

Mr. ADAMS asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Title, page 1, last two lines of title, by striking out "placing certain restrictions on" and inserting: "further providing for"

Amend Sec. 1 (Sec. 2511), page 2, lines 15 to 19; page 3, lines 1 and 2, by striking out "provided that the two

hundred dollars" in line 15, all of lines 16 to 19, page 2; and both of lines 1 and 2, page 3, and inserting: Such payments shall be made until the final payment is made on account of indebtedness incurred by the district for alterations, additions or construction which was necessitated by the closing or contemplated closing of schools.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

ANNOUNCEMENT

The SPEAKER pro tempore. Before we get into any further business, the Chair would like to make a very important announcement for the members of the House.

Mr. McCANN. I would also like to have the announcement of tomorrow's schedule and the time.

The SPEAKER pro tempore. That is correct.

I am sure that the members of this House will be interested in the following announcement, at least many of them will:

Miss Esther Feiser, nurse for the General Assembly, has arranged for members of the House and Senate to be included with other State employes in the diabetes test program, conducted by the Department of Health, under the direction of Dr. William Kraus, director of the division of chronic diseases.

These tests will be conducted in the nurse's office, Room 100, Main Capitol, on Wednesday, tomorrow, August 16, between the hours of 1:30 and 4 p. m.

The diabetes test will be given to the members of the House and Senate during those hours. I have been informed that it takes a very brief time and is not painful.

VISITOR WELCOMED

The SPEAKER pro tempore. The Chair would like to welcome at this time a guest we have present with us in the hall of the House. We have with us visiting our session today Miss Agneta Herlin from Stockholm, Sweden. In the fall she will be a college senior where she majors in languages and music. In addition to her native Swedish, she speaks English, French, German, Latin and Russian. She is a summer visitor under the auspices of the "Experiment in International Living" sponsored by the Hershey Rotary Club.

The Chair thanks the young lady and hopes that she enjoys her visit with us.

I see another Swede desiring recognition.

Mr. A. W. JOHNSON. Jog ságar válkommen. I am glad to say to you, welcome.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 88

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on Senate bill numbered and entitled as follows:

SENATE BILL No. 88.

An Act amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" abolishing county institution districts in counties of the fourth fifth and sixth classes transferring their property powers duties and obligations to counties prescribing certain further duties of county commissioners with regard to persons in foster homes and as to children and youth and regulating payments for care.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, for the information of the membership of this House, this House will convene tomorrow at 1 o'clock fast time. Tomorrow will be the last day of session this week. The members may proceed to check out of the hotels and plan accordingly. There will not be a session on Thursday, since our meeting has been moved to Thursday night on congressional reapportionment.

RESOLUTION

CONGRATULATIONS

Mr. GEORGE offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted as follows:

In the House of Representatives, August 15, 1961.

Brian Small, a recent graduate from Cedar Cliff High School in Cumberland County where he was graduated with distinguished academic honors.

In competition with 6500 other students in the nation, he was awarded General Motors National Scholastic Scholarship at Colgate University for four years.

Brian the son of Mr. and Mrs. Maynard M. Small of New Cumberland was also an outstanding athlete having achieved many honors including the Frank W. Wilsbach Memorial Award as High School Athlete of the year; the Central Pennsylvania B'nai B'rith Award for sportsmanship; honorable mention on Pennsylvania's Big 33 High School Football Squad; therefore be it

Resolved, That the House of Representatives hereby commends and congratulates Brian Small on his achievements both as an outstanding academic student and for his ability in the field of sport; and be it further

Resolved, That a copy of this resolution be sent to Brian Small at his home, 129 E. 16th Street, New Cumberland, Pennsylvania.

REPORTS FROM COMMITTEE

Mr. EILBERG from the Committee on Judiciary, reported as committed, Senate bill No. 736, entitled:

An Act regulating the procedure for petitioning a court to order a safety deposit box opened in furtherance of a criminal investigation or proceeding.

Mr. SHERMAN from the Committee on Judiciary, reported as committed, Senate bill No. 805, entitled:

An Act amending the act of May 20, 1937 (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth . . ." changing the compensation of members providing for the appointment of an executive secretary and other employes changing the limitations on the filing of claims increasing the powers of the board providing for appeals and making an appropriation.

Mrs. S. A. ANDERSON from the Committee on State Government, reported as committed, Senate bill No. 875, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Adjutant General to sell and convey real property situate in the City of Lebanon Lebanon County to County Commissioners of Lebanon County.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 736, entitled:

An Act regulating the procedure for petitioning a court to order a safety deposit box opened in furtherance of a criminal investigation or proceeding.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 805, entitled:

An Act amending the act of May 20, 1937 (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth . . ." changing the compensation of members providing for the appointment of an executive secretary and other employes changing the limitations on the filing of claims increasing the powers of the board providing for appeals and making an appropriation.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeding to the first reading and consideration of Senate bill No. 875, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Adjutant General to sell and convey real property situate in the City of Lebanon Lebanon County to County Commissioners of Lebanon County.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 517

Mr. FINEMAN. Mr. Speaker, I present the report of the Committee of Conference on House bill No. 517.

The SPEAKER pro tempore. The report will lie over for printing under the Rules.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE RESOLUTION No. 62

Mrs. MUNLEY. Mr. Speaker, I present the report of the Committee of Conference on House resolution No. 62.

The SPEAKER pro tempore. The report will lie over for printing under the Rules.

BILLS AND RESOLUTIONS PASSED OVER

Mr. McCANN. Mr. Speaker, I request that all other bills and resolutions on today's calendar not acted upon be passed over.

The SPEAKER pro tempore. The Chair hears no objection.

ADJOURNMENT

Mr. HEAVEY. Mr. Speaker, I move that this House do now adjourn until Wednesday, August 16, 1961, at 12 o'clock noon, e. s. t.

The motion was agreed to, and (at 5:04 p. m., e. s. t.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1961. 145th of the General Assembly.

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SENATE

WEDNESDAY, AUGUST 16, 1961.

The Senate met at 9:30 a. m., Eastern Standard Time.

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

PRAYER

The Chaplain, Rev. PETER VROOM, Pastor of Baptist Temple, Philadelphia, offered the following prayer:

Bless the Lord, O my soul, and all that is within me; bless His holy name.

We thank Thee, our Father, for bringing us to this hour. We thank Thee for the strength to do the work of this day. Help us to be very conscious of our need of Thee.

The headlines give us cause for great concern, but, O Father, help us not to fear. Help us to keep our eyes upon Thee as we attempt to solve the problems which are before us. We are truly helpless apart from Thee. Thou knowest the bills that need to be passed by this Body. Thou knowest, also, those which need to be defeated. May we be sensitive to Thy voice so that we, too, may know exactly what Thy will is.

We know that the responsibilities of every Member of this Body are great. We thank and praise Thee that Thou wilt give to each one the benefit of the still small voice of God, so that they may know Thy will and Thy plan.

We pray for our great Nation, we pray for our President and we pray for the Congress. O God, the problems are tremendous. However, they have in Thee the very source of strength and wisdom that they need. We also pray for our Governor and for those who work so earnestly with him. They, too, Lord, can tap this source in order that their problems also may find the right solution. How wonderful it is that we have Thee to whom we can go. O God, help each one of us to be on Thy side, and then we know that we have the end in sight and our problems will be worked out.

Again, we pray that Thou wilt forgive us where we have failed. Help us to be cleansed and help us to know the mercy of the grace of God. For all this, we give Thee praise in the name of our heavenly Father. Amen.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WEINER and Mr. LANE, further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGES

HOUSE ADOPTS REPORT OF FREE COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House has adopted Report of Free Committee of Conference on **HB 678,** which was laid on the table.

SENATE BILLS RETURNED WITH AMENDMENTS

He also returned to the Senate, **SB 601** and **628,** with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. The bills, as amended, will be placed on the Calendar.

HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate, **SB 407, 610, 672, 789, 790** and **860,** with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 718.**

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO **HB 81,** AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 81,** and has appointed Messrs. HEAVEY, COMER and A. M. LEE as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence **HB 103** and **691,** which were referred to the Committee on Highways.

He also presented for concurrence **HB 382,** which was referred to the Committee on Rules.

He also presented for concurrence **HB 1030, 1555, 1797** and **1821,** which were referred to the Committee on Local Government.

He also presented for concurrence **HB 1724** and **1828,** which were referred to the Committee on Judiciary General.

GENERAL COMMUNICATION

LETTER FROM HONORABLE JOHN C. BELL, JR.

The PRESIDING OFFICER laid before the Senate the following communication, which was read by the Clerk as follows:

Supreme Court of Pennsylvania

John C. Bell, Jr.
Chief Justice

556 City Hall
Philadelphia 7, Pa.
August 15, 1961

Hon. Paul C. Moomaw, Secretary
Senate of Pennsylvania
Harrisburg, Pennsylvania

Dear Mr. Moomaw:

Will you please convey to the Senate of Pennsylvania, in which I spent four very happy years, my deep appreciation of the congratulatory resolution which they passed upon my attaining the office of Chief Justice of the Supreme Court of Pennsylvania.

May I add my personal thanks and kind regards to you.

Sincerely,
/s/ John C. Bell

REPORTS FROM COMMITTEE

Mr. MULLIN, from the Committee on Public Health and Welfare, reported, as committed, **SB 440** and **872**; as amended, **HB 1541.**

BILL INTRODUCED AND REFERRED

Mr. MULLIN presented to the Chair **SB 921,** entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code," increasing the compensation of certain employes of the Pennsylvania Liquor Control Board.

Which was committed to the Committe on Law and Order.

SENATE RESOLUTION

DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO APPOINT A TASK FORCE TO STUDY THE FAILURE OF THE LOCAL HEALTH ADMINISTRATION LAW

Messrs. PECHAN, EHRGOOD, SARRAF, DEVLIN and FLEMING offered the following resolution **(Serial No. 1a),** which was read as follows:

In the Senate, August 16, 1961.

It is obvious that the Local Health Administration Law has been a failure. It was originally enacted with high hopes but during its ten years of existence, few counties have created county departments of health and part of those have later abolished them.

There have been no charges of fault in any person or any agency of the government and none is apparent. Nevertheless, the law has failed and we must know why; therefore be it

RESOLVED, That the Joint State Government Commission be directed to appoint a task force to study the entire matter, with particular reference to the question of the use of the law, and in its study to endeavor to find answers for these questions: Why is the law not used? Why have some counties abandoned it after use? Can the Department of Health promulgate regulations which would make its use more attractive to counties and their people? Has the administration of the laws affected its use? Do the county units or does the Department of Health need more power or less? Is it possible for the Department of Health to perform the same functions? If so, is that course desirable? Is there a better system of administration and if there is, what is it?; and be it further

RESOLVED, That the Joint State Government Commission make a report of its findings to the next General Assembly, and if further legislation is required to have the same prepared by the Legislative Reference Bureau for early introduction.

Mr. LANE. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. WEINER. Mr. President, I believe that Senator Sarraf would like to add his name to this resolution. I believe the sponsors have agreed to that.

However, I object to the immediate consideration of this resolution and ask that it be sent to the appropriate committee. I believe the Committee on Public Health and Welfare would be the appropriate committee for this type of resolution.

The PRESIDING OFFICER. The names of the gentlemen from Allegheny, Senator Sarraf, Senator Devlin and Senator Fleming, will be added to this resolution.

There being objection to the immediate consideration of the resolution, it is referred to the Committee on Public Health and Welfare.

Mr. WEINER. Mr. President, I would like the record to show that the reason why we are asking that this resolution go to committee, and the reason why we objected to its immediate consideration, is that today is the last day for the prevailing side—which happens to be Members sitting on the other side of the aisle who voted down the bill—to reconsider the vote on House Bill No. 1496. This bill would remove the ripper provisions. However, before we adjourn today, the bill could be reconsidered. If the bill does come back, we will not need this resolution whatsoever.

I am hopeful that the gentleman might heed a word of advice from us. If he would please bring this bill back, we will still supply twenty-five votes, as we did before, in favor of this measure and pass it. If we do that, we will not need to look into this problem or even cope with it, and I think all of us will have a better operation of the county health program.

Of course, if this fails, the members of the committee may then give this resolution some consideration. That would be up to the Committee Chairman. I have nothing to do with that. We would give some consideration to this type of a resolution if the Chairman deemed it necessary. However, we are hopeful that the gentlemen on the other side will try to do the correct thing and try to bring back House Bill No. 1496. It is within their power to do so.

Mr. FLEMING. Mr. President, I would like to correct the Majority Leader in his statement when he said that today it is still possible to move for the reconsideration of House Bill No. 1496. The five-day period elapsed yesterday. It is not possible to move for reconsideration today. The bill is definitely dead for this Session.

I have no objection to the resolution going to the proper committee. That is perfectly all right. However, the Majority Leader's reason for so doing is in error.

Mr. PECHAN. Mr. President, I would like to suggest to the Majority Leader that I think they still have enough time to resurrect Senate Bill No. 413. We will be only too happy to vote for that bill.

As Senator Fleming pointed out, it is too late for House Bill No. 1496. However, if they are sincere about any of

this, we still can get Senate Bill No. 413 back and we will be glad to furnish enough votes for its passage.

Mr. WEINER. Mr. President, if one day is the problem, I am sure we can get the gentlemen on this side to join with the gentlemen on the other side in suspending the rules so that we can bring the bill back today or any other day they so desire. I do not think we would ever stand on a formality like that, in order to take care of appropriate legislation. If that becomes a serious problem, then if they will sponsor a bill, I will see that it is introduced today. We will bring it out of committee today and vote on it early next week.

If that is what the gentlemen would like us to do and they will assure us of their support, I will do that immediately. I will have a bill prepared and introduced. If they want us to suspend the rules, we will also work on that so they can bring this bill back, if that is their problem. We will do it anyway they wish to do it. We are merely interested in passing this legislation. We do not want a legal technicality or a rule technicality to prevent this from happening.

Mr. FLEMING, I must apologize. I did not quite hear all of the Majority Leader's statement. However, I want to assure him there is no intention on anyone's part, on this side of the Senate, to ask that the rule be suspended. We have no intention of bringing back for reconsideration House Bill No. 1496. Whatever action the Democratic side cares to take on Senate Bill No. 413 is certainly a matter for their own judgment.

Mr. WEINER. Mr. President, I believe the gentleman, and I would assume he is speaking on behalf of the gentlemen on the other side. I believe then that he has made what is the policy decision and I think people can take that to mean exactly what he stated on this matter. I do not think we have to go into it or that I have to interpret it. I think it stands very clearly on its own two feet.

RECESS

Mr. WEINER. Mr. President, I now request a forty-five minute recess of the Senate for the purpose of holding both a Democratic and a Republican Caucus, to be held in the respective Caucus Rooms.

The PRESIDING OFFICER. Are there any objection? The Chair hears no objection, and declares a forty-five minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

CALENDAR

SB 867 CALLED UP OUT OF ORDER

SB 867 (Pr. No. 1122)—Without objection, the bill was called up out of order, from page 3 of the Third Reading Calendar, by Mr. WEINER.

EDUCATION BILL ON THIRD READING AMENDED, OVER IN ORDER TEMPORARILY

SB 867 (Pr. No. 1122)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. BERGER. Mr. President, I request that Senate Bill No. 867 go over in its order.

Mr. President, in connection with my request that this bill go over in its order, I would like to explain that this is one of the bills that is under a special category of bills on our Calendar, "Education Bills on Third Reading." There are several bills which appear under that category, Mr. President, that should have moved, in my opinion. Right above this one is House Bill No. 810, which, although it is connected with education, is not necessarily a bill which needs to be under the category of "Education Bills on Third Reading."

This present bill is one of the so-called package of education bills, which has been reported by the Select Committee on Education and which does not meet with the unanimous approval, to say the least, of all of the people in the various school districts, especially in the rural areas.

Now, Mr. President, I believe something ought to be worked out which would make this commendable objective more acceptable to those who feel they are adversely affected by it. It might be done by certain amendments which, I understand, are presently in the process of study and preparation.

That, Mr. President, I feel is an adequate and proper reason for this bill to go over in its order until it can be made thoroughly acceptable to those people who feel they are quite adversely affected by its provisions. If this can be done, we will have accomplished something which is desirable in the Commonwealth of Pennsylvania in the field of education and, at the same time, we will have preserved the rights of certain school districts, and the people of those districts, which they feel are being taken away from them under the provisions of this bill.

Mr. WEINER. Mr. President, I want to object to this bill going over in its order. My reason for doing so is that out of the entire education package, this is the one bill that will not cost money.

I would like to very succinctly explain the Governor's program or the study that was made. It consists of a reorganization measure, plus a number of bills which provide, or will require, that money be spent to work in various areas of the education program.

I think it is essential that we vote on this measure and get it under way. If we are serious and we mean business on this thing, I think we ought to do this. If we pass this measure, we will show our sincerity and that we are interested in the program. This is not the bill as we would like to have it, because it is not up to the Governor's full program. However, it is the best that can be hammered out by the Members of the Legislature and by the citizens' committee that worked on it, and we are willing to go along with this measure.

We are, therefore, asking, Mr. President, that we bring this measure up today so that we can vote on it and get it over to the House where they can act on this and the tax measures that go with it.

Mr. STROUP. Mr. President, I should like to supplement the statement that has been made by Senator Berger concerning the request for this bill to go over in its order, for a more specific and particular reason.

I am in the process of preparing amendments which I believe might be acceptable to a goodly number of the Senators and, therefore, might save this reorganization bill, as it presently stands. If it were voted upon right

now, as requested by the Majority Leader, it is in dire danger of not passing.

I think with a matter so important as reorganization of our public school districts in the Commonwealth, we should at least give some consideration to changing the provisions of Senate Bill No. 867, so there would be enough votes in this Chamber to enact a portion of it, at least, into law.

For that reason, I request of the Majority Leader—supplementing the request of Senator Berger—that this bill go over in its order until I can get those amendments. I do not have them at the present time.

Mr. BERGER. Mr. President, I would change my original request at the present time and now request that the bill go over in its order temporarily.

The PRESIDING OFFICER. There being objection to the bill going over in order, request has now been made that it go over in order temporarily. Is there objection?

Mr. WEINER. Mr. President, I would normally not object and I have never had any objection to such a request since this Session began. However, unfortunately, we have a number of other measures that are vitally important, and this bill is also vitally important. Time is of the essence on this matter. We do want to show the House that we mean business on this thing. They are going into Session to vote on the tax program, and I would like to either pass this bill or let it fall. Whichever way it will happen will happen here now. It will not change anyone's vote. The people who feel they are having some twinge or want some amending done to the bill can have that taken care of over in the House. These are Senate Bills and the amending can be done in the House. I am sure that Senator Stroup knows some Members over there, with whom he has some casual influence, who will introduce his amendments if that happens to be the problem.

I would, therefore, reiterate my objection to what Senator Berger has requested, only for the reasons that I have stated. I am not acceding to the request that it go over in order temporarily because the House Members want to act today and they are waiting for us to take some action.

Mr. BERGER. Mr. President, it is very unusual that a request for a bill to go over temporarily would be objected to. As the Majority Leader said, he has not ordinarily made such an objection. However, if I gather correctly what his remarks imply, he wants the vote taken on this bill—time being of the essence—to use it as bait so they can get some votes over in the House for what might otherwise be a defeated tax bill.

Mr. President, I do not think that is a very desirable way to do business. If this bill is good, it will pass now or it will pass at a later time or a later date. It should not be used as bait in order to get somebody to vote for another bill. If this bill has merit, certainly we are going to pass it. If it can be improved, certainly we want to wait to improve it.

That, Mr. President, is the basis for my request; that we can improve the bill so it can receive substantial support on both sides and accomplish what the proponents of this program wish to accomplish.

Mr. STROUP. Mr. President, there seems to be a strange about-face here in so far as the reorganization bill is concerned as compared with the tax bill.

All through our conferences on education, the Administration has insisted that taxation should have first consideration, and that it should move first. When that was accomplished, then we would go further. Now, the Majority Leader asks to move reorganization first. I am only asking, however, that this bill go over until I can get certain amendments, which I would like to present to this Chamber and which I think a number of the Senators would find acceptable.

I would like also to have sufficient time to submit these amendments to Senator Hays, Senator Seyler, Senator Silvert and the other Members of the Select Committee on Education so they might have an opportunity beforehand to look into this particular phase of the problem.

I, therefore, Mr. President, ask the Majority Leader to permit this bill to go over in its order temporarily.

Mr. WEINER. Mr. President, the gentleman's argument and position are probably about as old as any legislative body in existence. In other words, which comes first, the chicken or the egg? Do we vote the taxes first and then the program behind it, or do we vote the program and then the taxes to take care of it?

I think the gentleman, who is an advocate of good business procedure, would be well-advised and would agree with me that once you see how much money you have in the till to spend, then you decide what you want to spend it on and what you want to do.

This bill does not cost any money. This bill does not have any appropriation that goes with it. This is purely an organizational matter. This is purely taking care of a situation that should have been taken care of many, many years ago in this State. This is part of the extension of the jointure program, which the school districts would not do for themselves. They are now being given until 1965 in which to do something about it. That is all this measure encompasses. That is all we are asking them to do.

Suppose you do not pass this measure and do not do anything. Where is that going to leave you as far as your taxes are concerned? You are going to have this money and where are you going to spend it? How are you going to do anything with it? You will not know that until you have other measures to go with it.

Let us pass this, Senator. If you are sincere about education and you have some difficulty with this problem, I am sure you can take care of that when it gets over to the House. When the tax measure comes to us, you can even incorporate in that your amendments to cover this bill. This has been done here with many other measures that were of less importance than this one.

I think all we are doing is just wasting a lot more time on a problem that needs action now.

Mr. BERGER. Mr. President, I am always happy when I find a way in which I can help someone. I believe that I can make a suggestion to the Majority Leader which will immediately solve his problem, in so far as the subject of this bill is concerned.

House Bill No. 1836 is presently on Third Reading in the House of Representatives, where they are going to deal with this tax problem, according to Senator Weiner. On Third Reading, that bill can be called up and passed this afternoon in much less time than it will take for us to pass this bill in the Senate and send it over to the House.

Mr. President, when that bill comes over from the

House, we can then deal with it by way of amendment, if necessary, or we can wait here this afternoon until Senator Stroup gets his amendments and treat our own bill with the same amendments. However, they can pass House Bill No. 1836 in the House of Representatives this afternoon without waiting for the Senate.

Mr. WEINER. Mr. President, I do not think I am violating any confidence when I advise the gentleman that it is essential that we pass this measure over to the House Members in order to show that we, here in the Senate—which is an equally divided Body—are sincere about this education problem.

If you are not even willing to take this kind of a step, I think it is asking much too much of any of these Members to put their heads on the block to vote for additional taxes. We are not asking anybody here to do anything except vote for a reorganization bill.

I can understand the lack of desire on the part of the Members here to take any action or to work on this measure, because they will be faced with another problem here when the tax measure is passed. Of course, unfortunately, education has now become a political football, and I am unhappy and sorry about that because it does not belong in that area.

I do think that since this is a reorganization matter and does not cost any money, we can pass it here in just about two seconds if everybody will just stand aside and let the roll call be taken. It will be decided in one way or another. It will either go down or it will pass.

This measure has been on our Calendar for quite a long time and the Select Committee had it for awhile. I think even the agreement of the Select Committee was that this bill would be run in the Senate and the taxes would be run in the House, along with the other measures providing for the reimbursement and the subsidies that go with it. Today is as good a day as any to do it. We have been talking about this for some time. It has been with us, and why do we not act on it today?

Mr. STROUP. Mr. President, I have very great difficulty in following the logic of the Majority Leader's reasoning. He argues first for taxation as a necessary instrument to carry through this program and then, in the second place, he asks to have reorganization run co instanti, without any delay whatsoever. He is not willing even to wait until we can get some amendments, which we believe would help to pass this reorganization bill, so that he can look at them. This is a strange procedure. I would like to know what he is up to. What is going on anyway?

Here is a matter that has been before us and which we have worked on for months. In one brief period of two seconds, he insists that the bill be considered now, although he knows there is a very good likelihood that it will fail. This does not make any sense at all.

If the Majority Leader, representing the Administration, is in favor of reorganization of public school districts, then he could not possibly, in all validity, stand and take the position he does at the present time.

We are asking that the bill go over in its order temporarily so that we can submit amendments for the consideration of the Senate. It comes in poor grace, indeed, that he makes the insistence that he does.

Mr. WEINER. Mr. President, if the gentleman is confused about what is going on and what we are doing here, I will state it very simply. All we are trying to do is get a vote on Senate Bill No. 867. It is as simple as that, and I think all we have to do is be recorded as voting "aye" or "no" and that will solve the problem.

Mr. SILVERT. Mr. President, Senator Stroup has mentioned that I was a Member of the Select Committee, along with him. We had a great many meetings, and it was the concensus of the committee and it is the concensus of the people of Pennsylvania that if we accomplish nothing else but we do get reorganization through in this Session, the purpose of the Select Committee on Education will have been fulfilled.

Senator Berger suggests that we wait on House Bill No. 1836. Now Senator Stroup knows that the Select Committee on Education agreed that the reorganization bill would be handled and passed by the Senate. This bill already represents a compromise from the majority report of the Governor's Education Committee. It represents a compromise in that the maximum pupil district will be 4,000 as against a maximum of 5,000, provided for in the majority report.

This bill has been on the Calendar now, to the best of my recollection, for at least four weeks. If Senator Stroup had any amendments or desired to offer amendments, he has had ample time. Now the time has arrived for action, and I believe we should act.

Mr. STROUP. Mr. President, I think Senator Silvert is well aware that we have been trying to muster enough strength to pass Senate Bill No. 867 all during this period of time, and it does appear that as it presently stands before us, there is not enough strength.

Mr. President, I should like to interrogate the gentleman from Philadelphia, Senator Silvert, if he will permit himself to be interrogated.

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Mr. Silvert, permit himself to be interrogated?

Mr. SILVERT. I will, Mr. President.

Mr. STROUP. Senator Silvert, are you in favor of Senate Bill No. 867 as it is presently drafted with this ceiling or goal of 4,000 pupils in a district?

Mr. SILVERT. My answer, Senator Stroup, is this. I preferred a district of 5,000. However, inasmuch as 4,000 is apparently the best we can get, I am in favor of having a 4,000 pupil district, with possibly 400 to 450 school districts as against the 2,200 school districts that we have today, and I intend to vote for this bill.

Mr. STROUP. Mr. President, is it not true that Senate Bill No. 867 does not affect the city of Philadelphia?

Mr. SILVERT. Mr. President, it is true that the city of Philadelphia has one school district, comprising over 2,000,000 people. We, in Philadelphia, feel very strongly that a great deal of money is wasted throughout the State—and we have to pay our share of it—because of the great number of school districts that exist in Pennsylvania.

Mr. STROUP. Mr. President, is it not true that Senate Bill No. 867 does not affect the city of Pittsburgh?

Mr. SILVERT. Mr. President, I am not fully familiar with the situation in Pittsburgh. However, I understand their position is similar to that of Philadelphia.

Mr. STROUP. Mr. President, may I further interrogate the gentleman?

The PRESIDING OFFICER. The Chair advises the Senator from Bedford that this is a request for the bill

to go over in its order temporarily, and such a request is not debatable. However, the Chair will permit you to ask one question so that we can go on. The bill itself is debatable, but the request is not.

Mr. STROUP. I will discontinue my interrogation then, Mr. President, and I will ask permission to make a statement.

The PRESIDING OFFICER. The gentleman may proceed.

Mr. STROUP. Mr. President, we, in rural Pennsylvania, have a very definite problem in reorganization when we go to 4,000 pupils. It is for that reason that many of us, who represent rural Pennsylvania, have been trying to do something with this particular legislation.

I believe, Mr. President, that I have just been handed my amendments. We have, therefore, successfully delayed long enough to get these amendments for consideration.

If we may just be at ease for a moment, Mr. President, I will have time to—

Mr. WEINER. Mr. President, are those the amendments that the Senator has? Is that what he stated?

The PRESIDING OFFICER. He said he just received the amendments.

Mr. WEINER. Mr. President, I must say that the efficiency of the Legislative Reference Bureau is to be commended, in that they were able to get these over so quickly.

Mr. STROUP. Mr. President, they are very efficient. The amendments just came from the Legislative Reference Bureau.

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. BERGER. Mr. President, just so I may know exactly the status of the record, there has been a request that the bill go over in its order and an objection. Is that correct?

The PRESIDING OFFICER. That is correct, sir. There has only been a request, but there is an objection to the request.

Mr. BERGER. Mr. President, I now move that Senate Bill No. 867, Printer's No. 1122, go over in its order.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WEINER. Mr. President, I object to the bill going over in order.

The PRESIDING OFFICER. This is a motion, sir. There will be a roll call on the motion.

Mr. WAGNER. Mr. President, if I may have a couple of minutes, I would just like to set forth a little of the philosophy of this bill and its history.

I do not think there is anybody on the floor who would disagree with me that this bill did not have a Chinaman's chance a month ago, three weeks ago, or two weeks ago.

I think the philosophy of large school units, with increased efficiency and enriched services, is accepted by educators throughout the State. There is a great deal of disturbance—wisely or otherwise—about the matter of mandating this size district. In the Select Committee, careful consideration was given to the recommenadtion of the Governor's Committee that the unit be 10,000. I think the members of that Committee know that we could not even get the Select Committee to agree on that figure of 10,000, nor could we get agreement on a figure of 5,000. Finally, so far as the Select Committee was concerned, it was sold on the basis of rationalization when it came down to 4,000, with a floor of 3,000.

Now, Mr. President, I do not know how this vote is coming out today. If I knew for a certainty, I might not have taken the floor. However, I suggested to Senator Hays and some other Members that we should not run the bill last week because its chances were very bleak. I suggested on Monday that we should not run it this week because its chances were not sufficiently better. I have a feeling that whether or not this bill is amended, time is in our favor and slowly perhaps, but at least with some encouragement, there is some acceptance of the fact that these units must be mandated.

Mr. President, we are never going to please those districts back home which say they are in favor of mandating units as long as you do not make them compulsory—however that could be done. That is the only thing that would satisfy many districts.

I would certainly be very reluctant to see this bill run one day instead of another when it is still a couple of votes short of what it requires. I do not know what Senator Stroup was planning. I rather gathered the fact that there may be a slight adjustment in the figure of the mandated unit in the final analysis. If that is the case, then I believe that the bill would gain strength and gain favor if there were time for the folks back home to know what happened.

No matter what amendment is offered today, if the bill comes up for action, people back home will only know that we voted for or against this and, apparently in many cases, regardless of their expressed wishes and their expressed requests.

For that reason, regardless of the amendments and when they may be offered, I certainly very sincerely believe,—all politics aside—as one who is interested in education, there is wisdom in letting this bill go over in its order. For that raeson, I support the motion.

Mr. WEINER. Mr. President, I do not want to delay this unduly. I know the Senator has been very much interested in education and concerned about it. However, I think there comes a time when you must take a stand and a position on this matter. Unfortunately, today is that day.

I would say to the Senator that if the sponsors of this measure would vote for it, I would say it has a very good chance of passing this Senate.

And the question recurring,

Will the Senate agree to the motion?

The roll was called and resulted as follows:

YEAS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

NAYS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow,
Lane,			Presiding Officer

Less than a majority of the Senators having voted

"aye," the question was determined in the negative and the motion was defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. STROUP, by unanimous consent, offered the following amendment:

Amend Sec. 3 (Sec. 283), page 6, line 6, by striking out "three thousand (3,000)" and inserting: two thousand five hundred (2,500)

On the question,

Will the Senate agree to the amendment?

Mr. WEINER. Mr. President, may we be at ease a few moments while we look at this amendment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

Mr. PROPERT, by unanimous consent, offered the following amendments:

Amend Bill, page 6, by inserting between lines 13 and 14:

Section 285 Approval of Plans by Electorate (a) When a plan of organization of administrative units for a county is approved by the State Council of Education the question of the approval or disapproval of the plan shall be submitted to the electors of proposed administrative unit in the manner provided by the election laws of the Commonwealth of Pennsylvania at the municipal election to be held in 1963 and if approved by a majority of the electors voting on the question the plan shall be deemed the approved plan of organization of administrative units for the county

(b) If the plan of organization is not approved by a majority of the electors voting on the question at the municipal election held in 1963 it shall be returned to the county board of school directors which submitted the plan for reconsideration amendment resubmission and approval in accordance with sections 282 and 283 of this act When the plan of organization as resubmitted is approved by the State Council of Education the question of approval or disapproval of the plan shall be submitted to the electors of the proposed administrative unit in the manner provided by the election laws of the Commonwealth of Pennsylvania at the general primary to be held in 1964 and if approved by a majority of the electors voting on the question the plan shall be deemed the approved plan of organization of administrative units for the county

(c) In the event that the resubmitted plan is not approved by the electorate the Department of Public Instruction shall prepare a plan for the approval of the State Council of Education in accordance with section 286 of this act

Amend Sec. 3 (Sec. 285), page 6, line 14 by striking out "285" and inserting: 286

Amend Sec. 3 (Sec. 285), page 6, line 16 by striking out "State Council of Education" and inserting: electors

Amend Sec. 3 (Sec. 285), page 6, lines 16 and 17 by striking out "January" and inserting: July

Amend Sec. 3 (Sec. 285), page 6, line 17 by inserting after "Instruction": in consultation with representatives of the electorate

Amend Sec. 3 (Sec. 286), page 7, line 3 by striking out "286" and inserting: 287

On the question,

Will the Senate agree to the amendments?

Mr. PROPERT. Mr. President, for the benefit of the Members, these amendments will provide for a referendum on school district organization plans. In other words, once a plan is approved by the State Council of Education, it would then be submitted to the electorate for approval.

Mr. President, I ask for a roll call on the amendments.

Mr. WEINER. Mr. President, I ask my colleagues to vote "no" on these amendments.

This is taking and passing on to the people the problem that we, as Legislators, must face, as we are the people who levy the taxes and the people who operate this program. I have great confidence in the people in deciding many of these issues. However, I feel this is a plan that professional people must deal with. After a year of study by some professional people and other interested citizenry of a bipartisan nature, and further study by the Members of the Senate—many of whom are in this field and know a great deal about it—we are now further passing the matter to the people. This is merely passing the buck. I do not feel this adds anything to the program. It only delays it.

I, therefore, ask all of my colleagues to vote "no" on the amendments.

Mr. PROPERT. Mr. President, I was interested in Senator Weiner's remark that he has great confidence in the people. Yet, by his asking his colleagues to vote "no" on these amendments, he illustrates that he is not willing to let the people decide.

Mr. WEINER. Mr. President, I would be very happy to present this matter to the people at any time if it can be presented in an intelligent manner and if professional people, who know a great deal about the matter, do it.

This matter has been with us for quite some time. No less an authority than Doctor Conant, President Emeritus of Harvard University, who has been studying this problem now for about six years, has come up with a program which says that any school unit that runs less than 1,000 pupils is not only a waste of the money being spent by the community, but it certainly turns out youngsters who cannot cope with the present problems with which we are dealing.

When you think about the time being spent fooling around with these amendments and fooling around with this bill at a time when the world is moving in such vast and fast directions, and when the Russians are able to put a man into space and into orbit and we are still talking about what kind of a system of schools we are going to have and how we are going to hold back and keep the status quo instead of moving ahead into new areas, I certainly think that we are wasting our time here fooling with this kind of a problem and dickering back and forth.

Suppose that in our school system we had, at one time, persons who were not willing to take the position that they would deal with this problem of a free, public school system. Where would we be today? What kind of a school system would we have? Suppose only the people who were going to school or had children going to school would pay for the school system. What kind of a school system would we have? How many of the Members sitting in this room would have ever had an education?

Here we are dragging along, still wanting to keep the same system we had before and still wanting to maintain

the status quo when we realize and are aware every time we pick up a newspaper, or any other periodical, that we are fast being left behind.

Mr. PROPERT. Mr. President, I would like to ask the Majority Leader if he believes in local control of our schools.

The PRESIDING OFFICER. Senator, are you asking the Majority Leader whether he will permit himself to be interrogated?

Mr. PROPERT. I certainly am, Mr. President.

Mr. WEINER. I will allow myself to be interrogated, Mr. President.

Mr. PROPERT. Senator Weiner, do you believe in local control of the schools versus State control?

Mr. WEINER. Mr. President, I do not think that is involved here at all. However, it is not a question which lends itself to an easy answer. There are some areas where I would favor local control completely. There are other areas where I think the State must take control; for example, when you deal with such problems as curricula, when you deal with such problems as teachers' salaries, and when you deal with such problems as retirement. Those problems come before us every Session, and I know, Senator, that you voted on these bills along with me. Now is that State control or local control in handling that?

When you talk about hiring or firing a teacher in a local area, I certainly do not want the people up here to decide it, but I do want them to decide the standards under which they are to be hired. However, I certainly would not want the people here to be the personnel bureau for every little community. You have helped to decide that as well as I have, so that you have answered the question as well as I have. I can show you on the record that most of us have voted equally on this problem.

Mr. BELL. Mr. President, this debate has evolved itself, with respect to these amendments, between the gentlman who comes from an area having 2,000,000 people in it, with one school district—a tremendous school district—and another gentleman who, like myself, represents a county with local school districts, where we have many of our local citizens involved in public school work as school directors who serve without pay.

I think that instead of making everything bigger in government—where you do not give the people the right to decide whether they should be given these big districts or not and where you take away the right of the people to decide—you should look at the product of some of these schools. It comes down to this point. You have school districts of the smallest size that turn out a wonderful product, and the cost—despite what the educators on a high level say—is not outrageous. You are destroying local control of our schools when you take away the will of the people.

I say we should do more to let the people decide items like this. It is their children they are deciding for, and no one in Harrisburg can tell the people in my county that they know what is better for the children in my county than the parents who are raising those children. I speak strongly in favor of home rule to support Senator Propert's amendments.

Mr. WEINER. Mr. President, I just want to state, so that we understand the issue at hand here, that we are not talking about eliminating school districts and we are not talking about State control or home rule. I do not even know how this got into the argument or discussion.

All we are talking about here are the amendments offered by Senator Propert, which state very simply: "Approval of Plans by Electorate."

Now I would not like to embarrass anyone in this room by asking how many read the Report of the Governor's Committee on Education. However, I think if we went around this room, it would be less than one-half of one per cent of the Membership here. It is not because they are not interested. It is not because they are not interested in finding out what is going on or in handling this problem. They are just too busy to take the time. Therefore, how are you going to ask the people who live in the local community, and who have less time than we do to deal with this problem, to go into it in quite some detail and vote intelligently on it? How are you going to split up this question in order to ask them to vote on it in an intelligent manner?

Second of all, I think that what Senator Bell is talking about is comparing the old system where pencils were used as opposed to typewriters. Each has its place, each has its program, and each belongs in a certain area. I think that is exactly what is before us today.

We have arrived at a certain stage where there must be progress. I am sure if you polled every Member in this Chamber today, they would all tell you that this has to come about. However, none of them are very anxious to get involved in it because they are afraid they are going to hurt somebody's feelings. Well, if you are going to make any progress, you are bound to hurt somebody's feelings. You cannot have everybody love you.

Mr. BELL. Mr. President, I am sorry the Majority Leader misunderstood my position.

I say that here we have a difference in philosophy between the proponents of big government, who do not trust the people—the parents of these children—to make the right decisions, and Senator Propert, who believes that the parents of these children who are receiving the education are the best qualified people in Pennsylvania to make the decision.

And the question recurring,

Will the Senate agree to the amendments?

The yeas and nays were required by Mr. PROPERT, and were as follows, viz:

YEAS—25

Bell,	Hawbaker,	Stevenson,	Taylor,
Berger,	Keller,	Stroup,	Van Sant,
Chapman,	Kessler,	Pechan,	Wade,
Confair,	Kromer,	Propert,	Wagner,
Ehrgood,	Madigan,	Scott,	Ware, III,
Flack,	Mallery,	Shafer,	Wolfe,
Fleming,			

NAYS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow,
Lane,			Presiding Officer

Less than a majority of the Senators having voted "aye," the question was determined in the negative and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

Mr. PROPERT, by unanimous consent, offered the following amendments:

Amend Bill, page 7, by inserting between lines 7 and 8:

Section 4 Notwithstanding any of the foregoing provisions any existing school district which offers an educational program of proven quality which meets community needs which has the willingness and ability to support its program financially without unduly increasing State appropriations as determined by a State accrediting agency comparable to the Middle States Association of Colleges and Secondary Schools shall not be subject to the provisions of this act

Amend Sec. 4, page 7, line 8, by striking out "4" and inserting: 5

On the question,

Will the Senate agree to the amendments?

Mr. PROPERT. Mr. President, for the benefit of the Members of the Senate, these amendments would provide that any district which is presently furnishing an adequate program shall not become subject to the conditions of this bill.

Mr. BERGER. Mr. President, on the question of the amendments, I ask for a roll call.

Mr. WEINER. Mr. President, I ask my colleagues to vote "no" on these amendments.

The amendments which Senator Propert is asking for in this are like the old story about the man who was fired from his job by his employer. The next day he showed up for work, and the owner asked: "Why are you here? I told you that you were fired." The man said: "You did not say positively."

This is the same thing here. If these amendments are adopted, we will be telling the districts to reorganize, but if they do not reorganize, the bill would provide: "You did not say positively."

I am asking my colleagues to vote "no" on these amendments.

Mr. BERGER. Mr. President, I do not so understand the amendments. The amendments undoubtedly provide that if the State Council of Education finds that a district is giving an adequate program of education, that district need not be governed by the provisions of this bill, increasing the size of the district.

And the question recurring,

Will the Senate agree to the amendments?

The yeas and nays were required by Mr. BERGER and were as follows, viz:

YEAS—23

Bell,	Hawbaker,	Pechan,	Stroup,
Berger,	Keller,	Propert,	Taylor,
Chapman,	Kessler,	Scott,	Van Sant,
Confair,	Kromer,	Shafer,	Wade,
Flack,	Madigan,	Stevenson,	Ware, III,
Fleming,	Mallery,		Wolfe,

NAYS—27

Camiel,	Lane,	Murray,	Staisey,
Devlin,	Mahady,	Ripp,	Stiefel,
DiSilvestro,	McCreesh,	Rooney,	Wagner,
Ehrgood,	McGinnis,	Sarraf,	Weiner,
Haluska,	McMenamin,	Sesler,	Yatron,
Hays,	Miller,	Seyler,	Donolow,
Kalman,	Mullin,	Silvert,	Presiding Officer

So the question was determined in the negative, and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

On the question,

Shall the bill pass finally?

Without objection, the bill, as amended, was passed over in its order temporarily at the request of Mr. WEINER.

HB 1663 CALLED UP OUT OF ORDER

HB 1663 (Pr. No. 2605)—Without objection, the bill was called up out of order, from page 7 of the Third Reading Calendar, by Mr. WEINER.

BILL ON THIRD READING AMENDED, OVER IN ORDER TEMPORARILY

HB 1663 (Pr. No. 2605)—Read at length the third time.

On the question,

Will the Senate agree to the bill on third reading?

Mr. BERGER, by unanimous consent, offered the following amendments:

Amend Sec. 1 (Sec. 2), page 4, by inserting between lines 3 and 4: (8) The operation of a saw mill or planing mill for the production of lumber or lumber products for sale

Amend Sec. 1 (Sec. 2), page 4, by inserting between lines 3 and 4:

(8) The milling for sale of flour or meal from grains

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

Mr. WEINER, by unanimous consent, offered the following amendment:

Amend Section 2 on Page 4 by inserting between lines 3 and 4, the following:

(8) the processing of used lubricating oils

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

Mr. WADE, by unanimous consent, offered the following amendment:

Amend Sec. 1 (Sec. 2), page 3, line 6, by striking out "of" where it appears the first time and inserting: or

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

Mr. WEINER, by unanimous consent, offered the following amendments:

Amend Sec. 1 (Sec. 2), page 3, line 9, by inserting after "The"; scouring carbonizing cording combing

Amend Sec. 1 (Sec. 2), page 4, by inserting between lines 3 and 4:

(8) The slaughtering and dressing of animals for meat to be sold or to be used in preparing meat products for sale and the preparation of meat products including lard tallow grease cooking and inedible oils for wholesale distribution

On the question,

Will the Senate agree to the amendments?

They were agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

Messrs. PECHAN, PROPERT and WADE, by unanimous consent, offered the following amendments:

Amend Title, page 2, seventh to ninth lines of Title, by striking out "AND ELIMINAT-" in seventh line, all of eighth line, and "TION AND REMITTANCE OF THE TAX" in ninth line.

Amend Sec. 6, page 17, lines 5 and 6, by striking out both of said lines.

Amend Sec. 7, page 17, line 7, by striking out "7" and inserting: 6

Amend Sec. 8, page 18, line 6, by striking out "8" and inserting: 7

On the question,

Will the Senate agree to the amendments?

Mr. WEINER. Mr. President, may we be at ease for one moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. WEINER. Mr. President, I ask my colleagues to vote "no" on these amendments. It is very obvious what they are trying to do by these amendments. They would eliminate the sum and substance of this bill; namely, to provide the money to take care of these problems that exist in this measure. They would also eliminate some of the amendments we have just placed in the bill.

Mr. President, you cannot have your cake and eat it, too. You are either going to take this, or we will just have no bill at all.

We have already put in amendments. We have made concessions in order to help some of the industry which has been very hard hit in the State and some of the industry that is having difficulty staying above water. I think that the gentlemen on the other side ought to take this in good grace and go along with this measure.

I ask my colleagues to vote "no" on these amendments.

Mr. PECHAN. Mr. President, first of all, Section 6 of this bill does not belong in House Bill No. 1663. We have had on our Calendar, for seven or eight months, House Bill No. 95. Many times this Chamber has had enough people here that House Bill No. 95 should have been acted upon. However, the Majority Leader insisted upon the bill going over and over and over. When he finally discovered there were not enough votes for House Bill No. 95, they sneaked it into House Bill No. 1663. These are two entirely different subjects. This material does not belong in House Bill No. 1663.

I am going to ask my colleagues to vote "aye" on the adoption of these amendments.

I would like to say further, Mr. President, if I may, that I just received from the State of Ohio a report that was made by the Professor of Business Research and the Associate Director of the Bureau of Business Research of Ohio State University, who made a study of the collection cost of the sales tax in the State of Ohio. It costs 7.93 per cent. I want to be fair, however, and state that four per cent of that cost was accumulated by the issuance of sales tax stamps. You are probably all aware that in 1962, they are going to discontinue the issuance of sales tax stamps. Therefore, the cost to the consumer is 3.93 per cent.

When we inaugurated the sales tax in Pennsylvania, we told the business people that we would give them two per cent for collecting the tax. We have beat them over the head often and we have raised the cost to them for collecting the sales tax. Now you want to sneak it away from them in a bill where this material does not belong.

I say that you should call up House Bill No. 95, just as you called up Senate Bill No. 867, and let it fall or pass on its merits.

Mr. WEINER. Mr. President, as to the position the gentleman has taken about this matter not being germane to the bill, I would like to refer him to his own general counsel, Senator Scott. Senator Scott and I have had this matter out on a number of occasions. If you want an opinion from the Attorney General, I think Senator Scott can provide you with that, and you will find that this is not only germane, but it is part of the bill.

If you read the record, you will find that I have taken this position on other matters that were a little further removed than this, and we had to go along with the provisions of the bill.

I would also like to point out to the gentleman that I will be very happy, after this bill either passes or fails, to call up House Bill No. 95. If the gentleman would like the pleasure of doing so, I will be very happy to let him do so.

Mr. SCOTT. Mr. President, I would merely like to comment that for a fee, I would be delighted to give both of the gentlemen proper legal advice.

Mr. PECHAN. Mr. President, I think that if I were closeted alone with Senator Scott, he would say: "Well, Al, I will do it for you for nothing." However, he knows that it has been the Philadelphia lawyers on the other side with whom I have had to contend. I have had no trouble with my lawyers on this side.

Mr. BELL. Mr. President, I rise to support these amendments, and I will do so very briefly.

In this case, you have two bills. One bill is to give relief to the manufacturers and the other bill was to take away the fee paid to the retailers who collect the sales tax. They are two separate and distinct issues.

Today, because of an amendment placed into this bill, we are faced with the proposition of robbing Peter to pay Paul. Unless these amendments succeed, the relief to the industrialists will come from the pockets of the retailers.

And the question recurring,

Will the Senate agree to the amendments?

The roll was called and resulted as follows:

YEAS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

NAYS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow,
Lane,			Presiding Officer

Less than a majority of the Senators having voted "aye," the question was determined in the negative and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

On the question,

Shall the bill pass finally?

Without objection, the bill, as amended, was passed over in its order temporarily at the request of Mr. WEINER.

HB 1664 CALLED UP OUT OF ORDER

HB 1664 (Pr. No. 2353)—Without objection, the bill was called up out of order, from page 8 of the Third Reading Calendar, by Mr. WEINER.

BILL ON THIRD READING AMENDED, OVER IN ORDER TEMPORARILY

HB 1664 (Pr. No. 2353)—Read at length the third time.

On the question,

Will the Senate agree to the bill on third reading?

Mr. BERGER, by unanimous consent, offered the following amendments:

Amend Sec. 1 (Sec. 21), page 11, by inserting between lines 15 and 16: (8) The milling for sale of flour or meal from grains

Amend Sec. 1 (Sec. 21), page 11, by inserting between lines 15 and 16: (8) The operation of a saw mill or planing mill for the production of lumber or lumber products for sale

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

Mr. WEINER, by unanimous consent, offered the following amendments:

Amend Sec. 1 (Sec. 21), page 10, line 18, by inserting after "The": scouring carbonizing cording combing

Amend Sec. 1 (Sec. 21), page 11, by inserting between lines 15 and 16: (8) The slaughtering and dressing of animals for meat to be sold or to be used in preparing meat products for sale and the preparation of meat products including lard tallow grease cooking and inedible oils for wholesale distribution

Amend Section 21, on page 11, by inserting between lines 15 and 16 the following: (8) the processing of used lubricating oils

Amend Sec. 1 (Sec. 21), page 11, by inserting between lines 15 and 16: (8) The publishing of books newspapers magazines or other periodicals printing and broadcasting radio and television programs by licensed commercial or educational stations

On the question,

Will the Senate agree to the amendments?

They were agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

On the question,

Shall the bill pass finally?

Without objection, the bill, as amended, was passed, over in its order temporarily at the request of Mr. WEINER.

REPORT OF FREE COMMITTEE OF CONFERENCE TAKEN FROM THE TABLE

HB 678 (Pr. No. 2603)—Without objection, Mr. WEINER called from the table the Report of Free Committee of Conference on House Bill No. 678, and received unanimous consent for its immediate consideration.

REPORT OF FREE COMMITTEE OF CONFERENCE ADOPTED

HB 678 (Pr. No. 2603)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Free Committee of Conference on House Bill No. 678, entitled:

An Act amending the act of July 7, 1955 (P. L. 258), entitled "An act providing for anthracite mine drainage contingent on Federal aid and making an appropriation" extending the provisions of the act to authorize the sealing of abandoned coal mines and filling voids in abandoned coal mines and making money heretofore appropriated available for those purposes

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz.:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Shafer,	Weiner,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Mr. ROONEY submitted the Report of Committee of Conference on **HB 81,** which was laid over for printing under the rules.

REPORT FROM COMMITTEE

Mr. KELLER, by unanimous consent, from the Committee on Historical Preservation, reported, as committed, **SB 320.**

PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, may I state, as a preface to this introduction, that this is a resolution which will ask the Joint State Government Commission—if the resolution passes the Senate and the House—to further study a list of all historical sites in Pennsylvania.

We published a list in 1947, a list under the auspices of the Joint State Government Commission, as a result of the efforts of that great Senator from Erie, Senator Blass. However, this list is now antiquated. The purpose of this resolution is to engage in the preparation of a new list.

I would appreciate it if this resolution would be adopted immediately, since it has to go to the House for concurrence. Therefore, I offer the following resolution and ask for its immediate adoption.

SENATE CONCURRENT RESOLUTION

INSTRUCTING THE JOINT STATE GOVERNMENT COMMISSION, WITH THE COOPERATION OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION, TO MAKE A RESURVEY AND PREPARE A REVISED CATALOG OF CERTAIN HISTORICAL DATA

Messrs. STIEFEL and CHAPMAN, by unanimous consent, offered the following resolution **(Serial No. 128)**, which was read, considered and adopted:

In the Senate, August 16, 1961.

WHEREAS, The Joint State Government Commission was instructed by the General Assembly, in 1947, to make a survey and prepare a list of all the historic buildings and sites and archaeological sites which it deemed to be of distinctive significance and value to the history of archaeology of Pennsylvania and to report this list to the General Assembly at its next regular session with recommendations for appropriate legislation to assure the safety and preservation of such buildings and sites; and

WHEREAS, The Joint State Government Commission completed this original survey and presented its report in March, 1949, as a Catalog of Historical Buildings, Sites and Remains in Pennsylvania, which catalog has been of great value in providing criteria and standards for legislation and for local action with respect to the preservation of historic sites and buildings; and

WHEREAS, In the fourteen years since this report was presented a number of historic buildings have been razed or destroyed, and historical research has also brought to light some additional buildings and sites which may be worthy of consideration; and

WHEREAS, There is grave danger of the further destruction of buildings and sites which are the tangible remains of Pennsylvania's rich and inspiring historic past unless their importance is again emphasized by a restudy and resurvey of the important buildings and sites; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly of the Commonwealth hereby instruct the Joint State Government Commission, with the cooperation of the Pennsylvania Historical and Museum Commission, to make a resurvey and prepare a revised catalog of all the historic buildings and sites and archaeological remains which it deems to be of distinctive significance and value to the history of archaeology of this Commonwealth, and to report this revised catalog to the General Assembly at its next regular session with further recommendations for appropriate legislation to assure the safety and preservation of such buildings and sites; and be it further

RESOLVED, That the General Assembly hereby authorizes the printing of ten thousand copies of the revised Catalog of Historical Buildings, Sites and Remains in Pennsylvania for the use of the members of the General Assembly and the information of the public.

Ordered, that the clerk present the same to the House of Representatives for concurrence.

COMMITTEE ON PART OF SENATE APPOINTED PURSUANT TO SENATE CONCURRENT RESOLUTION, SERIAL No. 119

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of the following committee on the part of the Senate to aid in celebrating the Seventieth Anniversary of Drexel Institute of Technology, pursuant to Senate Concurrent Resolution, Serial No. 119: the gentleman from Philadelphia, Mr. Stiefel; the gentleman from Philadelphia, Mr. McCreesh; and the gentleman from Lancaster, Mr. Kessler.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Mr. LANE submitted the Report of Committee of Conference on **SB 65**, which was placed on the Calendar.

The PRESIDENT pro tempore (Anthony J. DiSilvestro) in the Chair.

BILLS SIGNED

The President pro tempore (Anthony J. DiSilvestro) in the presence of the Senate signed the following bills:

SB 407, 610, 672, 789, 790, 860, HB 565, 621, 715, 716, 718, 990, 1124, 1125, 1198, 1216, 1248, 1251, 1345, 1382, 1383, 1384, 1386, 1402, 1510, 1588, 1813 and **1814.**

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

RECONSIDERATION OF SB 845

Mr MALLERY. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 845, Printer's No. 1049, failed of final passage on August 15, 1961.

The PRESIDING OFFICER. How did the Senator vote?

Mr. MALLERY. Mr. President, I voted with the prevailing side.

Mr. STEVENSON. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. STEVENSON. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. MALLERY. Mr. President, I request that Senate Bill No. 845 go over in its order and appear on Monday's Final Passage Calendar.

The PRESIDING OFFICER. There being no objection, the bill will be placed on Monday's Final Passage Calendar.

PERMISSION TO ADDRESS SENATE

Mr. SILVERT asked and obtained unanimous consent to address the Senate.

Mr. SILVERT. Mr. President, I wish to take this opportunity to thank both Senator Mallery and Senator Stevenson for restoring a worthy bill to the Calendar.

RECESS

Mr. WEINER. Mr. President, I now request a twenty minute recess of the Senate for the purpose of holding a Democratic Caucus.

Mr. FLEMING. Mr. President, I also request a twenty minute recess for the purpose of holding a Republican Caucus.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a twenty minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

CALENDAR

HB 95 CALLED UP OUT OF ORDER

HB 95 (Pr. No. 1297)—Without objection, the bill was called up out of order, from page 3 of the Third Reading Calendar, by Mr. WEINER.

BILL RECOMMITTED

HB 95 (Pr. No. 1297)—Upon motion of Mr. WEINER, seconded by Mr. LANE, and agreed to, the bill was recommitted to the Committee on Finance.

HB 573 CALLED UP OUT OF ORDER

HB 573 (Pr. No. 2241)—Without objection, the bill was called up out of order, from page 17 of the Second Reading Calendar, by Mr. WEINER.

BILL RECOMMITTED

HB 573 (Pr. No. 2241)—Upon motion of Mr. WEINER, seconded by Mr. LANE, and agreed to, the bill was recommitted to the Committee on Finance.

BILL INTRODUCED AND REFERRED

Mr. MULLIN, by unanimous consent, presented to the Chair **SB 922,** entitled:

An Act amending the act of May 28, 1915 (P. L. 587), entitled as amended, "Meat and Meat Food Products Law," requiring that approved agents of the Commonwealth be present during all hours when an establishment is in operation.

Which was committed to the Committee on Public Health and Welfare.

The PRESIDENT pro tempore (Anthony J. DiSilvestro) in the Chair.

BILL SIGNED

The President pro tempore (Anthony J. DiSilvestro) in the presence of the Senate signed the following bill: **HB 678.**

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

By unanimous consent, a motion was made by Mr. DEVLIN and Mr. LANE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

Mr. DEVLIN. Mr. President, I call from the table for consideration nominations for the following positions, which were reported from committee and laid on the table on August 15, 1961: Member of the Board of Trustees of the Commonwealth Mental Health Research Foundation, Member of the State Board of Chiropody Examiners, Member of the Board of Trustees of Blossburg State Hospital, Members of the Board of Trustees of Hazleton State Hospital, Member of the Board of Trustees of Hollidaysburg State Hospital, Member of the Tioga County Board of Assistance, Member of the Board of Trustees of The Pennsylvania State University, and Member of the Snyder County Board of Assistance.

The PRESIDING OFFICER. The Clerk will read the nominations.

The nominations were read by the Clerk as follows:

MEMBER OF THE BOARD OF TRUSTEES OF THE COMMONWEALTH MENTAL HEALTH RESEARCH FOUNDATION

August 14, 1961.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George M. Leader, 1230 Waverly Road, Gladwyne, Montgomery County, for appointment as a member of the Board of Trustees of the Commonwealth Mental Health Research Foundation, until December 31, 1963, and until his successor shall be duly appointed and qualified, vice J. W. Gitt, Hanover, whose term expired.

DAVID L. LAWRENCE.

MEMBER OF THE STATE BOARD OF CHIROPODY EXAMINERS

August 14, 1961.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Matthew F. Gutowicz, 2522 East Allegheny Avenue, Philadelphia, Philadelphia County, for reappointment as a member of the State Board of Chiropody Examiners, for the term of four years, and until his successor shall have been appointed and qualified.

DAVID L. LAWRENCE.

MEMBER OF THE BOARD OF TRUSTEES OF BLOSSBURG STATE HOSPITAL

July 31, 1961.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advise and consent of the Senate Louis C. Buchanan, 251 South Main Street, Mansfield, Tioga County, for appointment as a member of the Board of Trustees of Blossburg State Hospital, until the third Tuesday of January, 1967, and until his successor is appointed and qualified, vice John A. Frazier, Liberty, deceased.

DAVID L. LAWRENCE.

MEMBER OF THE BOARD OF TRUSTEES OF HAZLETON STATE HOSPITAL

August 14, 1961.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph J. Banyas, 437 Hemlock Street, Freeland, Luzerne County, for appointment as a member of the Board of Trustees of Hazleton State Hospital, until the third Tuesday of January, 1965, and until his successor is appointed and qualified, vice John Evancho, Jr., Freeland, whose term expired.

DAVID L. LAWRENCE.

MEMBER OF THE BOARD OF TRUSTEES OF HAZLETON STATE HOSPITAL

July 12, 1961.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas Kennedy, Jr., 545 West Diamond Avenue, Hazleton, Luzerne County, for reappointment as a member of the Board of Trustees of Hazleton State Hospital, until the third Tuesday of January, 1967, and until his successor is appointed and qualified.

DAVID L. LAWRENCE.

MEMBER OF THE BOARD OF TRUSTEES OF HOLLIDAYSBURG STATE HOSPITAL

August 8, 1961.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James M. Dente, 1801 Seventh Avenue, Altoona, Blair County, for reappointment as a member of the Board of Trustees of Hollidaysburg State Hospital, until the third Tuesday of January, 1967, and until his successor is appointed and qualified.

DAVID L. LAWRENCE.

MEMBER OF THE TIOGA COUNTY BOARD OF ASSISTANCE

July 24, 1961.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Oscar M. Lutes (Democrat), Sullivan Street, Mansfield, Tioga County, for appointment as a member of the Tioga County Board of Assistance, until December 31, 1962, and until his successor is duly appointed and qualified, vice Mrs. Madelyn Weidman, Westfield, resigned.

DAVID L. LAWRENCE.

MEMBER OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE UNIVERSITY

August 14, 1961.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward J. Lynett, 1636 North Washington Avenue, Scranton, Lackawanna County, for reappointment as a member of the Board of Trustees of The Pennsylvania State University, until July 1, 1964, and until his successor shall have been appointed and qualified.

DAVID L. LAWRENCE.

MEMBER OF THE SNYDER COUNTY BOARD OF ASSISTANCE

August 8, 1961.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph H. Dodd (Democrat), McClure, Snyder County, for appointment as a member of the Snyder County Board of Assistance, until December 31, 1962, and until his successor is duly appointed and qualified, vice Mrs. Kathryn C. Mattern, McClure, whose term expired.

DAVID L. LAWRENCE.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	**Kalman,**	**Murray,**	**Stevenson,**
Berger,	**Keller,**	**Pechan,**	**Stiefel,**
Camiel,	**Kessler,**	**Propert,**	**Stroup,**
Chapman,	**Kromer,**	**Ripp,**	**Taylor,**
Confair,	**Lane,**	**Rooney,**	**Van Sant,**
Devlin,	**Madigan,**	**Sarraf,**	**Wade,**
DiSilvestro,	**Mahady,**	**Scott,**	**Wagner,**
Ehrgood,	**Mallery,**	**Sesler,**	**Ware, III,**
Flack,	**McCreesh,**	**Seyler,**	**Weiner,**
Fleming,	**McGinnis,**	**Shafer,**	**Wolfe,**
Haluska,	**McMenamin,**	**Silvert,**	**Yatron,**
Hawbaker,	**Miller,**	**Staisey,**	**Donolow,**
Hays,	**Mullin,**		**Presiding Officer**

NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. DEVLIN. Mr. President, I move that the Executive Session do now rise.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Mr. SILVERT submitted the Report of Committee of Conference on **SB 716,** which was placed on the Calendar.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS OVER IN ORDER

SB 200—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER

HB 1082—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

THIRD READING CALENDAR

EDUCATION BILLS OVER IN ORDER

SB 130, 646, 683, 688, 690, 734 and **769**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

EDUCATION BILLS ON THIRD READING AND FINAL PASSAGE

HB 810 (Pr. No. 892)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	**Murray,**	**Stevenson,**
Berger,	Keller,	**Pechan,**	**Stiefel,**
Camiel,	**Kessler,**	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	**Rooney,**	**Van Sant,**
Devlin,	**Madigan,**	**Sarraf,**	**Wade,**
DiSilvestro,	**Mahady,**	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	**Seyler,**	**Wolfe,**
Fleming,	McGinnis,	**Shafer,**	**Weiner,**
Haluska,	**McMenamin,**	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		**Presiding Officer**

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1377 (Pr. No. 1628)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	**Murray,**	**Stevenson,**
Berger,	Keller,	**Pechan,**	**Stiefel,**
Camiel,	**Kessler,**	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	**Rooney,**	**Van Sant,**
Devlin,	**Madigan,**	**Sarraf,**	**Wade,**
DiSilvestro,	**Mahady,**	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	**Seyler,**	**Weiner,**
Fleming,	McGinnis,	**Shafer,**	**Wolfe,**
Haluska,	**McMenamin,**	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		**Presiding Officer**

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING AND FINAL PASSAGE

HB 161 (Pr No. 2627)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Camiel,	Lane,	Ripp,	**Stiefel,**
Confair,	**Mahady,**	**Rooney,**	**Van Sant,**
Devlin,	McCreesh,	**Sarraf,**	Ware, III,
DiSilvestro,	**McGinnis,**	Scott,	Weiner,
Ehrgood,	**McMenamin,**	Sesler,	Yatron,
Haluska,	Mullin,	**Shafer,**	Silvert,
Kalman,	**Murray,**	Staisey,	**Donolow,**
			Presiding Officer

NAYS—19

Bell,	**Hawbaker,**	**Mallery,**	**Stroup,**
Berger,	**Hays,**	Miller,	**Wade,**
Chapman,	**Keller,**	**Pechan,**	**Wagner,**
Flack,	**Kromer,**	**Propert,**	**Wolfe,**
Fleming,	**Madigan,**	**Stevenson,**	

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 203 (Pr. No. 1339)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Camiel,	**Mahady,**	**Murray,**	**Silvert,**
Devlin,	**McCreesh,**	**Ripp,**	**Staisey,**
DiSilvestro,	**McGinnis,**	**Rooney,**	**Stiefel,**
Haluska,	**McMenamin,**	**Sarraf,**	**Weiner,**
Hays,	**Miller,**	**Sesler,**	**Yatron,**
Kalman,	**Mullin,**	**Seyler,**	**Donolow,**
Lane,			**Presiding Officer**

NAYS—25

Bell,	**Hawbaker,**	**Pechan,**	**Taylor,**
Berger,	**Keller,**	**Propert,**	**Van Sant,**
Chapman,	**Kessler,**	**Scott,**	**Wade,**
Confair,	**Kromer,**	**Shafer,**	**Wagner,**
Ehrgood,	**Madigan,**	**Stevenson,**	**Ware, III,**
Flack,	**Mallery,**	**Stroup,**	**Wolfe,**
Fleming,			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILLS OVER IN ORDER

HB 216—Without objection, the bill was passed over in its order at the request of Mr. ROONEY.

SB 353—Without objection, the bill was passed over in its order at the request of Mr. DEVLIN.

BILL OVER IN ORDER TEMPORARILY

HB 522—Without objection, the bill was passed over in its order temporarily at the request of Mr. WEINER.

BILLS OVER IN ORDER

HB 644 and **SB 670**—Without objection, the bills were passed over in their order at the request of Mr. BERGER.

SB 801—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILLS ON THIRD READING, DEFEATED ON FINAL PASSAGE

SB 835 (Pr. No. 1035)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Camiel,	Lane,	Murray,	Silvert,
Devlin,	Mahady,	Ripp,	Staisey,
DiSilvestro,	McCreesh,	Rooney,	Stiefel,
Haluska,	McGinnis,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow, Presiding Officer

NAYS—26

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,	McMenamin,		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

SB 836 (Pr. No. 1174)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Camiel,	Lane,	Murray,	Silvert,
Devlin,	Mahady,	Ripp,	Staisey,
DiSilvestro,	McCreesh,	Rooney,	Stiefel,
Haluska,	McGinnis,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron.
Kalman,	Mullin,	Seyler,	Donolow, Presiding Officer

NAYS—26

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,	McMenamin,		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILLS ON THIRD READING AND FINAL PASSAGE

SB 865 (Pr. No. 1099)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bell,	Kessler,	Scott,	Taylor,
Berger,	Kromer,	Seyler,	Van Sant,
Chapman,	Madigan,	Shafer,	Wade,
Confair,	Mallery,	Silvert,	Wagner,
Ehrgood,	McMenamin,	Staisey,	Ware, III,
Flack,	Miller,	Stevenson,	Weiner,
Fleming,	Pechan,	Stiefel,	Wolfe,
Hawbaker,	Propert,	Stroup,	Yatron,
Keller,			

NAYS—17

Camiel,	Kalman,	McGinnis,	Rooney,
Devlin,	Lane,	Mullin,	Sarraf,
DiSilvestro,	Mahady,	Murray,	Sesler,
Haluska,	McCreesh,	Ripp,	Donolow, Presiding Officer
Hays,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 882 (Pr. No. 1131)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow, Presiding Officer
Hays,	Mullin,		

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER TEMPORARILY

HB 1221—Without objection, the bill was passed over in its order temporarily at the request of Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1385 (Pr. No. 2629)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,

Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS OVER IN ORDER

HB 1415 and **1422**—Without objection, the bills were passed over in their order at the request of Mr. BERGER.

HB 1438—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

HB 1678, 1683 and **1793**—Without objection, the bills were passed over in their order at the request of Mr. BERGER.

BILL ON THIRD READING POSTPONED

HB 719 (Pr. No. 2008)—Without objection, the bill was called up from the Postponed Calendar by Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 719 (Pr. No. 2008)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Mullin,	Stevenson,
Berger,	Keller,	Murray,	Stiefel,
Camiel,	Kessler,	Pechan,	Stroup,
Chapman,	Kromer,	Propert,	Taylor,
Confair,	Lane,	Ripp,	Van Sant,
Devlin,	Madigan,	Rooney,	Wade,
DiSilvestro,	Mahady,	Sarraf,	Wagner,
Ehrgood,	Mallery,	Scott,	Ware, III,
Flack,	McCreesh,	Sesler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—1

Seyler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SECOND READING CALENDAR

APPROPRIATION BILLS ON SECOND READING

HB 137 (Pr. No. 2531), HB 763 (Pr. No. 836), HB 764 (Pr. No. 837), HB 765 (Pr. No. 838), HB 771 (Pr. No. 844), HB 772 (Pr. No. 845) and **HB 774 (Pr. No. 847)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

APPROPRIATION BILL ON SECOND READING AMENDED

HB 775 (Pr. No. 848)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Messrs. WARE and KESSLER offered the following amendment:

> Amend Sec. 3, page 2, lines 14 and 15, by striking out "six hundred fifty three thousand five hundred eighty nine dollars ($653,589)" and inserting: six hundred ninety-three thousand five hundred eighty-nine dollars ($693,589)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

It was agreed to.

Ordered, To be transcribed for a third reading.

APPROPRIATION BILLS ON SECOND READING

HB 776 (Pr. No. 849), HB 777 (Pr. No. 850), HB 778 (Pr. No. 851), HB 779 (Pr. No. 852) and **HB 780 (Pr. No. 853)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

APPROPRIATION BILL ON SECOND READING AMENDED

HB 781 (Pr. No. 854)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. McCREESH offered the following amendment:

> Amend Section 1, lines 1 and 2, by striking out "one hundred thirty six thousand and eighty dollars ($136,080)" and inserting in lieu thereof: two hundred fifty thousand dollars ($250,000)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

It was agreed to.

Ordered, To be transcribed for a third reading.

APPROPRIATION BILLS ON SECOND READING

HB 782 (Pr. No. 855), HB 783 (Pr. No. 856) and **HB 784 (Pr. No. 857)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

APPROPRIATION BILL ON SECOND READING AMENDED

HB 785 (Pr. No. 858)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. WEINER offered the following amendment:

> Amend Sec. 1, page 1, lines 1 and 2, by striking out "thirty-five thousand nine hundred ten dollars ($35,910)" and inserting: fifty thousand nine hundred ten dollars ($50,910)

On the question,

Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the bill on second reading, as amended?
It was agreed to.
Ordered, To be transcribed for a third reading.

APPROPRIATION BILL ON SECOND READING

HB 786 (Pr. No. 859)—Read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

APPROPRIATION BILL ON SECOND READING AMENDED

HB 787 (Pr. No. 2242)—The bill was read.
On the question,
Will the Senate agree to the bill on second reading?
Mr. KELLER offered the following amendment:

> Amend Sec. 1, page 2, lines 1 and 2, by striking out "fifty-two thousand two hundred seventy-two dollars ($52,272)" and inserting: one hundred twenty thousand dollars ($120,000)

On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the bill on second reading, as amended?
It was agreed to.
Ordered, To be transcribed for a third reading.

APPROPRIATION BILLS ON SECOND READING

HB 788 (Pr. No. 861), HB 789 (Pr. No. 862), HB 790 (Pr. No. 863), HB 791 (Pr. No. 864), HB 792 (Pr. No. 865), HB 793 (Pr. No. 866) and **HB 794 (Pr. No. 2176)**—Read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

APPROPRIATION BILL ON SECOND READING AMENDED

HB 795 (Pr. No. 868)—The bill was read.
On the question,
Will the Senate agree to the bill on second reading?
Mr. WEINER offered the following amendment:

> Amend Sec. 1, page 1, line 1, by striking out "fifty-four thousand dollars ($54,000)" and inserting: one hundred thirty-five thousand dollars ($135,000)

On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agreed to the bill on second reading, as amended?
It was agreed to.
Ordered, To be transcribed for a third reading.

APPROPRIATION BILLS ON SECOND READING

HB 796 (Pr. No. 2455), HB 797 (Pr. No. 870), HB 798 (Pr. No. 871), HB 800 (Pr. No. 873), HB 801 (Pr. No. 874), HB 924 (Pr. No. 2177), HB 1013 (Pr. No. 1115), HB 1050 (Pr. No. 1167), HB 1177 (Pr. No. 2503), HB 1431 (Pr. No. 2178), HB 1564 (Pr. No. 2626), HB 1600 (Pr. No. 2002), HB 1610 (Pr. No. 2248), HB 1708 (Pr. No. 2472) and **HB 1709 (Pr. No. 2501)**—Read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

SB 867 TAKEN FROM THE TABLE

Mr. WEINER. Mr. President, I now call from the table for consideration Senate Bill No. 867, Printer's No. 1223, which previously went over in its order temporarily on final passage. A copy of this bill, as amended, is now on each Senator's desk.

The PRESIDING OFFICER. There being no objection, the Senate will proceed with the consideration of Senate Bill No. 867.

EDUCATION BILL ON FINAL PASSAGE

SB 867 (Pr. No. 1223—And the amendments made thereto having been printed as required by the Constitution.
On the question,
Shall the bill pass finally?
(During the calling of the roll, the following occurred:)
The PRESIDING OFFICER. The Senate will be at ease.
(The Senate was at ease.)
Mr. MADIGAN. Mr. President, not hearing my name called, I desire to be recorded as voting "no."
The PRESIDING OFFICER. The gentleman will be so recorded.
Mr. FLEMING. Mr. President, I desire to be recorded as voting "no."
The PRESIDING OFFICER. The gentleman will be so recorded.

VERIFICATION OF THE ROLL

Mr. PROPERT. Mr. President, I ask for a verification of the roll.
The PRESIDING OFFICER. Request has been made to have the roll verified. The Clerk will proceed to call the names of those recorded as voting in the affirmative.
The Clerk read the names of those recorded as having voted in the affirmative as follows:

Camiel	Keller	Mullin	Shafer
Devlin	Lane	Murray	Silvert
DiSilvestro	Mahady	Rooney	Stiefel
Donolow	McCreesh	Sarraf	Stroup
Haluska	McGinnis	Sesler	Wagner
Hays	McMenamin	Seyler	Weiner
Kalman	Miller		

The PRESIDING OFFICER. Are there any corrections? The Chair hears none. The affirmative roll will stand as verified.

The Clerk will now proceed to call the names of those recorded as voting in the negative.
The Clerk read the names of those recorded as having voted in the negative as follows:

Bell	Fleming	Propert	Van Sant
Berger	Hawbaker	Ripp	Wade
Chapman	Kromer	Scott	Ware, III
Confair	Madigan	Staisey	Wolfe
Ehrgood	Mallery	Stevenson	Yatron
Flack	Pechan	Taylor	

The PRESIDING OFFICER. Are there any corrections? The Chair hears none. The negative roll will stand as verified.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz.:

YEAS—26

Camiel,	Lane,	Murray,	Silvert,
Devlin,	Mahady,	Rooney,	Stiefel,
DiSilvestro,	McCreesh,	Sarraf,	Stroup,
Haluska,	McGinnis,	Sesler,	Wagner,
Hays,	McMenamin,	Seyler,	Weiner,
Kalman,	Miller,	Shafer,	Donolow,
Keller,	Mullin,		Presiding Officer

NAYS—23

Bell,	Fleming,	Propert,	Van Sant,
Berger,	Hawbaker,	Ripp,	Wade,
Chapman,	Kromer,	Scott,	Ware, III,
Confair,	Madigan,	Stalsey,	Wolfe,
Ehrgood,	Mallery,	Stevenson,	Yatron,
Flack,	Pechan,	Taylor,	

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SECOND READING CALENDAR

EDUCATION BILLS OVER IN ORDER

SB 611, 613, 640, 658, 870, HB 944, 1619 and **1720**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL OVER IN ORDER

HB 36—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILLS ON SECOND READING

HB 206 (Pr. No. 208), SB 233 (Pr. No. 244) and **HB 283 (Pr. No. 2628)**—Read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

HB 337—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILL ON SECOND READING

SB 354 (Pr. No. 1186)—Read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

SB 418—Without objection, the bill was passed over in its order at the request of Mr. MILLER.

SB 473—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

HB 527—Without objection, the bill was passed over in its order at the request of Mr. DEVLIN.

BILLS ON SECOND READING

SB 574 (Pr. No. 1216) and **SB 598 (Pr. No. 1198)**—Read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

HB 626—Without objection, the bill was passed over in its order at the request of Mr. DEVLIN.

SB 651—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

BILLS ON SECOND READING

HB 720 (Pr. No. 2510) and **HB 727 (Pr. No. 1442)**—Read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

SB 761—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILL ON SECOND READING

SB 779 (Pr. No. 935)—Read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

SB 785, 786, 791 and 806—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

SB 828 and **885**—Without objection, the bills were passed over in their order at the request of Mr. PECHAN.

SB 837—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

HB 911—Mr. STROUP. Mr. President, I request that House Bill No. 911 go over in its order.

The PRESIDING OFFICER. Is there objection?

Mr. WEINER. Mr. President, I desire to interrogate the gentleman from Bedford, Senator Stroup.

The PRESIDING OFFICER. Will the gentleman from Bedford, Mr. Stroup, permit himself to be interrogated?

Mr. STROUP. I will, Mr. President.

Mr. WEINER. Mr. President, I feel this is an important measure and one of the important bills on the Calendar. Will the gentleman please advise me if he will be ready to work on this bill on Monday when the Senate is in Session?

Mr. STROUP. I will, Mr. President.

Mr. WEINER. And that we can move this bill on Monday?

Mr. STROUP. That is correct, Mr. President.

Mr. WEINER. I want to thank the gentleman, Mr. President.

The PRESIDING OFFICER. There being no objection, the bill will go over in its order.

BILL ON SECOND READING

HB 1028 (Pr. No. 1137)—Read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

BILL OVER IN ORDER

HB 1085—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

BILLS ON SECOND READING

HB 1162 (Pr. No. 2070) and **HB 1259 (Pr. No. 2618)**—Read at length the second time and agreed to.

Ordered, to be transcribed for a third reading.

BILLS ON SECOND READING AMENDED

HB 1275 (Pr. No. 2609)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. STROUP offered the following amendments:

Amend Sec. 1, page 2, lines 1 to 15 by striking out all of said lines.

Amend Sec. 2, page 3, line 1 by striking out "2" and inserting: 1

Amend Sec. 2, page 3, line 1 by striking out "of the act" and inserting: act of May 22 1933 (P L 853) known as "The General County Assessment Law"

Amend Sec. 2 (Sec. 201), page 3, lines 7 and 8 by striking out "[permanently attached to land] or mobilehomes buildings" and inserting: and mobilehomes buildings permanently attached to land or connected with water gas electric or sewage facilities buildings

Amend Sec. 3, page 5, line 12 by striking out "3" and inserting: 2

Amend Sec. 3 (Sec. 203.1), page 5, lines 14 to 19 and page 6, lines 1 to 5 by striking out all of lines 14 to 19, page 5; all of lines 1 to 4 and "(b)" in line 5, page 6 and inserting: Section 203.1 Limitation upon Taxation

Amend Sec. 4, page 6, line 12 by striking out "4" and inserting: 3

Amend Sec. 5, page 7, line 3 by striking out "5" and inserting: 4

Amend Sec. 6, page 9, line 6 by striking out "6" and inserting: 5

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

It was agreed to.

Ordered, to be transcribed for a third reading.

HB 1276 (Pr. No. 2610)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. STROUP offered the following amendments:

Amend Sec. 1, page 2, lines 1 to 5; page 3, lines 1 to 10, by striking out all of said lines.

Amend Sec. 2, page 3, line 11, by striking out "2" and inserting: 1

Amend Sec. 2, page 3, line 11, by striking out "of the act" and inserting: act of May 21 1943 (P L 571) known as "The Fourth to Eighth Class County Assessment Law"

Amend Sec. 2 (Sec. 201), page 3, line 18, by inserting after "trailers": and mobilehomes

Amend Sec. 2 (Sec. 201), page 3, line 18, by striking out the bracket before "permanently."

Amend Sec. 2 (Sec. 201), page 3, line 19, by striking out "] or mobilehomes" and inserting: or connected with water gas electric or sewage facilities

Amend Sec. 3, page 4, line 13, by striking out "3" and inserting: 2

Amend Sec. 3 (Sec. 201.1), page 4, lines 16 to 20; page 5, lines 1 to 6, by striking out all of lines 16 to 20, page 4; all of lines 1 to 5 and "(b)" in line 6, page 5.

Amend Sec. 3 (Sec. 201.1), page 5, line 7, by striking out "as provided by law" and inserting: by any political subdivision or taxing authority

Amend Sec. 4, page 5, line 13, by striking out "4" and inserting: 3

Amend Sec. 5, page 6, line 3, by striking out "5" and inserting: 4

Amend Sec. 6, page 6, line 18, by striking out "6" and inserting: 5

Amend Sec. 7, page 7, line 8, by striking out "7" and inserting: 6

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

It was agreed to.

Ordered, to be transcribed for a third reading.

PERSONAL PRIVELEGE

Mr. McMENAMIN. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The gentleman from Lackawanna, Mr. McMenamin, will state it.

Mr. McMENAMIN. Mr. President, I want to go on record as objecting to the procedure here at the moment. About ten or twelve of us are trying to get together to work out a satisfactory agreement on the strip mine bills, which is very important legislation for the people of Pennsylvania. As a result of that, we have been meeting in the office of the President pro tempore, and in the meantime, we have gone through the Third Reading Calendar.

I think either we ought to meet and try to work on legislation, or stay out here and vote on bills that are on the Calendar. In three instances, I want the record corrected and I understand it has been. I certainly did not want to vote for Senate Bill No. 835 and Senate Bill No. 836. I think those are much too important bills to have them decided here by a twenty-five to twenty-five vote.

The one bill imposes absolute liability—as I read it—on every house owner and every real estate owner in Pennsylvania. If he hired a painting contractor and anything fell off the scaffold and hurt someone else, the house owner could be sued as a result, with no question of negligence at all.

Secondly, we did not get a chance to fully discuss the very important school reorganization bill.

As for my part, I am very anxious to work out a strip mining bill which is very much needed in my county. However, I cannot do that and vote here. Therefore, I am going to stay and vote on legislation. I will work at some future date on the strip mine legislation, and I hope we get it worked out this Session.

PERSONAL PRIVILEGE

Mr. SCOTT. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The gentleman from Carbon, Mr. Scott, will state it.

Mr. SCOTT. Mr. President, I wonder if I might interrogate Senator McMenamin at this time.

The PRESIDING OFFICER. Will the gentleman from Lackawanna, Mr. McMenamin, permit himself to be interrogated?

Mr. McMENAMIN. I will, Mr. President.

Mr. SCOTT. Senator McMenamin, I listened with a great deal of interest to the remarks which you just made, and I agree wholeheartedly with them. However, am I to gather from what you just said that there will be no action today on any strip mine legislation?

Mr. McMENAMIN. I could not prophesy that, Senator Scott. A half a dozen of the Members are still working primarily on the bituminous bill, and whether or not they will reach an agreement on that bill today, I do not know for sure. I think they were fairly close to it. They are much less close on the anthracite bill, I believe.

Mr. SCOTT. Mr. President, I wish to thank the Senator.

SECOND READING CALENDAR

BILLS ON SECOND READING AMENDED

HB 1277 (Pr. No. 1474)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. STROUP offered the following amendments:

Amend Title, page 2, next to last line of Title, by striking out "abolishing" and inserting: limiting the rate of.

Amend Sec. 1, page 3, line 5, by striking out "and".

Amend Sec. 1, page 3, line 5, by inserting after "1317": and June 7 1961 (Act No 143).

Amend Sec. 1 (Sec. 1), page 7, line 4, by inserting after "years" where it appears the second time: prior to the year in which the decedent died.

Amend Sec. 2, page 7, lines 6 and 7, by striking out "is repealed" and inserting: amended September 21 1959 (P L 930) is amended to read:

Section 1 * * *

E Limitations on Rates of Specific Taxes No taxes levied under the provisions of this act shall be levied by any political subdivision on the following subjects exceeding the rates specified in this subsection:

* * *

(g) On use or occupancy of house trailers suitable for living quarters $3 by any school district and an additional $2 by other political subdivisions per month No such tax shall be levied for the first thirty days in the trailer camp or parking lot The payment of said tax shall not for rent control purposes be considered as part of the rent

* * *

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

It was agreed to.

Ordered, To be transcribed for a third reading.

HB 1278 (Pr. No. 1475)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. STROUP offered the following amendment:

Amend Sec. 1 (Sec. 102), page 3, line 9 by inserting after "trailer": permanently attached to land or connected with water gas electricity or sewage facilities.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

It was agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

HB 1279 (Pr. No. 1778), HB 1280 (Pr. No. 1477) and **HB 1281 (Pr. No. 1922)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HB 1335 (Pr. No. 2453)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. BERGER. Mr. President, this bill provides for an increase in the borrowing capacity of the General State Authority. A number of amendments are being prepared to this bill. However, we have agreed that it can go up to Third Reading, and the amendments will be offered when the bill comes before us on Monday or Tuesday.

BILLS OVER IN ORDER

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

Ordered, To be transcribed for a third reading.

HB 1421, 1469 and **1473**—Without objection, the bills were passed over in their order at the request of Mr. PECHAN.

BILLS ON SECOND READING

HB 1484 (Pr. No. 1817) and **HB 1486 (Pr. No. 1819)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING AMENDED

HB 1487 (Pr. No. 2344)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. SEYLER, on behalf of Mr. HAYS, offered the following amendments:

Amend Sec. 2 (Sec. 6), page 4, line 12, by striking out "AND".

Amend Sec. 2 (Sec. 6), page 4, line 16, by inserting after "thereto": and (4) such professional education as the commission may by rule and regulation prescribe but no such regulation shall bear upon the amount of general education possessed by an applicant.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

It was agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

HB 1531 (Pr. No. 2456) and **HB 1549 (Pr. No. 1932)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

HB 1572—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

BILL ON SECOND READING

HB 1599 (Pr. No. 2588)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING AMENDED

HB 1604 (Pr. No. 2458)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. DEVLIN offered the following amendments:

Amend Title, page 2, last line of Title, by inserting after "date": in counties of the second class.

Amend Sec. 1 (Sec. 5), page 3, line 2, by inserting after "resident": of a county of the second class.

Amend Sec. 1 (Sec. 5), page 3, lines 5 and 6, by striking out "revision of taxes or the county commissioners" and inserting: property assessment, appeals and review of such county of the second class.

Amend Sec. 1 (Sec. 5), page 3, lines 8 to 11, by striking out "PROVIDED THAT THE PENALTY HEREIN IM-" in line 8 and all of lines 9 to 11.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

It was agreed to.

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

HB 1707, 1768 and **1769**—Without objection, the bills were passed over in their order at the request of Mr. PECHAN.

BILL ON SECOND READING

HB 1771 (Pr. No. 2619)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

HB 1774—Without objection, the bill was passed over in its order at the request of Mr. PECHAN.

BILLS ON SECOND READING

HB 1811 (Pr. No. 2470) and **HB 1830 (Pr. No. 2491)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SB 670 CALLED UP

Mr. LANE. Mr. President, I now call up, from page 5 of today's Third Reading Calendar, Senate Bill No. 670, Printer's No. 1219, which previously went over in order.

Mr. BERGER. Mr. President, I believe this bill was passed over in order at my request. I will withdraw the request, however, and yield to Senator Lane.

Mr. LANE. Thank you very much, Senator Berger. It was my error. I should have asked the gentleman to withdraw his request.

The PRESIDING OFFICER. There being no objection, Senate Bill No. 670 is called up, from page 5 of the Third Reading Calendar, for consideration.

BILL ON THIRD READING AND FINAL PASSAGE

SB 670 (Pr. No. 1219)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. LANE. Mr. President, Senate Bill No. 670, Printer's No. 1219, in my opinion, certainly is a step forward when it comes to the problem of domestic relations. This creates a Family Court for the county of Allegheny. It is legislation which has been studied over the years by the faculty of the University of Pittsburgh Law School. It has been studied by members of the Pennsylvania Joint State Government Commission, and now we are one step closer to a reality as far as family courts are concerned.

Senate Bill No. 670 will combine the Juvenile Court, the Domestic Relations Court, the adoption proceedings which are now in Common Pleas Court, and other courts into one court. It is going to be a great advantage for all of the people of Allegheny County. I hope someday that we will have the opportunity to have such legislation passed for Philadelphia and the other surrounding areas.

I might also say, Mr. President,—this is just a little personal note —that I do not reside in Allegheny County, but I think at this time I am going to explain to the Senate the reason why I have such a great interest in Senate Bill No. 670. As most of you know, about three years ago, Mrs. Lane and I lost our son, who was in law school. This was one of his projects. That is the reason I have been so strong for Senate Bill No. 670.

Mr. STIEFEL. Mr. President, I want to express my hope that this is not going to open the door for a change in our divorce laws. It may be that the next step, after we pass this bill, will be to vest the power in divorce cases in the Family Court. This would be dangerous. I am just expressing this with the thought in mind that we should be apprehensive lest this may occur.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 1796,** which was referred to the Committee on Mines and Mineral Industries.

RECESS

Mr. WEINER. Mr. President, I request a ten minute recess of the Senate for the purpose of holding a meeting

of the Committee on Rules, to be held in Senator Berger's office at the rear of the Senate.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a ten minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

REPORT FROM COMMITTEE

Mr. LANE, by unanimous consent, from the Committee on Rules, reported, as committed, **HB 382.**

PETITIONS AND REMONSTRANCES

Mr. WADE. Mr. President, I know it is late and I will assure you that I will take but a moment.

Mr. President, for a long time I have understood that when we take action known as "over in order", then action on that bill is completed for the day and no further action can be expected. In other words, if a Member of the Senate wishes to leave the floor on other legislative business, that would be his privilege, and he would not need to worry about further action on a certain bill.

Today, Senator Weiner called up, from page 3 of the Calendar, House Bill No. 810 and also House Bill No. 1377 after these bills had gone over in order.

I call your attention to the different action he requested on House Bill No. 522, on page 5, House Bill No. 1438 on page 7, and House Bill No. 1663 on page 7. Those bills were requested to go over temporarily.

I think we had a demonstration of action on Senate Bill No. 867 in a statement by Senator McMenamin, who stated —if I understood him correctly—that he did not know how he would cast his vote on that bill. However, the bill, Mr. President,—I remind you—passed by only one vote.

I think we should have in this Body a clear-cut understanding that when a bill goes over in order, that is the last action which will be taken on that bill for the legislative day. Contrarily, if a bill goes over temporarily, then we can expect additional action later in the day. I think we should have that definite understanding.

Mr. SEYLER. Mr. President, I would explain to the gentleman from Cumberland that, as I understand it, the person who made the request that the bills go over in order subsequently withdrew such request. Since there was no objection, the bills then were acted upon.

Mr. WADE. Mr. President, that is not correct. It is partially correct on House Bill No. 522. On Senate Bill No. 670, the bill was called up by Senator Lane, after which Senator Berger, who had requested the bill to go over in order, withdrew his request that the bill go over for the day.

On the other bills, the person requesting them to go over for the day did not change his original request.

Mr. SEYLER. Mr. President, I desire to interrogate the gentleman from Cumberland, Senator Wade.

The PRESIDING OFFICER. Will the gentleman from Cumberland, Mr. Wade, permit himself to be interrogated?

Mr. WADE. I will, Mr. President.

Mr. SEYLER. Mr. President, it was my understanding that the gentleman from Philadelphia, Senator Weiner, is the one who had asked that House Bill No. 810 and House Bill No. 1377 go over in order. Is that incorrect?

Mr. WADE. I think that is right.

Mr. SEYLER. Mr. President, if that is correct, then I can tell the gentleman that it is true, as a matter of my personal experience sitting here and hearing it, that it was Senator Weiner who did withdraw his request that the bills go over in order. So, the same person who made the request subsequently withdrew the request.

Mr. WADE. Mr. President, that is the point I am bringing out. For the information of the gentleman from York, Senator Seyler, I have maintained that for many years this Body has had the understanding that once a bill goes over in order, that is the complete action which will be taken on the bill for that legislative day.

However, if a Member of this Body requests that a bill goes over temporarily, we are on notice that the bill will be called up for further action on the same legislative day.

Mr. SEYLER. Mr. President, I do not have the same understanding of the rules as the gentleman from Cumberland. I have assumed that the matter of putting a bill over in order or the matter of withdrawing the request to have it go over in order is a matter of unanimous consent, and in either case, if unanimous consent is given, that either action is in order.

If I am correct in that assumption, then certainly the gentleman from Cumberland was incorrect in saying there was anything wrong with the action taken either by Senator Weiner or by the Chair in having those bills acted upon after the request to go over in order had been withdrawn.

Mr. WEINER. Mr. President, I believe that if the gentleman will just think about this for one moment, he will come to the same conclusion that we have come to. If you are the moving party in asking for a bill to go over in order and you subsequently call up the bill, it is implicit that you are removing your previous objection to the bill being passed.

On these two bills that you were speaking of, Senator, they were not called up without anybody being aware of it. Secondly, if you will look at the vote by which these two measures passed, you will see that everyone was under notice or aware of it. If there is any desire on your part to be recorded as voting "no", or any desire on your part to have extended remarks in the record, I think both of those problems can be taken care of without any difficulty at all. If it is your desire to have the vote on the final passage of these bills reconsidered, I think we can even do that. If that will take care of some particular problem that you have or if you feel that in some way we have been slighting you in your desire to deal with this legislation, I am certain that those three problems can be taken care of.

Mr. WADE. Mr. President, the Majority Leader now has completely confused the situation.

My point originally—and I am not complaining—is that once a bill goes over in order, we should understand that no further action will be taken on that bill regardless, and then Members who are otherwise occupied in committee or on the study of certaian legislation would be free to do that.

Senator McMenamin, I repeat, brought that very forcibly to our attention today when he said that Senate Bill No. 867 was acted upon and had he been on the floor, he might have cast his vote other than the way in which he was recorded.

If I may, Mr. President,—and I certainly do not want to prolong this discussion—I should like to interrogate the gentleman from York, Senator Seyler.

The PRESIDING OFFICER. Will the gentleman from York, Mr. Seyler, permit himself to be interrogated?

Mr. SEYLER. I will, Mr. President.

Mr. WADE. Mr. President, may I ask the gentleman from York to explain to this Body—after his statement—the difference between "over in order" and "over temporarily"?

Mr. SEYLER. Mr. President, either one of these requests, it seems to me, requires unanimous consent. I think if a person asks for "over temporarily," it is an indication that within a short time he expects to call the bill up again. If they ask for it to go "over in order," their expectation at the time of asking is probably that they do not want it to come up that given day. However, subsequently, if they decide they no longer have an objection to it being considered that day and they remove the request to go over in ordr and there is unanimous consent given, then I think there is no problem, Senator.

In other words, I think either of those actions, both of which are requests,—one is a request to put it over in order and one is a withdrawal request—depends upon unanimous consent, and if there is no objection it seems to me there is no problem.

Mr. WADE. Mr. President, I thank the gentleman for his rather lengthy answer. However, I say that he has further confused the situation.

I might say now—and again—that I think it would be a very excellent arrangement for us all if we understood that when a bill goes over in order, there would be no further legislative action on it on that legislative day.

Mr. WEINER. Mr. President, I believe if the gentleman from Cumberland will search the record, he will find that this matter was presented to us this Session—the very same matter—and the Lieutenant Governor ruled that unless a bill is requestetd to go over until a date certain, then anytime during that day it can be called up. This was a ruling made by the Chair when this very thing came up.

A bill had been requested to go over with no date certain, and I later on called up the bill. Someone objected to it, and the Lieutenant Governor ruled that unless the bill had been passed over to a date certain, anytime during that day it could be called up.

The general practice here has been, Senator, that once a bill goes over, it goes over. However, actually we do not usually call it back that day. You will find that most of the time when we do call a bill up, after it has gone over, it is usually by agreement with a majority of the Members on both sides of the aisle, so that no one is taken unaware.

Mr. WADE. I thank the gentleman.

Mr. President, if I may have the floor, I think we should have a definite understanding then that when a bill is put over, it should be over for the day, rather than just over. Therefore, the Members would know what to expect; whether or not there is to be further action in that legislative day on the bill.

"Over temporarily" certainly means to me that the bill must have further action. Before we close the legislative day and adjourn for that day, then we should take additional action on such a bill. We are all on notice, in other words.

Mr. WEINER. Mr. President, I am a little bit surprised by the Senator from Cumberland taking this position because, as a young man,—and I consider him a very young man—this would take some of the excitement out of being a legislator. You never know which bill is going to be called up next, after it has gone over in order. This would sort of take away some of the excitement and some of the things that you can look forward to that might happen. It might even be happening to you at the same time, Senator. I am sure that you would not want us to agree to it so that we take away this little bit of excitement or little bit of interest that we have here in some of these measures.

Mr. President, may we be at ease just for one moment? I have additional Petitions and Remonstrances.

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. WEINER. Mr. President, a rather interesting column appeared this week in the Sunday Bulletin, and it is interesting in this regard. They were talking about congressional reapportionment in the left-hand corner of the paper and at the bottom of the paper, there was an article entitled "Eastern Seaboard Fast Becoming a Super-Metropolis".

They had a map in this article, showing a darkened area. I think many of the people here who have been criticizing, notably, one of the Congressmen from Philadelphia, —and I think he is probably one of the most astute political leaders we have had for sometime—might be interested in reading this article and might even come to the same conclusion that he has come to, along with others who have had an opportunity to read this.

Of interest to the Members here in the Senate, they include, as a part of the metropolis, the Allentown, Bethlehem, Easton, Harrisburg, Lancaster, Philadelphia, Reading and York areas as being a community or a single community. When you look at it, they discuss the areas running from thirty-two metropolitan areas, beginning in Lawrence and Haverhill, in Massachusetts, and running all of the way down ot Maryland and Virginia. The whole area—and I know it is kind of small—is all darkened in to show how this is becoming a super-metropolitan area in the sense that all of these people are bound up as a single unit. All of their problems are basic probleme necessary to each other and they must learn to live with each other in regard to the problems of transportation and in regard to the problems of health, of sewage, water disposal and things of that nature.

It is most intetresting that here we are speaking in terms of Philadelphia, Delaware County, Montgomery County and the surrounding areas as being separate entities, when in fact this map here—and certainly I do not think anybody can accuse the Evening Bulletin of being an organ of the Democratic Party—goes on to point out that these communities are all bound together, with areas as far away as Harrisburg and York being bound in the Philadelphia area.

I would suggest, gentlemen, as part of your reading, that you might take a look at this article—I will be glad to let you look at it and peruse it—and give it some further thought. So, when we speak of reapportionment or Congressmen representing areas, we can no longer think in the prosaic terms of a man representing perhaps five or six city blocks as opposed to five or six country miles. I

think we are now talking about people who represent vast areas and communities of common interest.

Mr. BERGER. Mr. President, that is all very interesting and it was an excellent article written in The Philadelphia Bulletin. Of course, the gentleman has just made an excellent argument for the proposition of having Congressmen run at-large.

However, at this time, Mr. President, I do not think it is apropos due to the fact that we are on the eve of having a meeting, and I am sure he would not want to influence the thinking of anyone going into that meeting.

My present proposition, Mr. President, is to call attention to the fact that it is 7:00 p.m. right now, and there does not seem to be any indication of anything going to happen around here.

The bills we thought we would act upon some time ago are not before us. I do not know if it is going to be possible at all to get anything done with the amendments to the strip mine bills, which I understand are being worked upon.

I also have some doubt that we are going to get very far with the other bills that have been before us. I do not see any reason why it is necessary to stay here tonight to work on these bills, which can just as well be worked on at a subsequent legislative day. These are House Bills which are before us and if they are going to be amended and worked upon, well and good. If they are not, then let the gentleman make the usual motion and we will go to our various destinations.

Mr. WEINER. Mr. President, I will advise the gentleman that I agree that the hour is getting late, and there are certain physical things that neither I nor anybody else in this Chamber can do anything about. However, I am advised that these bills will be on our desks within the next fifteen minutes. I was advised some time ago—at about 6:30 p.m.—that the bills were coming off the press, that someone was going down to get them, and they would be here within the next fifteen or twenty minutes. I think we ought to dispose of these matters. They are both important matters. They involve the very bills that we have passed here today up to Final Passage.

I can understand the concern of people to go home. However, by the same token, I think these are important enough measures for us to work on them this evening.

I assure the gentleman that the moment we have worked on these measures and disposed of them, I will not keep anybody here a minute longer.

You must remember, gentleman, that I am also in the same category as all of you are here. I am also here with you. It is not as if I am somewhere else, and that you gentlemen are hidebound here. I feel I have one or two things to do and one or two obligations as well as everybody else. I am just as anxious to get out of this room and go wherever I have to go as you are.

I have not done this very often in this Session, and I think you might allow me once in awhile to slip up and take a little more of your time.

Mr. BERGER. Mr. President, if we were in the final days of the Session, I would certainly expect that we would have some night Sessions, and we would be prepared for them. Today's procedure, however, has been most unusual. Several Senators have told me this was the most confused day in the history of their lives, and I agree with them wholeheartedly.

We were about to do some work on these bills some time ago. There is no reason that I can see why that work cannot be done at a proper time, and I do not regard tonight as being a proper time.

I would like to interrogate the Majority Leader, Mr. President.

The PRESIDING OFFICER. Will the Majority Leader permit himself to be interrogated?

Mr. WEINER. I will, Mr. President.

Mr. BERGER. Mr. President, does the Majority Leader expect to be able to act upon the amendments to the strip mining bills tonight?

Mr. WEINER. As a matter of fact, Mr. President, I have been advised by one of the gentlemen sitting on your side that he hoped to have these things ready very shortly. I think they just walked out of the room to complete them.

Mr. BERGER. Mr. President, have the amendments been sent to the printer?

Mr. WEINER. The amendments to which bill, sir?

Mr. BERGER. The strip mine bills.

Mr. WEINER. No sir. They cannot be sent to the printer until they are introduced here in the Senate and adopted.

Mr. BERGER. Have the amendments been agreed upon, Mr. President?

Mr. WEINER. Mr. President, the amendments have been prepared and they are in the process of being agreed upon. I believe one of the gentlemen on your own side is now meeting with the Members who are working on it to agree to certain amendments that have been added to the bill.

Mr. MAHADY. Mr. President, we think we have agreement. They are writing them up at the present moment.

The PRESIDING OFFICER. Let us do this orderly.

Mr. BERGER. Mr. President, I wish to inquire whether, after the amendments are introduced, they will have to be sent to the printer and will that not take a minimum of an hour and a half or two hours?

Mr. WEINER. Mr. President, it is not my intention, if the gentleman does not wish to work on these amendments, to work on the bill. We want to at least introduce these amendments and work on them this evening. If the gentleman does not want to remain here until the bill is printed, we can certainly do this on Monday or Tuesday of next week.

Mr. BERGER. Mr. President, is that true of any other bills?

Mr. WEINER. Sir?

Mr. BERGER. Would that be true of the other bills?

Mr. WEINER. The only bills it would be true of are the two bills that we are awaiting now from the printer, which should be here in a few minutes. Once we have worked on those, that will be the end of it.

Mr. BERGER. Mr. President, would the gentleman care to define the number of seconds that are contained in the minutes that he is referring to?

Mr. WEINER. Mr. President, I can only answer that by the advice which I am receiving from the people who are in charge of the technical operations of the Senate. I have nothing to do with that. I was advised that those bills would be here in thirty-some minutes, or as long as it would take for someone to pick them up. That was at 6:30 p.m. I am sure all of us can be indulgent for just another ten minutes or so, and those bills probably will then be here.

MOTION TO ADJOURN

Mr. PECHAN. Mr. President, we have been in Session, supposedly, since 10:30 a.m. I have been here since 8:30 this morning. I have two hundred and some miles to drive home sometime tonight.

I think the Majority Leader is waiting on House Bill No. 1663 and House Bill No. 1664. We were told before we went to Caucus—and I think that was three hours ago—that the bills would be here within an hour. Now even though those bills come here printed, they are important bills and certainly we are going to have some debate on them. Therefore, we could not possibly get out of here in a reasonably short time. It is going to be 7:30 p.m. before the bills get here, and it will require another hour or two for us to debate them.

Mr. President, I move that this Senate do now adjourn until next Monday, August 13, at 1:30 o'clock, Eastern Standard Time.

The PRESIDING OFFICER. There has been a motion by Senator Pechan that the Senate do now adjourn until next Monday. May we just be at ease a moment?

(The Senate was at ease.)

Mr. PECHAN. Mr. President, I would like to correct that to August 21.

The PRESIDING OFFICER. There has been a motion by Senator Pechan that the Senate do now adjourn until August 21.

Mr. KROMER. Mr. President, I second the motion.

The PRESIDING OFFICER. The motion has been duly seconded by Senator Kromer.

Mr. WEINER. Mr. President—

The PRESIDING OFFICER. For what reason does the gentleman rise?

Mr. PECHAN. Mr. President, a motion to adjourn is not debatable. I ask for a roll call, sir.

Mr. WEINER. Mr. President, I believe the gentleman ought to state a time when we should come back here, or just not come back here on Monday, because I would hate to be here at 8:30 in the morning when he gets up on Monday, the 21st. Is he going to give us a reasonable time?

If he wants to confer with his attorney, I will be happy to let him do so.

The PRESIDING OFFICER. There has been a motion to adjourn, which is not debatable.

On the question,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the negative and the motion to adjourn was defeated.

Mr. PECHAN. Mr. President, I request a roll call and I move that we have a roll call.

Mr. WEINER. Mr. President, Mr. President—

The PRESIDING OFFICER. Just a moment. Let us do this is an orderly manner. There has been a request for a roll call.

Senator Weiner, for what purpose does the gentleman rise?

Mr. WEINER. Mr. President, I believe the gentleman is out of order. There has been a roll call taken by a voice vote.

MOTION TO ADJOURN

Mr. PECHAN. Mr. President, I now move that the Senate do adjourn until next Monday, August 21, at 1:30 p.m., Eastern Standard Time.

Mr. KROMER. Mr. President, I second the motion and ask for a roll call vote.

The PRESIDING OFFICER. The motion is out of order. You cannot have two consecutive motions for adjournment. It is out of order.

Are there any further Petitions and Remonstrances?

Mr. ROONEY. Mr. President, I would like to vote on that motion because this is the first time, I think, since my election to the Senate that I would like to cross party lines.

The PRESIDING OFFICER. Are there any additional Petitions and Remonstrances?

Mr. WEINER. Mr. President, may we be at ease for one moment?

The PRESIDING OFFICER. We will be at ease.

(The Senate was at ease.)

POINT OF INFORMATION

Mr. BELL. Mr. President, am I in order to ask for a point of information while we are at ease?

The PRESIDING OFFICER. The Senate will come to order.

Senator Bell, you may proceed with your point of information.

Mr. BELL. Mr. President, would the Chair kindly advise the Body when it would be in order to move to adjourn this Body?

The PRESIDING OFFICER. We are now under Petitions and Remonstrances, and as soon as we finish with that we will go to the next order of business.

MOTION TO ADJOURN

Mr. BELL. Well, then, Mr. President, since we are on Petitions and Remonstrances, I understand that a motion to adjourn is in order, and I do so move that we now adjourn until Monday, August 21, at 1:30 p.m., Eastern Standard Time.

Mr. KROMER. Mr. President, I second the motion and ask for a roll call.

The PRESIDING OFFICER. It has been moved by Senator Bell, and seconded by Senator Kromer, that the Senate do now adjourn until Monday, August 21, at 1:30 p.m., Eastern Standard Time.

Mr. BELL. Mr. President, I ask for a roll call.

On the question,

Will the Senate agree to the motion?

The PRESIDING OFFICER. The Senators will please take their seats so that we can have a roll call.

Mr. WEINER. Mr. President, may we be at ease for a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. KROMER. Mr. President, I would like to ask the Chair why the delay in the roll call.

The PRESIDING OFFICER. The Majority Leader has asked that the Senate be at ease.

Mr. KROMER. I believe he is out of order in view of this question of adjournment.

The PRESIDING OFFICER. It was just a request that we be at ease. We are at ease for a moment, until he confers with his Caucus.

Mr. MULLIN. Mr. President—

Mr. BELL. Mr. President, I object to any business other than the voting.

The PRESIDING OFFICER. For what reason does Senator Mullin rise?

Mr. MULLIN. Mr. President, I would like to make a committee report.

Mr. BELL. I object, Mr. President.

The PRESIDING OFFICER. There is a question on the floor. You will withhold your committee report, please.

May the Chair request that we remain at ease? Some of the Members of the Senate are in the back room in a conference, and they will return in a few minutes so they can vote on this motion. Members of both parties are in conference and we have asked them to return. We will remain at ease until they return to the floor.

(The Senate was at ease.)

The PRESIDING OFFICER. The Senate will come to order.

Senator Mullin will make a committee report at this time.

Mr. BELL. Mr. President—

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Bell.

Mr. BELL. Senator Bell will yield to Senator Pechan.

The PRESIDING OFFICER. Will Senator Pechan permit Senator Mullin to report one bill from committee?

Mr. PECHAN. Mr. President, Senator Mullin and I for some reason or other like each other. I will let him do it.

Mr. MULLIN. Mr. President, I have been directed by the Committee on State Government to report House Bill No. 1219, as committed.

Mr. PECHAN. Mr. President, he has to ask for unanimous consent.

Mr. MULLIN. Mr. President, I do request unanimous consent to make a committee report at this time.

The PRESIDING OFFICER. Is there any objection?

Mr. FLEMING. Mr. President—

The PRESIDING OFFICER. May we just have this report from committee presented?

Mr. FLEMING. Mr. President, I suggest to the Chair that the Chair is completely out of order, sir.

There was a motion for adjournment. It was seconded, and the seconder requested a roll call, which the maker of the motion also requested. I would suggest, under the rules of the Senate, there is nothing in order except the calling of the roll on the motion to adjourn.

Mr. BELL. That is correct, Mr. President.

The PRESIDING OFFICER. Senator Fleming, you would be correct under usual circumstances. However, some of the Members from both sides of this Senate are temporarily in a meeting. I think in all deference and respect to them, we should hold off the roll call until they come back on the floor.

Mr. FLEMING. I certainly respect your wish to hold it off until they return. However, I do object to any other business being transacted until that motion is acted upon.

Mr. WEINER. Mr. President, I ask that we be at ease until those Members return to the floor.

The PRESIDING OFFICER. May this report be presented?

Mr. FLEMING. I object, Mr. President.

Mr. BERGER. Mr. President, is the Senate at ease?

The PRESIDING OFFICER. We are at ease. Senator Mullin, come and get your bill.

Mr. BERGER. Very well, Mr. President.

(The Senate was at ease.)

The PRESIDING OFFICER. Will the Senators please take their seats?

Mr. BERGER. Mr. President, I have nothing to say because there is nothing in order except the calling of the roll.

And the question recurring,

Will the Senate agree to the motion?

The PRESIDING OFFICER. The Clerk will call the roll on the motion to adjourn. Those voting "aye" vote to adjourn. Those voting "no" vote against adjourning.

(During the calling of the roll, the following occurred:)

Mr. ROONEY. Mr. President, reluctantly, having voted under a misapprehension, I wish to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were required by Mr. KROMER and Mr. BELL and were as follows, viz:

YEAS—22

Bell,	Fleming,	Mallery,	Stroup,
Berger,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Wade,
Confair,	Kessler,	Shafer,	Wagner,
Ehrgood,	Kromer,	Stevenson,	Ware, III,
Flack,	Madigan,		

NAYS—27

Camiel,	Mahady,	Ripp,	Staisey,
Devlin,	McCreesh,	Rooney,	Stiefel,
DiSilvestro,	McGinnis,	Sarraf,	Van Sant,
Haluska,	McMenamin,	Scott,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow,
Lane,	Murray,	Silvert,	Presiding Officer

So the question was determined in the negative, and the motion to adjourn was defeated.

REPORT FROM COMMITTEE

Mr. MULLIN, by unanimous consent, from the Committee on State Government, reported, as committed, **HB 1219.**

CALENDAR

HB 1221 CALLED UP

HB 1221 (Pr. No. 2585)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 6 of the Third Reading Calendar by Mr. WEINER.

Mr. McMENAMIN. Mr. President, may we be at ease for about thirty seconds?

The PRESIDING OFFICER. The Senate will be at ease for thirty seconds.

(The Senate was at ease.)

HB 1221 (Pr. No. 2585—Read at length the third time.

On the question,

Will the Senate agree to the bill on third reading?

Mr. McMENAMIN. Mr. President, I ask unanimous consent to present certain amendments to House Bill No. 1221, Printer's No. 2585.

The PRESIDING OFFICER. There being no objection, the Clerk will read the first amendment to Section 2 of the bill.

The amendment was read by the Clerk as follows:

Amend Sec. 2 (Sec.3), page 5, by inserting between lines 2 and 3:
"Degree" when used in this act shall mean from the horizontal and in each case shall be subject to a tolerance of five (5) degrees

On the question,

Will the Senate agree to the amendment?

Mr. EHRGOOD. Mr. President, since I do not have the faintest idea of what I am voting on, I must go out into the anteroom. Therefore, I do not want to be recorded under any circumstances.

And the question recurring,

Will the Senate agree to the amendment?

A voice vote having been taken, the question was determined in the affirmative, and the amendment was agreed to.

The PRESIDING OFFICER. The Clerk will continue with the reading of the amendments.

The following amendment was then read by the Clerk:

Amend Sec. 2 (Sec. 3), page 5, line 9 by inserting after "banks":
and that occupied by the spoil banks

On the question,

Will the Senate agree to the amendment?

Mr. BERGER. Mr. President, may we be at ease a minute on this amendment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

And the question recurring,

Will the Senate agree to the amendment?

A voice vote having been taken, the question was determined in the negative and the amendment was defeatd.

The PRESIDING OFFICER. The Clerk will proceed with the reading of the next amendment.

Mr. LANE. Mr. President, let us be at ease for just a moment. What is going on around here?

The PRESIDING OFFICER. We will be at ease.

(The Senate was at ease.)

Mr. PECHAN. Mr. President, I want to second that motion of Bill Lane's. This is the first time this year that such a thing has occurred. I do not think anybody knows what is going on here today.

Mr. PRESIDENT, I would like to remind this assemblage that in 1955 when we were half insane, five Members suffered heart attacks. We are going to have a lot more if we do not use some sanity and know what we are doing. My pulse is being taken now. It is pretty good.

However, I want to say that I think we are insane to do things like this. We are all tired and have not eaten anything. The Clerk is about to read another amendment and I do not know what he will be reading. I think it is ridiculous. I think it is silly. I think we ought to do this when we come in here on Monday when we are fresh, and know what we are doing.

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. McMENAMIN. Mr. President, I now request that the remaining amendments be laid on the table and that House Bill No. 1221 go over in its order, as amended.

The PRESIDING OFFICER. Hearing no objection, the remaining amendments will be laid on the table and the bill will go over in its order on third reading, as amended.

HB 1438 CALLED UP

HB 1438 (Pr. No. 2587)—Without objection, the bill, which previously went over in its order, was called up from page 7 of the Third Reading Calendar by Mr. WEINER.

BILL OVER IN ORDER

HB 1438 (Pr. No. 2587)—Read at length the third time.

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER. Mr. President, I request that House Bill No. 1438 now go over in its order.

The PRESIDING OFFICER. Is there objection?

Mr. FLEMING. Mr. President, I have seen a couple of things done here today. I would like to know now from the Majority Leader when he asks for this bill to go over in order, is it over in order until a definite date or is there a possibility of the bill being called up later in today's Session?

Mr. WEINER. Mr. President, I was misinformed. I operated in error, and I ask that the gentleman excuse me. I did not realize that the amendments to House Bill No. 1438 were prepared. They want to offer them now so that they will be printed and the bill will appear on our Calendar with these amendments included on Monday.

Mr. BERGER. Mr. President, do I understand now that it is proposed to offer amendments to House Bill No. 1438 in the same fashion as we have gone through on House Bill No. 1221?

Mr. WEINER. No, sir, Mr. President. What we are doing is offering these amendments so that they might be printed in the bill and be before us on Monday when we act on this measure.

Mr. BERGER. Mr. President, that is all very well. However, am I to understand that we will have to amend the bill again on Monday if the amendments that are proposed now should not prove acceptable?

Mr. WEINER. Mr. President, it is always the prerogative of any Senator in this Chamber to offer any amendments at any time to any bill if he deems that the amendments do not suit him or if he feels that they are not in a form which he can vote on them.

On Monday, if anyone wishes to offer further amendments, or delete these amendments or take any action on these amendments, I am sure that the usual rule which pertains in this Chamber will pertain then.

Mr. BERGER. Mr. President, would it not be advisable to allow House Bill No. 1438 to go over in order with House Bill No. 1221, as I am definitely given to understand that they are to travel together?

Mr. LANE. Mr. President, we had planned—as a matter of fact, I had agreed to this—that the bills would travel together. However, we have the amendments prepared for House Bill No. 1438, and I would like to offer them. Of course, then the bill will be in print. We will hold it over on Monday or Tuesday until the other bill is in order. Both then will travel together.

I might say that the reason I am quite anxious to offer these amendments, Mr. President, is because I have had a hassle for quite a number of weeks on the bituminous strip mining legislation. The amendments that we are offering are not the amendments I would like to offer. I would like to be in a position to restore the bill to its present form. However, due to the circumstances and the

lack of votes, I would like to offer these amendments, and, of course, I will have to be satisfied with them.

Mr. FLEMING. Mr. President, I believe I had the floor, and suddenly I lost it.

I believe the record will show that the Majority Leader asked for the bill to go over in its order. I then made an inquiry of the Chair if that meant it was over in order to a date definite, or whether there was a possibility of it being called up again. I have not yet had the answer to that question.

Mr. WEINER. Mr. President, I believe I answered the gentleman by stating that my impression was that this bill would go over until Monday. I was then advised that we had amendments to this bill which we would like to insert so that the bill could be printed and we could intelligently discuss these amendments on Monday. If anybody has any further amendments, they could so offer them.

I would like the gentleman to advise me if he is against any amendments going into this bill at this time and is that the problem, so that we do not have to delay any longer on this matter?

Mr. FLEMING. Mr. President, I am very happy that he asked me that question. I have on my desk amendments that I would love to offer to House Bill No. 1438. Very briefly, my amendments will restore the bill to the shape in which it came to the Senate from the House.

If you are calling the bill up now, sir, Mr. President, I want to offer these amendments to House Bill No. 1438.

Mr. SCOTT. Mr. President, what is the status of the bill at this stage of the game?

The PRESIDING OFFICER. There is no status to the bill at this time. There was an indication that amendments would be offered, but no amendments have been forthcoming as yet.

Mr. SCOTT. Is it not true, Mr. President, that Senator WEINER requested that the bill go over in its order?

The PRESIDING OFFICER. That is true, sir. He then stood up and said that he now understood that the amendments are prepared, and there was some indication to the Chair that the amendments would be offered. However, up to this time, the amendments have not been offered.

Mr. SCOTT. Mr. President, my understanding was exactly the same as Senator Weiner's; that this bill would go over in order until Monday. Now if there are to be amendments offered this afternoon, I think that none of us are in a position to know what those amendments are and to analyze them or study them.

I would like to suggest that the Majority Party defer until Monday. Nothing can be done today that cannot be done on Monday. I would like to request that they defer until Monday, and then offer their amendments at that time. Senator Fleming can also offer his amendments. We can then study the amendments, analyze them, and then vote intelligently on those amendments.

The PRESIDING OFFICER. There has been a request by Senator Scott that the bill go over in order. Is there any objection?

Mr. LANE. Mr. President, I object at this particular time.

Mr. President, I believe Senator Scott is well aware of the fact that the only way we can intelligently review these amendments that I am about to offer—and which I would like to offer, by the way—would be to have the amendments printed in the bill. If we do not have the amendments printed in the bill, we will be in the same quandary on Monday as we are in right now. That is one of the reasons—the principal reason—that I would like to have the opportunity to offer these amendments. I would like to have them incorporated into the bill and have them printed, because, after all, after the amendments are submitted, I may not be in favor of them on Monday. I am not sure, However, I want to take a look at the bill, as amended. The only way I can do that is to have the bill in print.

I believe Senator Scott will agree that in most cases, we must do that. These are rather complicated amendments. I do not think we could do any better on Monday than we could today.

Mr. SCOTT. Mr. President, I agree that the amendments Senator Lane intends to offer are probably complicated. I would rather on Monday be in a position to have those amendments explained to me on the floor of this Senate by Senator Lane than I would be at this stage of the game.

I think we all recognize that it is much easier to put amendments into a bill than to take them out. To be on the safe side, again I would like to suggest that Senator Lane, on Monday, can offer his amendments. He can explain those amendments to the Membership of this Senate very thoroughly, to the point where we can comprehend what they do, and then we can vote intelligently on them.

If we are to vote blindly tonight on these amendments, and then we on this side find we are not satisfied with those amendments, it will be very difficult for us on Monday to get them out of the bill after they have once been put in.

Mr. LANE. Mr. President, for the information of Senator Scott, this actually is not a partisan measure. As a matter of fact, I found that out several weeks ago. I do not believe there is going to be a partisan vote for or against these amendments.

I said yesterday, when I agreed that the bill would go up to Third Reading, that I would request the privilege of offering my amendments on Third Reading.

Mr. President, I insist that I have the privilege of offering these amendments so that they can be in print. I will guarantee the other side, or Senator Scott or anyone else in the anthracite area, that I will not make any effort and I will fight any effort to move the bill until the anthracite bill is in proper shape, and they will move together. Therefore, Mr. President, I ask unanimous consent to offer amendments to House Bill No. 1438, Printer's No. 2587.

The PRESIDING OFFICER. There is a request by Senator Lane for unanimous consent to offer amendments.

Mr. BERGER. Mr. President, the only remarks I want to make in that connection—

The PRESIDING OFFICER. Senator Berger, are you objecting to Senator Lane offering amendments?

Mr. BERGER. Mr. President, I will not at this time refuse unanimous consent. However, I ask leave to make this statement.

The PRESIDING OFFICER. The gentleman from Potter, Mr. Berger, will proceed.

Mr. BERGER. Mr. President, this measure is one of the most important measures that we have had all year, and it has excited greater public interest than any other bill that I can recall.

Let me say, Mr. President, that Senator Lane has said that his amendments are going to be complicated. We do not know what they are going to do. He wants to put them in and have them printed in the bill.

My suggestion is this, and it has been done before upon request. I suggest that the amendments be mimeographed and furnished to each Senator so that he may know what is going into that bill when the time comes to offer them, and he can then vote intelligently upon the amendments as they are offered.

We have just seen a demonstration here tonight of how difficult it is to understand amendments to a bill of this character. Consequently, Mr. President, I would suggest that this might be the best course. Then the amendments could be offered and there would be not as much loss of time in handling this measure as there would be if the amendments are printed, other amendments are offered which would change those amendments, and it would be a long time before the bill could be acted upon finally.

That is merely my suggestion, Mr. President, for the attention of the gentleman, Senator Lane.

Mr. LANE. Mr. President, may I have the privilege of interrogating the Minority Leader?

The PRESIDING OFFICER. Will the gentleman from Potter, Mr. Berger, permit himself to be interrogated?

Mr. BERGER. I will, Mr. President.

Mr. LANE. Senator Berger, do you anticipate there will be any other amendments offered to House Bill No. 1438 beside the amendments I now have in my hand?

Mr. BERGER. Mr. President, I cannot answer that. However, by the grapevine, I am sure there will be, yes.

Mr. LANE. All right then. Senator Berger, do you anticipate or would you request that the other amendments also be mimeographed for the benefit of the Members of the Senate?

Mr. BERGER. Very definitely, Mr. President. I would be very glad to make that suggestion.

Mr. LANE. Senator Berger, would you agree also that any amendments which are submitted to the anthracite bill should also be mimeographed and supplied to the Members of the Senate?

Mr. BERGER. I have no objection to that, Sir.

Mr. LANE. All right. If that is the case, Mr. President, I will defer offering the amendments at this particular time, with the understanding that all of the amendments submitted to either bill are going to be mimeographed in detail for the Membership of this Senate.

Mr. BERGER. That is very good, Mr. Prseident, and I thank the gentleman.

The PRESIDING OFFICER. This has been agreed upon. May the Chair instruct the Members of the Senate who wish to offer amendments to this bill, or both bills, to have them in the office of the Secretary of the Senate no later than tomorrow so that he may have them mimeographed for next week? He will send them out through the mail to every Senator.

Mr. FLEMING. Mr. President, I never realized that I made so little impression on the Members of the Senate as was just brought home to me today. I think the record will clearly show that I asked if the Majority Leader had called up the bill, and if he had called up the bill, then I certainly had amendments that I desired to offer to it.

Seemingly, that has been swept completely aside by everyone who has spoken since. I want to assure every Member of the Senate that I have amendments to offer. If the plan is—as suggested by the Minority Leader, Senator Berger, and agreed to by Senator Lane—that any amendments be mimeographed and sent to all Members of the Senate, I want to assure the Membership, and those of you who did not hear me when I attempted to offer them a few moments ago, that I definitely have amendments that I will offer with every hope of having them adopted and which will restore the bill to the same shape it was in when it came from the House of Representatives.

Mr. LANE. Mr. President, Senator Fleming has that privilege. If he offers amendments to restore the bill to its original form, I will vote for the amendments.

I am sick and tired of this hocus-pocus going on with regard to these two bills. I hope that we can clarify them on Monday and Tuesday and get down to the business of properly legislating as we should, with no more deals.

The PRESIDING OFFICER. There being no objection, the bill will go over in its order.

HB 1663 TAKEN FROM THE TABLE

Mr. WEINER. Mr. President, I call from the table for consideration House Bill No. 1663, Printer's No. 2634, which previously went over in its order temporarily on final passage.

The PRESIDING OFFICER. The Chair hears no objection, and we will proceed with the consideration of House Bill No. 1663.

BILL ON FINAL PASSAGE DEFEATED

HB 1663 (Pr. No. 2634—And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

Mr. BELL. Mr. President, as has been rather fully pointed out earlier today, this bill is very, very important. The hour is late, and the fact that it is late is not my fault. I tried to terminate the proceedings earlier, but I was not successful.

This bill has two facets. One is to give relief to manufacturers, and I think that is most justifiable. However, the way that the relief is given is something that I condemn because in one bill we are taking away the two per cent privilege of the retailers and, at the same time, we are giving relief to the manufacturers. As I said earlier, it is robbing Peter to pay Paul.

I have heard here on this floor during the past few months the sad stories about the lack of money in the State coffers. I want to call the attention of the State of Pennsylvania to one fact, and that is that these revenue esimates which were given to the Senate of Pennsylvania earlier this year are as phony as a three dollar bill. I say this for the reason that these revenue estimates—and I have not heard them officially changed—were given to us in February or March. That means they must have been made some time during the winter.

During the last month, unfortunately, the United States has seen a limited national emergency proclaimed by our President, and we have seen in Washington a tremendous plan for the expenditure of moneys of the United States

for national defense. When you purchase the sinews of war,—whether it be ships, tanks, ammunition or guns—you have to buy steel. I say that Pennsylvania produces twenty-five per cent of all the steel that is produced in the United States, and when we have our steel mills in full production, we are going to have a much better condition in employment in Pennsylvania. With full or increased employment in Pennsylvania, you will have the immediate lowering of the relief rolls. You will have increased corporate profits and you will have increased retail spending. By retail spending, I point to automobiles. If automobiles, as it has always been in the past, are purchased with increased retail spending, these automobiles provide great sales tax revenue.

Our tax structure in Pennsylvania is very closely tied to the national economy. We have gone through a recession, and we know that during a recession, the revenues dry up. However, if we have full or almost full employment, we are going to have a flash flood of pennies coming in from the State sales tax and the other consumer taxes.

What faces us with business conditions? I am an average person, such as the other Senators, and I do read the newspapers as they do. We see news articles. Last week, there was an article that there was a drop in unemployment in Pennsylvania. You can watch the stock market. It is going up. I say this. I would like very much to have the opportunity to buy stocks today at the prices at which they sold last February and March when these figures were given to us. The Wall Street Journal, last Friday, called the attention of the Country to the great business activity.

Before the prophets of gloom proclaim more poor mouth talk in Pennsylvania, I demand that our revenues in Pennsylvania—the revenue forecasts—be re-examined.

I think the financial wizards of Pennsylvania should really study the prospective taxes coming to the State, not based on the economy of last winter and last spring, but on the economy of this fall and this winter.

I say this, gentlemen. If the economists and the news and business analysts are correct, we are going to have plenty of money coming into this State during the next fiscal year. It is for this reason that I say before anybody votes to take these pennies away from the merchants, you should first of all reanalyze the tax revenues that are coming into the State of Pennsylvania, not based on last spring or last winter, but based on this fall.

Mr. EHRGOOD. Mr. President, there is one thing about Senator Bell's statement that does bother me. I seem to buy the wrong stocks. Mine go down.

Very seriously, Mr. President, with respect to House Bill No. 1663, Printer's No. 2634, as I understand it, House Bill No. 573, in effect, was amended into this bill, which would provide for acceleration of the sales tax. I wonder, for the purpose of acquiring some information, whether the Majority Leader will allow himself to be interrogated?

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Mr. Weiner, permit himself to be interrogated?

Mr. WEINER. I will, Mr. President.

Mr. EHRGOOD. Senator Weiner, would you be able to tell me exactly how this acceleration of the sales tax works?

Mr. WEINER. Mr. President, it would be stepped up or work in the same fashion as the bills that we passed earlier in the Session stepping up the payment of other taxes, which have already been enacted, so that the State would have the benefit of that money rather than lending the State's credit for these businesses to use.

Mr. EHRGOOD. Senator Weiner, therefore, in effect, you would be accelerating the sales tax collection in 1962, which would normally be collected and returned to the State in July of 1962, and that would be accelerated under this bill so that it would be collected in June of 1962, prior to the end of the fiscal year. Is that correct, sir?

Mr. WEINER. Senator, I am having some difficulty following you. What we are saying primarily is that this is money they already would have at hand, but we are stepping up the time of payment.

Mr. EHRGOOD. Yes, sir. Now, Senator Weiner, when you say that we are stepping up the time of payment, therefore, in the fiscal year ending June 30, 1962, we would be collecting revenue which would not ordinarily have been collected in that fiscal year. Is that correct, sir?

Mr. WEINER. That is correct.

Mr. EHRGOOD. Senator Weiner, could you tell me how much the sales tax is bringing in on a monthly basis at this time?

Mr. WEINER. Mr. President, I do not have that information, because you are asking for current data. However, I believe the information that was available to all of us was made available to the Senator.

Mr. EHRGOOD. Could you possibly confer with Doctor Kurtzman over there, who is an expert, I am sure, and who could possibly give you that information right off hand?

Mr. WEINER. If you want the latest data, I will not only ask Doctor Kurtzman, but the Budget Secretary, as well, who happens to be present.

Mr. President, rather than pull a figure out of the air or guess at it, I would rather get the exact figure. Doctor Kurtzman will obtain that for me. If you will just indulge me, or go on to your next question and hold that in abeyance, I will be glad to answer that in just a moment when we have the exact figure.

Mr. EHRGOOD. Mr. President, perhaps Senator Silvert has a pretty good round figure, and I would be happy to allow him to answer the question, if he so desires.

The PRESIDING OFFICER. Is Senator Silvert rising for the purpose of answering the question that Senator Ehrgood has proposed to Senator Weiner?

Mr. SILVERT. Mr. President, I think I have the information to answer the questions raised by Senator Ehrgood.

The PRESIDING OFFICER. The gentleman may proceed.

Mr. SILVERT. Senator Ehrgood, House Bill No. 573 provides for two phases. One requires the collection of the sales tax made during the month of May 1962, and annually thereafter, to be transmitted on or before the 20th day of June next following. This phase of the bill is estimated to yield $17.6 million. The meaning of that is that instead of coming in in July of 1962, it will come in during the present fiscal period.

The other part of this bill provides that in the case of the quarterly sales tax returns, the collections made in April or May shall be transmitted on the 15th day of

June next following. This phase is rather in excess of $11,000,000.

Mr. EHRGOOD. Mr. President, if Senator Silvert would be willing to answer some further questions, I would be happy to interrogate him.

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Mr. Silvert, permit himself to be interrogated?

Mr. SILVERT. Mr. President, I stepped into it, and I will stay awhile. Go ahead, Senator Ehrgood.

Mr. EHRGOOD. Senator Silvert, could you tell me how much the sales tax has brought in during the past biennium?

Mr. SILVERT. Mr. President, that is a big figure. However, I understand the yield of the sales tax is approximately four hundred and some twenty million dollars for the biennium. I may be off a few million, but that is close to it.

The PRESIDING OFFICER. Is that per year, Senator Silvert?

Mr. SILVERT. That is for two years, Mr. President.

The PRESIDING OFFICER. Per year, I believe.

Mr. SILVERT. Oh, yes. I gave you the biennium.

Mr. EHRGOOD. No, you are wrong.

Mr. SILVERT. Mr. President, it is on a—

The PRESIDING OFFICER. It is for one year, Senator.

Mr. SILVERT. On a one-year basis. I stand corrected.

Mr. EHRGOOD. Mr. President, how much was that figure on a one-year basis? I am not sure now.

Mr. SILVERT. Mr. President, it is somewhat over $400,000,000.

Mr. EHRGOOD. Mr. President, that is for a twelve-month period. Is that correct, Senator Silvert?

Mr. SILVERT. Mr. President, I believe that is right, yes.

Mr. EHRGOOD. Senator Silvert, twelve into $420,000,000 is how much per month?

Mr. SILVERT. Mr. President, that would be close to $35,000,000.

Mr. EHRGOOD. Now, Senator Silvert, if the sales tax in this period of depression is bringing in $35,000,000 per month, is it not true then, sir, that the acceleration phase under House Bill No. 1663 will bring in the $35,000,000 figure, or even more, rather than the figure of $17,000,000 that you were previously talking about?

Mr. SILVERT. Mr. President, I must say to you that I believe the four hundred and some odd million figure refers to a biennium, as I originally stated, because the figure of $17.6 million that is estimated to come in by the prepayment of the month of July would figure on the basis of yearly receipts from the sales tax, a little over $200,000,000. I may be wrong, but it is my impression that is approximately the monthly return. Therefore, twelve times that would be roughly a little over $200,000,000.

Mr. EHRGOOD. Thank you, Senator Silvert.

Mr. President, there seems to be a great deal of difference as to how much money this bill will bring in. I think there is no doubt, Mr. President, that the $420,000,000 figure per year is the correct amount.

I further think it is important that Senator Silvert be correct on his figures so that at least the Administration and at least the public will know how much money this accelerated phase will bring in. It does make a great deal of difference, Mr. President, as to what money is available for various things that we desire and think desirable for the people of Pennsylvania.

Therefore, I would say, Mr. President, that although they are figuring—and when I say "they," I mean the people on the other side of the aisle—and stating that this bill is only bringing in a little over $17,000,000 by its accelerated figure, I believe the fact is, however, that it is actually in the neighborhood of $35,000,000 and more that is going to be brought into the coffers of the State of Pennsylvania by this bill.

My only reasoning for the questioning is so the people of Pennsylvania know what is occurring and so the gentlemen of this Senate know what is occurring.

It may well be, Mr. President, that we can pass some educational bills—for example, the bill to increase the subsidy to local school districts—without any increased taxes since this money may well be available under this bill.

Mr. PECHAN. Mr. President, I should be the last person to get up and talk on this bill because I have been ready to go home since 6:00 o'clock. Of course, at 6:00 o'clock, I was told that the bill would be over in a half an hour. It is now 8:30, and we are not anywhere near getting through with this thing.

I want to say, Mr. President, that I wanted to vote for House Bill No. 1663 and House Bill No. 1664, and I would have voted for them had they left the bills as they came over from the House, without the two per cent commission taken away from the merchants.

Mr. President, this Administration has many sales tax inspectors going around all over the State, and they have insisted on the merchants buying certain types of cash registers so that their businesses could be audited much easier. Many of these stores have spent thousands and thousands of dollars to comply with the Sales Tax Bureau and the Revenue Department so there would not be any cheating going on, and most of the merchants do make an honest return.

I think when we first introduced the sales tax measure, we promised the merchant that he would get two per cent for his trouble in acting as a tax collector for the State of Pennsylvania. I think inserting that feature in this bill to take away this commission is in bad taste. You will recall that this afternoon, Senator Propert, Senator Wade and myself offered an amendment to take this feature out of the bill.

The other side saw fit not to pay any attention to the fact that we had a bill on the Calendar which could have been acted upon on its own, and would have risen or fallen on its own merits. However, after that bill had been on the Calendar for months, the other side saw fit to recommit it to committee. I am sure they are not going to resurrect it now. For that reason, Mr. President, I am going to vote against House Bill No. 1663.

I want to say this to you. I want to tell you what you are doing. I had a manufacturer from my area, in Zelienople, call me today. He is a man who wants to expand his plant. He told me that until he knows what we are doing down here, he is not going to make that expansion, and if it is not right, he is going to move into Ohio. It is going to be much easier for him to operate there because the tax climate is a lot better.

For that reason, Mr. President, I am going to vote against this bill.

Mr. WEINER. Mr. President, I just want to make two remarks, and that will be the end of it.

I think Senator Bell stated that this is robbing Peter to pay Paul. I think the simile is well-taken, and I think everybody knows who Peter is who is being robbed. That is one of the things we are trying to correct in this bill.

The other thing I would like to mention is that we issued a revised estimate in June of 1961, and we included the amounts of money that the gentleman mentioned which had come from the upturn in the economy. How long that will last or how long it will go on, nobody knows. If the Senator does know, I wish he would talk to me and a few others. We will give up being in the Senate and do other things that I think wil prove not only more profitable. but certainly more interesting.

I would like to address myself for a moment to Senator Pechan. You must admit, Senator, that I have learned from you, and I am sure you would like me to learn from a man who has been well-schooled in legislative procedure.

I remember earlier in the Session another bill that passed the Senate, went over to the House, and came back to the Senate with a whole new provision in it on which we had never voted. As I remember, you were one of the people who advocated on this measure with this whole new problem in it.

If I have learned nothing from that, I would certainly be a very poor student and be a very poor Legislator. I have learned this from you, and we have taken this method and adopted it to this particular means which we feel is certainly more important than the other measure on which this was done.

I also think it is quite gracious of you to have been willing to have voted for House Bill No. 1663 and House Bill No. 1664 in their original form, in which we were giving something away. However, I think it ill-behooves you to say that you were interested in voting for these bills originally when they gave something away, but you will not do anything to provide the means for obtaining this in order for the State to be in a position to give something away.

I want to give the figures which Senator Ehrgood wanted. If you will just indulge me for a moment, I will get the information for you.

Mr. President, I am advised that the collection on the tax—and I believe Senator Ehrgood asked that—for the present, in July 1961, was $31,962,000. I believe that is the latest figure that you were requesting. I can give you the June figure, if you would like that as well. In June of 1961, the money actually collected was $27,563,000. That was the monthly collection, Senator.

Mr. MALLERY. Mr. President, I desire to interrogate the Majority Floor Leader.

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Mr. Weiner, permit himself to be interrogated?

Mr. WEINER. I will, Mr. President.

Mr. MALLERY. Mr. President, would the Majority Floor Leader repeat how much has been collected from the sales tax during the past biennium?

Mr. WEINER. The figures I gave, Senator, were just the monthly figures for July and June. In June, it was $27,563,000, and in July it was $31,000,000. We are about $1,000,000 behind so far.

Mr. MALLERY. Mr. President, I believe it must have been Senator Silvert who stated it was approximately $400,000,000, and some other Senator said $420,000,000.

Mr. President, would Senator Silvert inform the Senate as to how much was paid to the merchants and businessmen—just an estimated amount?

The PRESIDING OFFICER. Will the authority on the sales tax, Senator Silvert, answer the question?

Mr. SILVERT. Mr. President, if my arithmetic serves me right, two per cent of $400,000,000 would be $8,000,000, and if it is a little over $400,000,000, the figure would be a little over $8,000,000 for a period of thirteen months.

Mr. MALLERY. Mr. President, of course I knew the answer, and I think everyone can multiply $400,000,000 by two per cent.

I want to say that this comes closer to slave labor than anything that has happened in the Commonwealth since the Civil War. Taking from the merchants $8,000,000 seems to be the most iniquitous action that I have ever heard tell of in all of the time that I have been in the Senate of Pennsylvania, which is going on twenty-eight years.

I think if they persist in doing this, they are going to bring about—whether they like it or not—an uprising over Pennsylvania, and some party is going to be hurt. That is my prediction.

Mr. WAGNER. Mr. President, I will be very frank at the outset and tell you that I am not about to talk in order to change anyone's vote. I am about to ask that the Senate give me five minutes of its time for my own satisfaction. I have given hours of mine today to the convenience of other people. So, perhaps I am entitled to it.

No matter how I vote on this bill, I am going to have dozens of explanations to make on the one hand, or hundreds to make on the other hand.

We have three propositions involved. We have the proposal of House Bill No. 95 to take away the commission of the retailers, we have the exemption of certain forms of manufacturing from the sales tax, and we have the acceleration of the collection.

I have no quarrel with the acceleration of the collection. I am satisfied that the Administration should have the money if they use it to advantage and they have the need for it in conducting the government of the Commonwealth of Pennsylvania.

However, it must be all of five or six months ago that, I would say, over 100 at least of my friends, who were retailers, merchants and storekeepers, asked me to support the continuance of their commission for the collection of the sales tax. Because I thought it was fair and because I felt, as Senator Mallery, that it is a pittance to pay for the labor that is expected on behalf of the Commonwealth, I repeatedly said that I would vote to maintain that commission.

Subsequently, some of my even better friends and closer associates came to me for support of the proposals contained in House Bill No. 1663. Again, I promised them that I certainly thought that was fair, and would vote for House Bill No. 1663.

I do not know whether I will get home before the newspapers tomorrow or not, but you can see what is going to happen to my telephone, my disposition, and my reputation for integrity—which is rather fair in Schuylkill County—no matter how I am recorded.

I would like what I am saying tonight to be somewhere

in the Legislative Journal so that I can get a couple hundred copies and defend myself.

Through no fault of my own. I am put in a position where I must either violate my promise on House Bill No. 95 or violate my promise on House Bill No. 1663. I shall prayerfully, tonight, hope that a man will be forgiven for breaking his word if he is helpless in the matter. I have only the choice left to maintain the promise which I made first, because that is my first obligation. Therefore, I shall be obliged to vote "no" on House Bill No. 1663.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. WEINER. Mr. President, I desire to change my vote from "aye" to "no".

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. LANE. Mr. President, having voted under a misapprehension, I wish to change my vote from "aye" to "no". I thought that Senator Pechan was going to vote with us. However, thaat was a misapprehension.

The PRESIDING OFFICER. Your misapprehension will be noted.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—22

Camiel,	McCreesh,	Ripp,	Silvert,
Devlin,	McGinnis,	Rooney,	Staisey,
DiSilvestro,	McMenamin,	Sarraf,	Stiefel,
Haluska,	Miller,	Sesler,	Yatron,
Hays,	Mullin,	Seyler,	Donolow,
Kalman,	Murray,		Presiding Officer

NAYS—27

Bell,	Hawbaker,	Pechan,	Van Sant,
Berger,	Keller,	Propert,	Wade,
Chapman,	Kromer,	Scott,	Wagner,
Confair,	Lane,	Shafer,	Ware, III,
Ehrgood,	Madigan,	Stevenson,	Weiner,
Flack,	Mahady,	Stroup,	Wolfe,
Fleming,	Mallery,	Taylor,	

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

HB 1664 TAKEN FROM THE TABLE

Mr. WEINER. Mr. President, I now call from the table House Bill No. 1664, Printer's No. 2635, which previously went over in its order temporarily on final passage, and ask that the Senate proceed to the consideration of this bill.

The PRESIDING OFFICER. There being no objection, House Bill No. 1664 is now before the Senate for consideration.

BILL ON FINAL PASSAGE

HB 1664 (Pr. No. 2635—And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kromer,	Propert,	Stroup,
Chapman,	Lane,	Ripp,	Taylor,
Confair,	Madigan,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

RECONSIDERATION OF HB 1663

Mr. WEINER. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1663, Printer's No. 2634, failed of final passage at today's Session.

The PRESIDING OFFICER. How did the Senator vote?

Mr. WEINER. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. WEINER. Mr. President, I have called this bill up for the second time. Under our rules, if this bill fails to pass at this time, there is no way to revive it because it will have been defeated twice.

I want to serve notice on the Members of the Senate—especially the Members who voted against this bill—that the bills we have on our Third Reading Calendar, which will appear there on Monday, and the list that we voted in regard to the nonpreferred appropriations, everyone of those measures will be cut or vetoed by the Governor. I will insist that he do this, because one of the things that we have gone along with is to make sure that the items we pass requiring money will have tax bills following along behind them to provide the money.

Therefore, these measures will not pass. House Bill No. 1663 provides relief for the merchants and some of the people who are in declining industries. I am advising the Members of the Senate that if this bill fails, there will be no other measure passed this Session—there will be no votes on this side for it—unless there is an accompanying tax measure to go with it.

I believe that here this evening the gentlemen who are responsible Members, and who make up the board of directors of this corporation know as the State of Pennsylvania, have an opportunity to act on these provisions and to take the entire measure as it stands. If they defeat this measure, this is the end of it. This is the final opportunity for doing anything about either one of these problems.

Mr. PECHAN. Mr. President, I do not know why the Majority Leader mentioned the various appropriations. The bill very specifically says that the income from this bill shall be spent for education.

I want to tell him and I want him to tell the front

office that they are not putting a gun to my head to vote for something that is not germane. We are talking about two different subjects.

I am going to continue to vote "no". You may perhaps get somebody else over on this side, but you are not going to change my vote.

Mr. WARE. Mr. President, we have been told or threatened—whichever choice you care to make—what will happen to the nonpreferred appropriation bills in the event this bill is defeated. I would reiterate something that some of us said at the outset of this Session; namely, there are other means of economizing if it be the will of the Administration to economize I will point to but one of them, and that is that in the last seven and one-half years, the number of employees on the State payroll has increased by forty per cent.

Mr. ROONEY. Mr. President, I desire to interrogate my very dear friend, Senator Pechan.

The PRESIDING OFFICER. Will the gentleman from Armstrong, Mr. Pechan, permit himself to be interrogated?

Mr. PECHAN. Mr. President, we are going steady again. Let us go.

Mr. ROONEY. Senator Pechan, you just made the statement that you would not vote for a bill that did not have the same language that the previous bill had, as far as the germane language of the bill is concerned. Is that correct?

Mr. PECHAN. Mr. President, no, I did not say that.

Mr. ROONEY. How did you say it, sir?

Mr. PECHAN. I do not know. Do you want the stenographer to read it back? Will you read it back, please? At this moment, I do not know what I am saying. However, I do know just partly what I am doing. Let me say this to you. I am not going to vote for this bill.

Mr. ROONEY. Mr. President, will the stenographer read the statement?

Mr. PECHAN. Mr. President, I said that I would not vote for House Bill No. 1663 as long as the contents of House Bill No. 95 were contained in it. It is just that simple.

Mr. ROONEY. That was not the way you stated it or answered the question. However, you voted for Senate Bill No. 104.

Mr. PECHAN. Mr. President, what was Senate Bill No. 104?

Mr. ROONEY. Mr. President, Senate Bill No. 104 was a bill that would give the Secretary of Highways the right to establish speed limits in certain areas in Pennsylvania. The bill went over to the House and it was amended to include the forty-foot trailer. It came back for concurrence in the Senate, and you voted for the bill despite the fact that it did not have the same germane language.

Mr. PECHAN. I want to say this to you, Senator Rooney.

The PRESIDING OFFICER. There will be no cross-firing. Are you finished with your interrogation, Senator Rooney?

Mr. ROONEY. Yes, Mr. President.

Mr. PECHAN. Mr. President, may I now interrogate the Majority Leader?

The PRESIDING OFFICER. May I ask you, Senator Weiner, when you said you learned from me how to do this, were you referring to Senate Bill No. 104?

Mr. WEINER. Yes, sir, and also that you were so anxious to vote on the bill that you would not even wait a second to have it done.

Now you are talking about it not being germane language. I did not want to get into this Senator. That is why I addressed it to you. I knew you would know what I was talking about and I did not want to go any further on it.

This has happened as well with one or two other measures; to wit., House Bill No. 1082 which was brought up and I—

Mr. PECHAN. Are you going to make a speech or are you going to listen to my argument?

The PRESIDING OFFICER. May we have order? Senator Weiner is answering your question. He may proceed.

Mr. WEINER. One of the other problems, Senator, was on House Bill No. 1082. That is why I asked you to see Senator Scott for some further legal advice on this matter. Concerning House Bill No. 1082, the Attorney General had ruled on this matter and you were most anxious to go along. You have been doing this all Session.

Now today you find yourself in this position, where I am following you and wanting to do what you have been doing and you suddenly are leaving me.

Mr. PECHAN. I hope you are still under my control.

Mr. WEINER. I am, sir.

Mr. PECHAN. I want you to know, my friend, that I had nothing to do with Senate Bill No. 104. When I voted for that bill, I did it with a great deal of reluctance because I was informed there was a deal—Senator Lane used the word "deal"—and believe you me, I will have no deals with anybody. I like the word "compromise".

Mr. WEINER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Philadelphia, Mr. Weiner, will state it.

Mr. WEINER. Mr. President, we are getting into an area that has nothing to do with this bill. It is not germane to what we are talking about. I think the Senator is talking about things that are not germane. Senate Bill No. 104 is not the bill under discussion here.

The PRESIDING OFFICER. Senator Pechan may proceed.

Mr. PECHAN. Mr. President, the two gentlemen brought up Senate Bill No. 104. I voted for Senate Bill No. 104 with a great deal of reluctance. I want you to know that the original bill was in the Highways Committee, and I am not a Member of the Highways Committee. All of a sudden, I get to be very important. Yesterday, I was on Banking and Insurance. What an influential guy this guy Pechan is. Believe you me, I am going to go home like this.

The PRESIDING OFFICER. Will both Senator Weiner and Senator Pechan speak on the motion at hand?

Mr. LANE. Mr. President, let us talk about House Bill No. 1663.

The PRESIDING OFFICER. The motion before the Senate is for reconsideration of the vote upon which House Bill No. 1663 was defeated. Let us speak on the motion. Please proceed, Senator Pechan.

Mr. PECHAN. Mr. President, I will go around the back door. I will be near House Bill No. 1663, but I will wind up again with Senate Bill No. 104.

I was accused of having something to do with Senate Bill No. 104. Believe you me, I had nothing to do with it. I just want the record to show that I voted for that bill with a great deal of reluctance. That was maneuvered somehow in the Highways Committee or the bill would have never gotten out.

Mr. BELL. Mr. President, with all of the unintentional red herrings that went on here, let us come back to this bill.

I know the Majority Leader did not mean what he said, because he said, in effect, that based on estimates of revenue,—which I believe he said were made in June or July—the Governor is going to cut back on the nonpreferred appropriations.

Now, gentlemen, the people of Pennsylvania will judge the wisdom of the majority party if the Governor dares to do that. He is going to cut back on the money to the hospitals, to our non-State-owned universities and other nonpreferred appropriations, based on faulty revenue figures because the limited national emergency arose in the middle of July. I say this: Before the Governor dares to cut back on the money to the hospitals of Pennsylvania, he owes a duty to the people of Pennsylvania to re-examine the revenue forecasts, and to have a realistic revenue forecast before he cuts back on the money to those people and those hospitals.

Mr. WEINER. Mr. President, I believe the gentleman stated his position very correctly, but he did not go far enough. If the Governor of Pennsylvania owes the people of Pennsylvania a duty, I think the Senator from Delaware County also owes the people of Pennyslvania an equal duty. He also owes a duty to the people of his community.

Nobody stated that money to the hospitals or any other place would be cut back. I stated that the revenues would be cut in these nonpreferred bills to fit the amount of money the Governor has at hand. If he does not have the money at hand, he is not going to sign these or any bills that come to him that do not fit in with the revenue.

If you feel you do not owe the people of Pennsylvania the duty to vote this money for them, then the Governor certainly has the same obligation to follow the lead that you, as a member of the board of directors, have directed him to take as the president of the corporation.

He is only our employee to that point.

Mr. STROUP. Mr. President, I find myself in a position similar to that which was extemporized to you here by my good friend, Senator Wagner.

Many, many months ago,—in fact, almost a year ago—I made a pledge to my constituents that when the opportunity came to vote for funds for public education, I would seize that opportunity and vote accordingly.

Now I find that we are called upon, unfortunately, to vote for a measure incorporated in this bill to which I have heretofore been opposed, and that is, of course, House Bill No. 95. I am, therefore, in a quandary. I am faced with a cul-de-sac. I cannot break my word to my constituents, gentlemen. I ran upon that pledge, and I must keep that pledge.

This money is for public education. Down in Fulton County, which I represent, my constituents were ready to march on the Capitol for relief. I have, Mr. President, over 6,500 accurately signed petitions, requesting relief from the real estate taxes that must be imposed upon them in order to maintain public education.

The same is true in other counties that I represent. I have fought for the last six years for some relief for rural education in Pennsylvania, and no relief has come nor have there been any increased subsidies for these situations or for our fourth class school districts.

Therefore, Mr. President, by reason of a prior pledge and promise which I made, I now, by reason of the situation in which we find ourselves in this particular measure, will cast my vote for House Bill No. 1663.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Camiel,	Mahady,	Ripp,	Staisey,
Devlin,	McCreesh,	Rooney,	Stiefel,
DiSilvestro,	McGinnis,	Sarraf,	Stroup,
Haluska,	McMenamin,	Scott,	Van Sant,
Hays,	Miller,	Sesler,	Weiner,
Kalman,	Mullin,	Seyler,	Yatron,
Lane,	Murray,	Silvert,	Donolow, Presiding Officer

NAYS—21

Bell,	Fleming,	Mallery,	Taylor,
Berger,	Hawbaker,	Pechan,	Wade,
Chapman,	Keller,	Propert,	Wagner,
Confair,	Kromer,	Shafer,	Ware, III,
Ehrgood,	Madigan,	Stevenson,	Wolfe,
Flack,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON FIRST READING

Mr. WEINER. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

The bills were as follows:

SB 320, 440, 872, HB 382, 1219 and **1541**—And said bills having been read at length for the first time,

Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

MONDAY AUGUST 21, 1961

DEMOCRATIC CAUCUS ..... 1:00 P.M., D.S.T.
REPUBLICAN CAUCUS ..... 1:00 P.M., D.S.T.

ADJOURNMENT

Mr. WEINER. Mr. President, I move that the Senate do now adjourn until Monday, August 21, 1961, at 2:30 p.m., Eastern Standard Time.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 8:08 p.m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, August 16, 1961

The House met at 12 o'clock noon, e. s. t.

The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

The Chaplain, Reverend David R. Hoover, offered the following prayer:

Gracious Father, Thou, Who hast shown Thy love for mankind in so many, many different ways, and hast promised to continue to be merciful and loving toward the children of men, we ask for Thy tender care and understanding guidance in the duties which await us. Be compassionate in Thy judgment of our past conduct and forgive the errors we have committed against Thee. Make us to be carriers of Thy love toward all mankind. And grant to us Thy blessed peace. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Tuesday, August 15, 1961, will be postponed until printed.

The Chair hears none.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 565.

An Act amending the act of July 28, 1953 (P. L. 723), entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" requiring the county commissioners to make appropriations and payments to the State Employes' Retirement Fund to establish reserves on account of certain former county employes.

HOUSE BILL No. 621.

An Act requiring a guard to be posted when a manhole is entered imposing powers and duties on the Department of Labor and Industry and authorizing said department to promulgate rules and regulations relating to manholes and providing penalties.

HOUSE BILL No. 1124.

An Act amending "The County Code" approved August 9, 1955 (P. L. 323), changing the limitation on appropriations which may be made for agricultural extension work.

HOUSE BILL No. 1125.

An Act amending the "Second Class County Code" approved July 28, 1953 (P. L. 723), increasing the limitations on appropriations which may be made for agricultural extension work.

HOUSE BILL No. 1216.

An Act authorizing the State Treasurer under certain conditions to transfer sums of money between the General Fund and certain funds and subsequent transfers of equal sums between such funds and making appropriations necessary to effect such transfers.

HOUSE BILL No. 1248.

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177), changing the provisions relating to leaves for certain State employes.

HOUSE BILL No. 1345.

An Act amending "The Permanent Registration Act for Cities of the Second Class Cities of the Second Class A Cities of the Third Class Boroughs Towns and Townships" approved April 29, 1937 (P. L. 487), providing for notification of cancellation of registration in certain cases.

HOUSE BILL No. 1382.

An Act amending the "Public School Employes' Retirement Code of 1959" approved June 1, 1959 (P. L. 350), by further providing for optional membership.

HOUSE BILL No. 1383.

An Act amending the "State Employes' Retirement Code of 1959" approved June 1, 1959 (P. L. 392), by changing definition of "State employe" and permitting certain members of the school employes retirement system to elect to become members.

HOUSE BILL No. 1384.

An Act amending the act of June 1, 1959 (P. L. 350), entitled "An act relating to the retirement of public school employes amending revising consolidating and changing the laws relating thereto" clarifying the provisions relating to the computation of allowances payable to members of the joint coverage group.

HOUSE BILL No. 1386.

An Act amending the act of June 1, 1959 (P. L. 392), entitled "An act relating to the retirement of State employes amending revising consolidating and changing the laws relating thereto" clarifying the provisions relating to the computation of allowances payable to members of the joint coverage group and to the filing of applications for withdrawal allowances.

HOUSE BILL No. 1402.

An Act to provide for the creation and administration of an Anthracite Coal Mine Subsidence Fund within the Department of Mines and Mineral Industries for the insurance of compensation for damages to subscribers thereto * * *.

HOUSE BILL No. 1813.

An Act repealing section 663 act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949" abolishing the levy and assessment of per capita taxes by school districts of the first class having a population of less than one million five hundred thousand persons and providing for the collection of due and delinquent taxes.

HOUSE BILL No. 1814.

An Act imposing a tax for general public school purposes in school districts of the first class A on salaries wages commissions and other compensation earned by residents thereof and on the net profits earned from businesses professions or other activities conducted by residents thereof * * *.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 715

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing be-

tween the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 715.

An Act amending the act of June 1, 1959 (P. L. 392), entitled "An Act relating to the retirement of State employes amending revising consolidating and changing the laws relating thereto" providing for the creation of a dual coverage group and the right of certain members to elect dual coverage.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 716

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 716.

An Act amending the act of June 1, 1959 (P. L. 350), entitled "An act relating to the retirement of public school employes amending revising consolidating and changing the laws relating thereto" providing for the creation of a dual coverage group and the right of certain members to elect dual coverage.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 990

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 990.

An Act amending the "Liquor Code" approved April 12, 1951 (P. L. 90), prescribing the prices at which malt and brewed beverages may be sold by distributors and importing distributors and fixing penalties.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 294.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" further providing for the lights and signals to be used in connection with certain vehicles and providing penalties.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. FINEMAN asked and obtained permission for the Committee on State Government to meet during the session of the House.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1174

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

August 15, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1174, printer's No. 2351, entitled "An Act relating to public works contracts providing for prevailing wages imposing duties upon the Secretary of Labor and Industry providing remedies penalties and repealing existing laws."

DAVID L. LAWRENCE

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1816, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), enlarging the functions of the State colleges and providing for certain duties for the Board of Presidents of State Colleges and for the Department of Public Instruction and changing provisions relating to tuition board and fees.

And said bill having been read at length the first time,
Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1846, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177), creating the State Council of Higher Education as a departmental administrative board in the Department of Public Instruction defining its powers and duties transferring certain duties to the State Council of Higher Education of the State Council of Education and defining and co-ordinating functions of the two councils.

And said bill having been read at length the first time,
Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 435, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" authorizing issuance of liquor licenses in lieu of retail dispenser's licenses to clubs and authorizing the transfer of hotel restaurant and eating place licenses to clubs without affecting the number of licenses thereafter grantable in any municipality.

And said bill having been read at length the first time,
Ordered, to be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 200, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing for fire drills on school buses.

And said bill having been read at length the second time and agreed to,
Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 298, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177), changing membership of the State Board of Medical Education and Licensure.

The first section was read.

On the qusetion,

Will the House agree to the section?

Mr. McCANN offered the fallowing amendment:

Amend Sec. 1 (Sec. 412), page 3, line 6, by inserting after "THE" where it appears the first time: membership or those eligible for membership in the

It was agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to,

And said bill having been read at length the second time and agreed to as amended.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1224, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing for the payments by the Commonwealth for certain equipment used for the instruction of handicapped children.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1539, entitled:

An Act amending the act of June 22, 1931 (P. L. 881), entitled "An act prescribing rights and remedies and the procedure in connection with suits and recovery on bonds conditioned for the payment of material and labor furnished, supplied or performed in the prosecution of any public work or improvement," extending the act to include Federal and State-aided institutions.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1824, entitled:

An Act making an appropriation to the Department of Property and Supplies for the publication of the History and Roster of the Tenth Pennsylvania Volunteer Infantry.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1827, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Department of Forests and Waters to lease land in Valley Forge State Park to the United States Post Office Department, for the purpose of the construction and operation of a post office.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1840, entitled:

An Act amending the act of July 15, 1897 (P. L. 292), entitled "An act to provide revenue by taxation," clarifying provisions for imposing, collecting and paying tax on deposits and shares of savings banks without capital stock building and loan associations and federal and state savings and loan associations measured by their surplus undivided profits and reserves.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1841, entitled:

An Act amending "The General Appropriation Act of 1961," approved May 25, 1961 (Appropriation Act No. 5-A), changing certain amounts appropriated to the Department of Public Instruction and the Department of Revenue and making an appropriation to the Department of Public Instruction for community colleges.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

BILL PASSED OVER

There being no objection

House bill No. 1845, printer's No. 2571,

was passed over at the request of the SPEAKER.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. EILBERG asked and obtained permission for the Committee on Elections to meet during the session of the House.

The SPEAKER. Will the gentleman from Beaver, Mr. Hamilton, come to the desk?

Mr. HAMILTON IN THE CHAIR

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1848, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), changing minimum salaries for certain professional employes and increasing the total compensation for certain professional employes.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 196, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing the extension of sabbatical leaves of absence because of sickness or physical disability.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 351, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" authorizing licensed establishments to sell until two o'clock antemeridian on Sundays.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 604, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further providing for director representation in union or merged districts under certain conditions.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 644, entitled:

An Act to provide for the organization in corporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 662, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" qualifying the membership of county board of school directors.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 736, entitled:

An Act regulating the procedure for petitioning a court to order a safety deposit box opened in furtherance of a criminal investigation or proceeding.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 805, entitled:

An Act amending the act of May 20, 1937 (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth . . ." changing the compensation of members providing for the appointment of an executive secretary and other employes changing the limitations on the filing of claims increasing the powers of the board providing for appeals and making an appropriation.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 811, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" removing the prohibition against Sunday sales of liquor or malt or brewed beverages by public service licensees.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 823, entitled:

An Act amending the act of June 15, 1961 (Act No. 207), entitled "Inheritance and Estate Tax Act of 1961" making a continuing appropriation for the payment of refunds of taxes to which the Commonwealth is not rightfully or equitably entitled.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 830, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for laboratory schools of State-owned colleges and providing for payments in connection therewith.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 875, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Ad-

jutant General to sell and convey real property situate in the City of Lebanon Lebanon County to County Commissioners of Lebanon County.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

LEAVES OF ABSENCE

By unanimous consent leaves of absence were granted as follows:

Mr. Dougherty for Mr. NEEDHAM for today.

Mr. Tompkins for Mr. ASHTON for today.

REPORTS FROM COMMITTEE

Mrs. PASHLEY from the Committee on Elections, reported as committed, House bill No. 1852, entitled:

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333), further regulating the form of the official primary ballot.

Mrs. PASHLEY from the Committee on State Government, reported as committed, Senate bill No. 503, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" authorizing the purchase and resale of books by the Historical and Museum Commission.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1852, entitled:

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333), further regulating the form of the official primary ballot.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 503, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" authorizing the purchase and resale of books by the Historical and Museum Commission.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, on page 8, bills on final passage, I request permission to call up Senate bill 191 for the purpose of an amendment.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 191, entitled:

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" including additional buses within the provisions relating to school buses further providing for the operation of school buses and lights located thereon and providing penalties.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to:

On the question, recurring,

Will the House agree to the bill on third reading?

Mr. McCANN asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Sec. 3, page 9, line 10 by inserting after "653)" subsection (f) added June 7, 1961 (Act No. 153)

Amend Sec. 3 (Sec. 1018), page 13 by inserting between lines 3 and 4

[(f)] (e) The Secretary of Highways shall erect and maintain at all major vehicular entrance points into this Commonwealth from adjoining states signs giving notice of the provisions of this section regulating the passing of school buses and the penalty for violation thereof.

Amend Sec. 4, page 13, line 10 by striking out "TO SUBSECTION (E) OF SECTION 618 AND"

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on final passage of House bill No. 1106, entitled:

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333), further regulating the form of the official primary ballot.

On the question,

Shall the bill pass finally?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Elections.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 96, entitled:

An Act authorizing the Department of Highways with the approval of the Governor to construct a highway and to erect and maintain a bridge over the Kiskiminetas River in Westmoreland and Arumstrong Counties and to provide the necessary approaches and connections with State highways empowering counties to pay certain damages and making an appropriation therefor.

On the question,

Will the House agree to the bill on third reading?

Mr. McCANN asked unanimous consent to offer an amendment at this time.

The SPEAKER pro tempore. The amendment will be read by the clerk for information.

Amend Title, page 1, last line of Title, by striking out "and making an appropriation therefor"

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection

Senate bill No. 401, printer's No. 1213,

was passed over at the request of the Speaker pro tempore.

Agreeebly to order,

The House proceeded to the third reading and consideration of House bill No. 1689, entitled:

An Act regulating the maintenance of junk and scrap yards and prescribing penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. STIMMEL asked unanimous consent to offer an amendment at this time.

The SPEAKER pro tempore. The amendment will be read by the clerk for information.

Amend Sec. 1, page 2, line 1, by striking out "in" and inserting: "and located solely within."

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

STATEMENT BY SPEAKER

The SPEAKER. The Chair desires to make a statement, very brief. I notice by the press that Governor Lawrence today blasted the continuing pattern of legislative inertia.

Now, as a matter of fact, the governor did not do anything of the kind. However, he did make some comments to the effect that we have not been exactly businesslike and so forth and so on. Because we are going to adjourn today and need your time I am not going to reply to what His Excellency the Governor said. However, on Monday I will crave your indulgence and address the House.

Maybe the Governor does not know what has been going on. Anyhow, I think most of us have spent more time here than he has. I will, in kindly fashion, point out some of the handicaps under which we have labored and with which you are acquainted, some of the things that have held us back, the measure to which the various departments have stopped the wheels of progress. Anyhow, we will have something to say on Monday. I thank you.

STATEMENT BY MINORITY LEADER

Mr. A. W. JOHNSON. Mr. Speaker, in answer to the Speaker of the House, we had also—on this side of the House—today planned on having considerable to say about the fact that the session should only run three months, and so forth. But, if on Monday the Speaker is going to talk on that subject, we will then defer our remarks until next Monday and we will also have something to say on that very subject. If you want the session over with today and do not want protracted debate on it today, we will defer until Monday also.

The SPEAKER. The Chair would appreciate that. It would be better all around because maybe what I will have to say will arouse some debate and comment, so we had better put it off.

Mr. HAMILTON IN THE CHAIR

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 665.

An Act amending the act of May 1, 1929 (P. L. 1216), entitled "Real Estate Brokers License Act of 1929," changing licensure provisions for limited real estate brokers and salesmen requiring the registration of cemetery lot salesmen and prescribing responsibilities of certain brokers.

Referred to the Committee on Professional Licensure.

SENATE BILL No. 666.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," increasing the membership of the Real Estate Commission and prescribing qualifications for the additional members.

Referred to the Committee on State Government.

SENATE BILL No. 884.

An Act amending the act of June 1, 1956 (P. L. 1997), entitled "An act relating to comic books magazines and other publications prohibiting and regulating the sale thereof in certain instances and imposing penalties," defining the word "obscene."

Referred to the Committee on Law and Order.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 565.

An Act amending the act of July 28, 1953 (P. L. 723), entitled "An act relating to counties of the second class

amending revising consolidating and changing the laws relating thereto," requiring the county commissioners to make appropriations and payments to the State Employes' Retirement Fund to establish reserves on account of certain former county employes.

HOUSE BILL No. 621.

An Act requiring a guard to be posted when a manhole is entered imposing powers and duties on the Department of Labor nad Industry and authorizing said department to promulgate rules and regulations relating to manholes and providing penalties.

HOUSE BILL No. 715.

An Act amending the act of June 1, 1959 (P. L. 392), entitled "An act relating to the retirement of State employes amending revising consolidating and changing the laws relating thereto," providing for the creation of a dual coverage group and the right of certain members to elect dual coverage.

HOUSE BILL No. 716.

An Act amending the act of June 1, 1959 (P. L. 350), entitled "An act relating to the retirement of public school employes amending revising consolidating and changing the laws relating thereto," providing for the creation of a dual coverage group and the right of certain members to elect dual coverage.

HOUSE BILL No. 718.

An Act amending the act of May 27, 1937 (P. L. 926), entitled "Bedding and Upholstery Law," adding a definition changing tag stamp and registration provisions, providing for licenses and certain fees reports and prescribing penalties.

HOUSE BILL No. 990.

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90), prescribing the prices at which malt and brewed breverages may be sold by distributors and importing distributors and fixing penalties.

HOUSE BILL No. 1124.

An Act amending "The County Code" approved August 9, 1955 (P. L. 323), changing the limitation on appropriations which may be made for agricultural extension work.

HOUSE BILL No. 1125.

An Act amending the "Second Class County Code" approved July 28, 1953 (P. L. 723), increasing the limitations on appropriations which may be made for agricultural extension work.

HOUSE BILL No. 1198.

An Act making appropriations to the Department of Forests and Waters for certain capital improvements in accordance with long range planning for capital improvements designed to make the most effective use of the State's available resources.

HOUSE BILL No. 1216.

An Act authorizing the State Treasurer under certain conditions to transfer sums of money between the General Fund and certain funds and subsequent transfers of equal sums between such funds and making appropriations necessary to effect such transfers.

HOUSE BILL No. 1248.

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177), changing the provisions relating to leaves for certain State employes.

HOUSE BILL No. 1251.

An Act amending the "State Employes' Retirement Code of 1959" approved June 1, 1959 (P. L. 392), further providing for the reduction of superannuation and withdrawal allowances.

HOUSE BILL No. 1345.

An Act amending "The Permanent Registration Act for Cities of the Second Class Cities of the Second Class A Cities of the Third Class Boroughs Towns and Townships," approved April 29, 1937 (P. L. 487), providing for notification of cancellation of registration in certain cases.

HOUSE BILL No. 1382.

An Act amending the "Public School Employes' Retirement Code of 1959," approved June 1, 1959 (P. L. 350), by further providing for optional membership.

HOUSE BILL No. 1383.

An Act amending the "State Employes' Retirement Code of 1959," approved June 1, 1959 (P. L. 392), by changing definition of "State employes" and permitting certain members of the school employes retirement system to elect to become members.

HOUSE BILL No. 1384.

An Act amending the act of June 1, 1959 (P. L. 350), entitled "An act relating to the retirement of public school employes, amending, revising, consolidating and changing the laws relating thereto," clarifying the provisions relating to the computation of allowances payable to members of the joint coverage group.

HOUSE BILL No. 1386.

An Act amending the act of June 1, 1959 (P. L. 392), entitled "An act relating to the retirement of State employes, amending, revising, consolidating and changing the laws relating thereto," clasifying the provisions relating to the computation of allowances payable to members of the joint coverage group and to the filing of applications for withdrawal allowances.

HOUSE BILL No. 1402.

An Act to provide for the creation and administration of an Anthracite Coal Mine Subsidence Fund within the Department of Mines and Mineral Industries for the insurance of compensation for damages to subscribers thereto * * *.

HOUSE BILL No. 1510.

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682), requiring certain domestic mutual insurance companies to accumulate unearned premium reserves within a prescribed period.

HOUSE BILL No. 1588.

An Act amending the act of May 28, 1931 (P. L. 202), entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth * * *," removing the requirement that metallic plates shall be issued.

HOUSE BILL No. 1813.

An Act repealing section 663 act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," abolishing the levy and assessment of per capita taxes by school districts of the first class having a population of less than one million five hundred thousand persons and providing for the collection of dues and delinquent taxes.

HOUSE BILL No. 1814.

An Act imposing a tax for general public school purposes in school districts of the first class A on salaries

wages commissions and other compensation earned by residents thereof and on the net profits earned from businesses professions or other activities conducted by residents thereof * * *.

SENATE BILL No. 511.

An Act amending the act of May 15, 1933 (P. L. 624), entitled as amended "Banking Code," permitting savings banks to service mortgages.

SENATE BILL No. 637.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," authorizing the reservation of funds for out-of-state travel expenses.

SENATE BILL No. 708.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for apportionment of rental obligations in certain cases.

SENATE BILL No. 780.

An Act amending the act of May 16, 1919 (P. L. 193), entitled "An act to provide for the licensing and regulation of public dance halls and ball rooms . . .," increasing license fees in cities of the second class and changing penalties.

SENATE BILL No. 788.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," authorizing the Department of Health to institute a blood plasma protein recovery program.

SENATE BILL No. 842.

An Act amending the act of June 1, 1959 (P. L. 392), entitled "State Employes' Retirement Code of 1959," changing certain fiscal provisions to conform to the fiscal period and changing provisions providing for contributions and administrative expenses.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 88

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on Senate bill No. 88.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate bill No. 88, entitled: "An act amending the act of August 9, 1955 (P. L. 323), entitled 'An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws thereto' abolishing county institution districts in counties of the fourth fifth and sixth classes transferring their property powers duties and obligations to counties prescribing certain further duties of county commissioners with regard to persons in foster homes and as to children and youth and regulating payments for care"

Respectfully submit the following bill as our report:

JOSEPH D. RIPP,
WILLIAM J. LANE,
GEORGE B. STEVENSON,
(Committee on the part of the Senate.)
DOMINICK E. CIOFFI,
MICHAEL R. FLYNN,
EDWIN W. TOMPKINS,
(Committee on the part of the House of Representatives.)

An Act amending the act of August 9, 1955 (P. L. 323) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" abolishing county institution districts in counties of the fourth fifth and sixth classes transferring their property powers duties and obligations to counties prescribing certain further duties of county commissioners with regard to persons in foster homes and as to children and youth and regulating payments for care

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (3) of section 103 act of August 9, 1955 (P L 323) known as "The County Code" is repealed

Section 2 Section 1770 of the act amended April 17, 1959 (P. L. 48) is amended to read

Section 1770 Tax Levies No tax shall be levied on personal property taxable for county purposes where the rate of taxation thereon is fixed by law other than at the rate so fixed The county commissioners shall fix by resolution the rate of taxation for each year No tax for general county purposes in counties of the fourth fifth and sixth classes exclusive of the requirements for the payment of the interest and principal of the funded debt of any such county shall in any one year exceed the rate of [ten] twenty mills on every dollar of the adjusted valuation No tax for general county purposes in counties of the third seventh and eighth classes exclusive of the requirements for the payment of the interest and principal of the funded debt of any such county shall in any one year exceed the rate of ten mills on every dollar of the adjusted valuation In fixing the rate of taxation the county commissioners if the rate is fixed in mills shall also include in the resolution a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property.

The rate of taxation fixed for any occupation tax levied by a county of the fourth fifth or sixth class shall not in any one year exceed [ten] twenty mills and the rate of taxation fixed for any occupation tax levied by a county of the seventh or eighth class shall not exceed ten mills

Section 3 Section 1785 of the act is amended by adding at the end thereof a new subsection to read

Section 1785 Committee to Prepare Uniform Forms

* * *

(f) It shall be the duty of the Secretary of Internal Affairs to include within the budget and report forms specified in this article the changes necessitated by the provisions of this act in regard to property powers duties and obligations of institution districts transferred to counties and the committee established by this section shall not be responsible therefor

Section 4 Section 1805 and subsection (b) of section 1980 of the act are amended to read

Section 1805 Sales of Personal Property and Surplus Farm Products (a) No personal property of the county and no surplus farm products of counties of the fourth fifth or sixth classes shall be disposed of by sale or otherwise except upon resolution of the commissioners When the commissioners approve a sale of such property or in counties of the fourth fifth or sixth classes of farm products they shall estimate the sale value of the entire lot to be disposed of and if the estimate be less than two hundred dollars ($200) they shall require notice of the proposed sale to be posted for at least ten days in a prominent place in the court house describing and itemizing the property to be sold and directing that bids may be made thereon at the office of the chief clerk of the commissioners Thereafter the commissioners may sell such property in whole or in part for the best price or prices obtainable

(b) If the commissioners estimate the sale value of the personal property or of such surplus farm products to be sold at two hundred dollars ($200) or more the entire lot shall be advertised for sale once in at least one newspaper of general circulation in the county and sale of the property so advertised shall be made to the highest and best bidder The bids shall not be opened until at least ten days after the said advertisement The commissioners may sell any such property at auction but the provisions as to notice contained in this section shall be likewise observed

as to the holding of auction sales The provisions of this section shall not be mandatory where county property is to be traded-in or exchanged for new personal property

Section 1980 Board of Visitors for Charitable Reform and Penal Institutions * * *

(b) The board of visitors of each county shall visit at least three times a year all county hospitals detention homes children's homes jails and like institutions of the county or any agency of the county or in counties of the third seventh and eighth classes of the institution district of the county and all similar institutions and other charitable institutions to which the county appropriates money Such visits shall be unannounced and shall be made either by all of the members of the board or by a lesser number acting for the board The board shall inspect the premises involved and shall be entitled to full access thereto and to interview any of the inmates thereof and shall inspect and ascertain all matters pertaining to the welfare and proper conduct of such institutions and particularly the treatment received by the inmates The board shall make an annual report to the court of common pleas upon a date fixed by the court regarding all such things and such other matters as may be referred to them by the court regarding such institutions and the board may also report to the said court from time to time as the board shall see fit A copy of such reports shall be submitted by the board to the proper authorities for such institutions

Section 5 Section 1990 of the act added July 8 1957 (P L 549) is amended to read

Section 1990 Appropriations for Handling Storage and Distribution of Surplus Foods The board of commissioners of any county to which this act applies may appropriate from county funds or in counties of the third seventh and eighth classes from county institution district funds moneys for the handling storage and distribution of surplus foods obtained either through a local State or Federal agency

All appropriations of moneys heretofore made by the board of commissioners of any county out of county funds or county institution district funds for the handling storage and distribution of surplus foods obtained either through a local State or Federal agency are hereby validated

Section 6 Article XXI of the act is amended by adding after subdivision (d) a new subdivision to read

(E) Care of Dependents and Children

Section 2160 Definitions As used in this subdivision unless the context otherwise indicates

"Institution District" means a county institution district managed by the commissioners of the county

"Dependent" means an indigent person requiring public care because of physical or mental infirmity

"Institution" means an infirmary poorhouse almshouse hospital or sanitarium managed by the commissioners of the county

"Public Charge" means a person who is unable to maintain himself and who requires and receives aid from the Commonwealth or from any political subdivision thereof

Section 2161 County Institution Districts Abolished All county institution districts in counties of the fourth fifth and sixth classes are hereby abolished The property real and personal of each such existing county institution district on the effective date of these amendments is hereby transferred to and vested in the county wherein the institution district is located All indebtedness of any institution district whether current or bonded incurred in the acquisition of any of such property and in erect improvements thereon shall become the debt and obligation of such county and shall be paid by it All the powers and duties of the institution districts in connection with administering their affairs are hereby transferred to the counties in which such institution districts are located

Section 2162 Records The Commissioners of each county of the fourth fifth and sixth classes shall keep records of the work necessitated by this subdivision as prescribed by the Department of Public Welfare and shall from time to time make such reports to such department as it shall require

Section 2163 Powers and Duties The county commissioners of counties of the fourth fifth and sixth classes shall have the power and their duty shall be

(1) To erect equip maintain repair alter and add to institutions for the care of dependents and to equip maintain cultivate and improve farms using their produce for the support of dependents or if a surplus of farm products should exist the commissioners may sell the surplus pursuant to section 1805 of this act Any plan for the erection or substantial alteration of an institution must be approved as to suitability by the Department of Public Welfare and as to the amount of money to be expended by the court of common pleas.

(2) To pay the necessary expenses of land and buildings for the care of dependents and farms

Section 2164 Further Powers and Duties The county commissioners of counties of the fourth fifth and sixth classes shall have the power and it shall be their duty with funds of the county according to rules regulations and standards established by the Department of Public Welfare

(1) To care for any neglected child or for any dependent whether adjudicated as neglected or dependent by a court or not having a settlement in the county who is not otherwise cared for

(2) To contract with other counties or any institution district for the care of any such neglected child or for any dependent whether adjudicated as neglected or dependent by a court or not

(3) To contract with any association in Pennsylvania organized to provide a home or employment for deaf and dumb or blind persons having a settlement in the county or to care for any dependent having a settlement in the county who is deaf and dumb or blind or to help him through employment

(4) To pay the cost or part of the cost with respect to mental or other patients imposed by law upon county institution districts

(5) To take any other action authorized by law

(6) To contract with any individual association corporation institution or governmental agency for the purpose of providing foster home care for persons over eighteen years of age who are in institutions and under the care and supervision of the county If in the discretion of the county commissioners such foster home care is advisable the county commissioners may expend funds for such foster home care In addition to any funds paid by the Commonwealth or any individual association corporation institution or governmental agency to or for such persons over eighteen years of age

(7) To require that any person cared for in an institution as defined herein shall pay for the cost of his care to the extent of his available resources

Section 2165 Care of Persons Referred by Department of Public Welfare The county commissioners of counties of the fourth fifth and sixth classes shall have power to care for any dependent or other indigent person in the county who is referred to them by the Department of Public Welfare or by a local board under its supervision pending the determination of such person's legal settlement

Section 2166 Provision for Burial of Dependents and Other Persons Except as otherwise provided by law the county commissioners of counties of the fourth fifth and sixth classes shall provide for the burial of any person who dies in the county unless his body is claimed by a relative by blood or marriage or by a friend or by his fraternal or veterans' organization or by a charitable organization or by the Anatomical Board of the State of Pennsylvania and is buried at the expense of such relative friend or organization No such burial shall cost more than one hundred dollars ($100)

Section 2167 Treatment of Persons in Danger of Hydrophobia The county commissioners of counties of the fourth fifth and sixth classes shall provide with approved medical care and proper attendance (including the so-called Pasteur treatment where prescribed) all indigent persons settled within their district who may be assumed to be in danger of suffering from hydrophobia or rabies by reason of having been bitten by an animal believed to have been suffering from the disease and to order payment of the expenses so incurred out of the funds of the county for the care of dependents

Section 2168 Powers and Duties of County Commissioners as to Children The county commissioners of any county of the fourth fifth or sixth class shall have the power and for the purpose of protecting and promoting the welfare of children and youth it shall be their duty to provide those child welfare services designed to keep children in their homes prevent neglect abuse and exploitation help overcom problems that result in dependency neglect or delinquency and to provide in foster family homes and child caring institutions adequate substitute care for dependent or neglected children whether or not such children have been adjudicated as neglected or dependent and upon the request of the court for children and youth who have been adjudicated delinquent

No child under the age of sixteen years shall unless he is mentally or physically handicapped and no other care is available for him be admitted to or maintained in an institution conducted by the county commissioners of fourth fifth or sixth class counties other than a hospital or sanitarium

Section 2169 Contributions for Medical Care The commissioners of each county of the fourth fifth or sixth class shall have the power to make annual appropriations from the funds of the county for the support of any public institution operated or to any nonprofit corporation organized to give medical care to the dependents and children of the county without discrimination as to membership in any organization or as to race or sect

Section 2170 Inspections by Department of Public Welfare The institutions and books accounts and records of each county pertaining to its powers and duties authorized by this subdivision shall at all times be open to the inspection of the Department of Public Welfare and its agents

Section 2171 Reports of Persons Applying for Treatment of Disease Each county of the fourth fifth and sixth class shall make a record of all of the personal and statistical particulars relative to the inmates in their institutions as directed by the Department of Health for statistical purposes and thereafter such record shall be by them made for all future inmates at the time of their admission In case of dependents admitted or committed for medical treatment of disease the physician in charge shall specify for entry in the record the nature of the disease and where in his opinion it was contracted The personal particulars and information required by this section shall be obtained from the individual dependent himself if it is practicable to do so and when they cannot be so obtained they shall be secured in as complete a manner as possible from the relatives friends or other persons acquainted with the facts

Section 2172 Rules and Regulations The county commissioners of each county of the fourth fifth and sixth class shall have power to make such rules and regulations not inconsistent with this act and not inconsistent with the rules and regulations of the Department of Public Welfare as may be deemed proper convenient and necessary for the government of its institutions and to properly care for dependents

Section 2173 Providing Certain Services Without Charge Prohibited Notwithstanding any other provisions of law no county commissioners shall provide without charge any items of care or service which an individual is entitled to receive as assistance under the "Public Assistance Law" but this section shall not be construed to preclude county commissioners from supplementing such public assistance

Section 2174 Payments by County Commissioners for Assistance The county commissioners shall pay monthly to the Department of Public Welfare as such county commissioners payment for assistance the amount expended by the department during the preceding month as assistance on behalf of patients receiving public nursing home care in a county medical institution plus the cost of administering such assistance minus the amount of Federal funds properly received or to be received by the Department of Public Welfare on account of such expenditures increased or reduced as the case may be by any amount by which the sum paid for any previous month differed from the amount which should have been paid for such previous month and by the proportionate share of refunds of such assistance as provided in the "Public Assistance Law" The Department of Public Welfare shall certify to the county commissioners the amount to be paid by them to the department

Section 2174.1 Limitation of Authority Respecting Public Assistance Recipients The county commissioners shall not exercise supervision or control over the finances or services other than medical or remedial care provided as assistance to or on behalf of dependents who are recipients of assistance under the "Public Assistance Law"

Section 2175 Settlement For the purposes of this subdivision

(1) A legitimate person is first settled in the county of birth unless the father shall have a known settlement elsewhere in which case the first settlement of such person is in the county where the father was then settled

(2) An illegitimate person is first settled in the county of birth unless the mother shall then have a known settlement elsewhere in which case the first settlement of such person is in the county where the mother was then settled

(3) The settlement of a person in a county continues until a new one is acquired in this Commonwealth or elsewhere A settlement is lost only by acquiring a new one except that a person who has settlement in this Commonwealth and who is residing in another state shall be deemed to have lost settlement in this Commonwealth if a person from such other state in like circumstances could have acquired settlement in this Commonwealth by residence in this Commonwealth as hereinafter provided and except that a person having settlement in this Commonwealth who has been absent therefrom and who has been residing in another state shall be deemed to have lost settlement in this Commonwealth if a resident of such other state who is residing in this Commonwealth would lose settlement in such other state as a result of absence therefrom for a period of equal duration or for a period of lesser duration

(4) Except as hereinafter otherwise provided every adult and every emancipated minor whether married or single legitimate or illegitimate may acquire a new settlement in any county of this Commonwealth or in the Commonwealth by coming bona fide to establish a permanent abode therein and continuing to reside therein for one whole year if such person or minor if of sufficient mental ability to make a bargain and is not or does not become a public charge during such year

(5) The settlement of a married woman during coverture follows that of her husband and continues after his death in the county or place where he was last settled but she may thereafter acquire a new settlement for herself If the husband has no known settlement then she is settled whether he be living or dead in the county or place where she was last settled The settlement of a woman after divorce absolute or from bed and board or desertion by the husband or withdrawal by the wife from cohabitation with the husband on account of his cruelty inebriety or lack of support continues in the county or place where the husband was last settled but she may acquire a new settlement for herself

(6) A minor whether legitimate or illegitimate cannot be emancipated before age sixteen and becomes emancipated absolutely at age twenty-one if then of sufficient mental ability to make a bargain After age sixteen and before age twenty-one a minor of sufficient mental ability to make a bargain may become emancipated by his own acts or the acts of the parent stepfather or stepmother having had the custody When a person is emancipated he or she is capable of establishing a new settlement

(7) A minor whether legimtiate or illegimate who is so mentally deficient as to be unable to make a bargain cannot be emancipated after age sixteen and such a person does not become emancipated at age twenty-one and so long thereafter as the mental condition continues The settlement of such a person shall at all times during mental disability be ascertained as provided in clauses (8) and (9) of this section for the settlement of minors not emancipated

(8) Before emancipation the settlement of a legitimate minor is and remains that of the father unless

(i) The father is dead and the mother acquires a new settlement in which case it follows that of the mother or

(ii) The father deserts his family in which case it follows that of the mother or

(iii) The mother withdraws from cohabitation with the husband on account of his cruelty inebriety or lack of support in which case it follows that of the parent having the custody or

(iv) The parents are divorced either absolutely or from bed and board in which case it follows that of the parent having the exclusive custody but where custody is divided between the parents the settlement remains that of the father or

(v) Both parents are dead and the minor is in the custody of a stepfather or stepmother in which case it follows that of the stepfather or stepmother having the custody

(9) Before emancipation the settlement of an illegitimate minor at all times follows that of the mother and in case of her death before emancipation of such minor continues in the custody or place in which she was last settled until such person establishes a new settlement after emancipation

(10) If a person has no known settlement in this Commonwealth and cannot for any reason whatever be removed into the state or country where settled he shall have a quasi-settlement in the county where he or she becomes a public charge which county shall if he be a dependent be liable for his or her support otherwise such liability shall be upon the Commonwealth

(11) If a person becomes a public charge in a county other than the one in which settled such county if he be a dependent otherwise the Commonwealth shall be liable for support until the county state or country of settlement is discovered and removal to such county state or country takes place Any county of settlement shall be liable to the county in which the person became a dependent for the cost of care advanced and the expenses of removal

Section 2176 Removal to County of Settlement In case any person does not have a settlement in the county of the fourth fifth or sixth class wherein he has become or is likely to become a dependent it shall be the duty of the county commissioners to notify the county commissioners of the county of his settlement of the fact If the county commissioners so notified refuse or neglect to receive him or to make arrangements for his proper care and to pay the amount advanced the county commissioners during such care may apply to the court of quarter sessions of their county or to any judge thereof by petition asking for a citation to the county commissioners so refusing or neglecting requiring them to appear before such court at a time specified therein and to show cause why an order should not issue for the removal of such dependent into their county The court shall proceed to hear and determine the cause upon its merits and its decree shall be final unless an appeal therefrom be taken within thirty days

The citation accompanied by a copy of the petition shall be served by the sheriff of the county who may for that purpose deputize the sheriff of the county of the cited county upon one or more of the county commissioners named therein or with the approval of the court service may be had by sending such copy by registered mail The service of mailing shall be at least ten days before the day fixed for such hearing Upon the hearing and argument before the court it shall be lawful for either of the parties to the issue to except to any decision of the court upon any point of evidence or law which exception shall be noted by the court and filed of record as in civil cases An appeal to an appellate court may be taken by either party from the judgment or decree of the court

Section 2177 Liability for Costs In case an order of removal is granted by any court of quarter sessions the court in the same order shall require the county of settlement to pay the petitioners the cost of the proceedings the expense of removal and the proper charges for the care of the dependent from the date of the notice first above provided for all of which expense cost and charges shall be ascertained and allowed by the court If an order of removal is refused the cost of the proceeding shall be paid by the county petitioning thereof

The court of quarter sessions shall have full and complete authority and jurisdiction to enforce by appropriate methods its order or directions made in such proceeding

Section 7 Sections 2301 2303 and 2305 of the act are amended to read

Section 2301 Title to Real Estate Vested in County The title to all court houses jails prisons and workhouses together with the lots of land thereunto belonging or appertaining and all other real property acquired or that may hereafter be acquired by or for the use of the county shall be vested in the county for the use of the people thereof and for no other use except as hereinafter provided In counties of the fourth fifth and sixth this section shall apply to lands and buildings for the care of dependents and farms

Section 2303 Insuring Buildings and Contents The county commissioners may provide insurance against fire and extended coverage against public liability and such other forms of insurance including insurance against burglary as shall seem proper to them for county lands buildings and farms and the contents real and personal thereof The cost of such insurance shall be paid from the general funds of the county

Section 2305 Acquiring and Using Real Property Court Approval Exceptions (a) The county commissioners may purchase take by gift devise or by the power of eminent domain in accordance with the provisions of this act such real property at the county seat or in such other places as may be authorized by law as they deem necessary for the purposes of a county courthouse county jail prison workhouse detention house or other county building and in counties of the fourth fifth and sixth classes lands and buildings for the care of dependents and farms either in acquisition of a building suitable for such purposes or in the construction of a new building or in the alteration including enlargement of an existing county building Any purchase herein authorized shall be subject to the approval of the court of common pleas of the county as to purchase price and no such contract shall bind the county nor shall any conveyance be valid until the court has so approved the purchase price In addition to such approval any acquisition of lands and buildings for the care of dependents and farms shall be subject to approval of the Department of Public Welfare as to suitability

(b) The county commissioners may also use any real property at the county seat or elsewhere as authorized by law owned by the county and deemed suitable by them for the purposes aforesaid except such property as is bound by contract to another public use

(c) The county commissioners may provide for the grading filling draining gardening and otherwise improving and maintaining of an lands for county buildings and of lands and buildings in counties of the fourth fifth and sixth classes for the care of dependents and farms either by contract or by county employes as they deem proper

(d) To the extent that any of the matters provided for herein are otherwise specifically provided for by law with regard to any particular acquisitions of real property by counties either by tax sales or by other purchases this section shall not apply to such matters

Section 8 The act of June 24, 1937 (P. L. 2017) known as the "County Institution District Law" is repealed as to counties of the fourth fifth and sixth classes

Section 9 This act shall take effect January 1, 1962.

On the question,

Will the House adopt the report of the Committee of Conference?

Mr. McCANN. Mr. Speaker, in our caucus we marked this report for an "aye" vote.

Mr. TOMPKINS. The conference committee report has made a few alterations in the bill as it passed the House and it deals with the elimination of institution districts in fourth, fifth and sixth class counties and it is an implementation of the Kerr-Mills program, as I understand it.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—199

Adams,	Fulmer,	Lee, A. M.,	Rovansek,
Anderson, J. H.,	Gailey,	Leonard,	Royer,
Anderson, S. A.,	Gallagher,	Limper,	Rubin,
Arlene,	Gelfand,	Lippincott,	Rudisill,
Bachman,	George,	Long, Wm. Jas.,	Rutherford,
Backenstoe,	Gibb,	Long, Wm. Jos.,	Sakulsky,
Blair,	Gibbons,	Lutty,	Scarcelli,
Boies,	Goldstein, J. H.,	Magee,	Schaaf,
Bonner,	Goldstein, M. H.,	Manbeck,	Schuster,
Bossert,	Goodrich,	Markley,	Seltzer,
Bower,	Gramlich,	Marsh,	Shelton,
Bowman,	Greenlee,	Maxwell,	Sherman,
Branca,	Gremminger,	May,	Shupnik,
Breth,	Guesman,	McCandless,	Simmons,
Buchanan,	Guthrie,	McCann,	Slack,
Bush,	Hamilton,	McDevitt,	Snare,
Capano,	Hankins,	McInroy,	Stank,
Capitolo,	Hartley,	McKeever,	Steckel,
Cauley,	Haudenshield,	McLaughlin,	Stimmel,
Cianfrani,	Heavey,	McNally,	Stiteler,
Cioffi,	Heffner,	Meholchick,	Stone,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Taylor,
Cooley,	Hocker,	Mills,	Thompson,
Crossin,	Holl,	Monroe,	Tomascik,
Curwood,	Holliday,	Morley,	Tompkins,
Davis,	Holman,	Mullen,	Trusio,
Dengler,	Horst,	Munley,	Ujobai,
Dennison,	Irvis,	Murphy,	Varner,
Donaldson,	Isaacs,	Murray,	Verona,
Dougherty,	Jenkins,	Musto,	Wall,
Doughten,	Jim,	O'Dell,	Walsh,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Wargo,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Weidner,
Eilberg,	Jones,	Odorisio,	Welsh,
Elvey,	Kamyk,	Ogilvie,	Wescott,
Eshback,	Kelly,	Parlante,	Whittaker,
Eshleman,	Keiser,	Pashley,	Willard,
Esler,	Kernaghan,	Perry,	Willaredt,
Ewing,	Kessler,	Petrosky,	Williams, A. D.,
Farabaugh,	King,	Piper,	Williams, E. S.,
Fetterolf,	Kistler,	Polaski,	Wilt,
Filo,	Klein,	Polen,	Wood,
Fineman,	Knecht,	Prendergast,	Worley,
Flynn,	Kooker,	Price,	Wynd,
Foerster,	Kornick,	Pursley,	Yetter,
Foor,	Korns,	Reibman,	Zember,
Fox,	Kramer,	Reidenbach,	Zimmerman,
Frascella,	Lamb,	Renwick,	Andrews,
Fry,	Lawson,	Riley,	Speaker

NAYS—1

Auker,

NOT VOTING—10

Ashton,	Lee, K. B.,	Mihm,	Strausser,
Gray,	McCormack,	Needham,	Sullivan, T. F.,
Gross,	McDonald,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 605, entitled:

An Act amending the act of January 29, 1844 (P. L. 25), entitled "An act supplementary to an act to incorporate the president and directors of the water pipes in Aaronsburg" permitting additional persons to vote for the directors further providing who shall be taxed increasing one tax providing for flat rates and tap on charges and repealing inconsistent legislation.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—202

Adams,	Fulmer,	Lee, A. M.,	Riley,
Anderson, J. H.,	Gailey,	Leonard,	Rovansek,
Anderson, S. A.,	Gallagher,	Limper,	Royer,
Arlene,	Gelfand,	Lippincott,	Rubin,
Auker,	George,	Long, Wm. Jas.,	Rudisill,
Bachman,	Gibb,	Long, Wm. Jos.,	Rutherford,
Backenstoe,	Gibbons,	Lutty,	Sakulsky,
Blair,	Goldstein, J. H.,	Magee,	Scarcelli,
Boies,	Goldstein, M. H.,	Manbeck,	Schaaf,
Bonner,	Goodrich,	Markley,	Schuster,
Bossert,	Gramlich,	Marsh,	Seltzer,
Bower,	Greenlee,	Maxwell,	Shelton,
Bowman,	Gremminger,	May,	Sherman,
Branca,	Gross,	McCandless,	Shupnik,
Breth,	Guesman,	McCann,	Simmons,
Buchanan,	Guthrie,	McDevitt,	Slack,
Bush,	Hamilton,	McDonald,	Snare,
Capano,	Hankins,	McInroy,	Stank,
Capitolo,	Hartley,	McKeever,	Steckel,
Cauley,	Haudenshield,	McLaughlin,	Stimmel,
Cianfrani,	Heavey,	McNally,	Stiteler,
Cioffi,	Heffner,	Meholchick,	Stone,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Taylor,
Cooley,	Hocker,	Mills,	Thompson,
Crossin,	Holl,	Monroe,	Tomascik,
Curwood,	Holliday,	Morley,	Tompkins,
Davis,	Holman,	Mullen,	Trusio,
Dengler,	Horst,	Munley,	Ujobai,
Dennison,	Irvis,	Murphy,	Varner,
Donaldson,	Isaacs,	Murray,	Verona,
Dougherty,	Jenkins,	Musto,	Wall,
Doughten,	Jim,	O'Dell,	Walsh,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Wargo,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Weidner,
Eilberg,	Jones,	Odorisio,	Welsh,
Elvey,	Kamyk,	Ogilvie,	Wescott,
Eshback,	Keiser,	Parlante,	Whittaker,
Eshleman,	Kelly,	Pashley,	Willaredt,
Esler,	Kernaghan,	Perry,	Willard,
Ewing,	Kessler,	Petrosky,	Williams, A. D.,
Farabaugh,	King,	Piper,	Williams, E. S.,
Fetterolf,	Kistler,	Polaski,	Wilt,
Filo,	Klein,	Polen,	Wood,
Fineman,	Knecht,	Prendergast,	Worley,
Flynn,	Kooker,	Price,	Wynd,
Foerster,	Kornick,	Pursley,	Yetter,
Foor,	Korns,	Reibman,	Zember,
Fox,	Kramer,	Reidenbach,	Zimmerman,
Frascella,	Lamb,	Renwick,	Andrews,
Fry,	Lawson,		Speaker

NAYS—0

NOT VOTING—8

Ashton,	Lee, K. B.,	Mihm,	Strausser,
Gray,	McCormack,	Needham,	Sullivan, T. F.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 852, entitled:

An Act authorizing the Department of Property and

Supplies with the approval of the Governor to sell and convey land situate in Derry Township Mifflin County Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. McCANN. This bill was not caucused on. It deals with the conveyance of a piece of land in Mifflin County and has been checked out. It is a Senate bill and is agreed to. I ask the membership to vote "aye" in support of the bill.

Mr. TOMPKINS. We ask our membership to vote "aye" on the bill also.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—196

Adams,	Gailey,	Lawson,	Renwick,
Anderson, J. H.,	Gallagher,	Lee, A. M.,	Riley,
Anderson, S. A.,	Gelfand,	Leonard,	Rovansek,
Arlene,	George,	Limper,	Royer,
Auker,	Gibb,	Lippincott,	Rubin,
Bachman,	Gibbons,	Long, Wm. Jas.,	Rudisill,
Backenstoe,	Goldstein, J. H.,	Long, Wm. Jos.,	Rutherford,
Blair,	Goldstein, M. H.,	Lutty,	Sakulsky,
Boies,	Goodrich,	Magee,	Scarcelli,
Bonner,	Gramlich,	Manbeck,	Schaaf,
Bossert,	Greenlee,	Markley,	Schuster,
Bower,	Gremminger,	Marsh,	Seltzer,
Bowman,	Gross,	Maxwell,	Shelton,
Branca,	Guesman,	May,	Sherman,
Breth,	Guthrie,	McCandless,	Shupnik,
Buchanan,	Hamilton,	McCann,	Simmons,
Bush,	Hankins,	McDevitt,	Slack,
Capano,	Hartley,	McDonald,	Snare,
Capitolo,	Haudenshield,	McInroy,	Stank,
Cauley,	Heavey,	McKeever,	Steckel,
Cianfrani,	Heffner,	McLaughlin,	Stimmel,
Cioffi,	Helm,	McNally,	Stiteler,
Clarke,	Henzel,	Meholchick,	Stone,
Cooley,	Hocker,	Merry,	Sullivan, J. A.,
Crossin,	Holl,	Miller,	Taylor,
Curwood,	Holliday,	Mills,	Thompson,
Davis,	Holman,	Monroe,	Tomascik,
Dennison,	Horst,	Morley,	Tompkins,
Donaldson,	Irvis,	Mullen,	Ujobai,
Doughten,	Isaacs,	Munley,	Varner,
Down,	Jenkins,	Murphy,	Verona,
Edwards,	Jim,	Murray,	Wall,
Eilberg,	Johnson, A. W.,	Musto,	Walsh,
Elvey,	Johnson, R. P.,	O'Dell,	Wargo,
Eshback,	Jones,	O'Donnell, J. P.,	Weidner,
Eshleman,	Kamyk,	Odorisio,	Welsh,
Esler,	Keiser,	Ogilvie,	Wescott,
Ewing,	Kelly,	Parlante,	Whittaker,
Farabaugh,	Kernaghan,	Pashley,	Willard,
Fetterolf,	Kessler,	Perry,	Willaredt,
Filo,	King,	Petrosky,	Williams, A. D.,
Fineman,	Kistler,	Piper,	Williams, E. S.,
Flynn,	Klein,	Polaski,	Wilt,
Foerster,	Knecht,	Polen,	Wood,
Foor,	Kooker,	Prendergast,	Worley,
Fox,	Kornick,	Price,	Wynd,
Frascella,	Korns,	Pursley,	Yetter,
Fry,	Kramer,	Reibman,	Zember,
Fulmer,	Lamb,	Reidenbach,	Zimmerman,

NAYS—0

NOT VOTING—14

Ashton,	Gray,	Needham,	Sullivan, T. F.,
Comer,	Lee, K. B.,	O'Donnell, J. A.,	Trusio,
Dengler,	McCormack,	Strausser,	Andrews,
Dougherty,	Mihm,		Speaker

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 81

Mr. HEAVEY. Mr. Speaker, I present the report of the Committee of Conference on House bill No. 81.

The SPEAKER pro tempore. The report will lie over for printing under the Rules.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 65

Mr. FINEMAN. Mr. Speaker, I present the report of the Committee of Conference on Senate bill No. 65.

The SPEAKER pro tempore. The report will lie over for printing under the rules.

DEMOCRATIC CAUCUS

Mr. McCANN. Mr. Speaker, I am going to ask for a recess of one hour and 15 minutes for the purpose of a Democratic caucus. When I make the motion I am going to ask the members of the Democratic caucus to proceed immediately to the new House caucus room and bring with them their House calendars.

ANNOUNCEMENT

Mr. A. W. JOHNSON. Mr. Speaker, a number of our members, during this interim period, have some things they would like to do around the Capitol and we will not caucus, although we would like to say to the members on the Republican side that we would like to have them look over the bills on concurrence in Senate amendments which are on our calendar, and also the conference report, because we will be calling them up from the microphone and they will be explained from the microphone without benefit of a caucus. So, we will not caucus today.

Mr. McCANN. Mr. Speaker, could I ask the gentleman if he is also in position to discuss Senate bill 469 on page 12, House bill 1838 on page 12, which we desire to vote; House bill 1796 on page 11; and, of course, on page 8, Senate bill 401 it is agreed, whenever it arrives in print here, to vote on it, and House bill 1803 on page 7, on which Mr. Bowman will offer amendments that we will debate.

Mr. A. W. JOHNSON. With respect to House bill 1796, we would like to have that passed over until Monday. There is a dispute which has arisen with respect to that bill and we are not ready to caucus on it until early next Monday.

With respect to the prudent man rule, Senate bill 469, I believe that bill can be explained from the microphone and we will be ready to vote on it on an explanation of what the prudent man rule does to fiduciary investments. The other bills we have covered.

Mr. McCANN. I thank the gentleman very kindly, Mr. Speaker.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mrs. REIBMAN asked and obtained permission for the Committee on Education to meet during the session of the House.

BILL INTRODUCED AND REFERRED

By Messrs. ROVANSEK, BOIES, FOOR and McCANDLESS. HOUSE BILL No. 1853.

An Act amending the "Public School Code of 1949," approved March 10, 1949, (P. L. 30), providing for Commonwealth guaranteed equalization payments.

Referred to the Committee on Education.

RECESS

The SPEAKER pro tempore. Without objection, the Chair now declares a recess for one hour and 15 minutes.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

Mr. TOMPKINS. A week ago on Monday the gentleman from Allegheny, Mr. Irvis, and I made a verbal report on a visitation we made to Albany, New York, in connection with legislative procedure. We have reduced our observations and recommendations to writing and I wish at this time to submit that written report for the Journal record and also, in doing so, I would like to commend to the Governor of Pennsylvania that he read it very carefully and find out why we cannot adjourn in three months' time in Pennsylvania.

REPORT OF VISITATION COMMITTEE

The following report was submitted for the record:

WE WENT—WE SAW—WE REPORT

To the Honorable H. G. Andrews, Speaker, and the Members of the Pennsylvania House of Representatives:

At the suggestion of Speaker Andrews, the Honorable K. LeRoy Irvis, and Edwin W. Tompkins, accompanied by John Scotzin of the Newspaper Correspondents Association and the Harrisburg Evening News paid an official visit to the Capitol of New York on the banks of the Hudson, at Albany on August 1 and 2. This we learned by observation, visiting and interrogation:

1. As compared to what we call Capitol Hill in Pennsylvania, the main Capitol Building in Albany is located on a mountain.

2. The Capitol structure is an impressive edifice, first used in 1879, but lacking in the glitter and lustre of the Pennsylvania Main Capitol. The building is large, but apparently built in its day as a show place instead of for effective utilization.

3. The only occupants still left in the Main Capitol Building are—The Governor's office and staff—The Budget office and staff—The Law Department (corresponding to our Justice) and staff—The General Assembly and staff. The State Police were relocated since the first of the year.

4. The General Assembly (Referred to in New York as the Legislature) consists of a House (Referred to in New York as Assembly) consisting of 150 members elected for a term of 2 years; and the Senate consisting of 58 members, all of whom are elected every 2 years.

5. Legislative pay is $7500.00 per year. This has been raised to $10,000.00 effective in 1963. Members have had a $1,000.00 expense allowance, voted each year. This year, 1961, they voted themselves $2,500.00 instead of the $1,000.00 which brought a reaction in New York State similar to that in Pennsylvania. If they get any expense allowance in 1962, they must vote it in that year. If they get any expense allowance in 1963 in addition to the $10,000.00 salary, they must vote it in 1963 and every year thereafter unless they should perchance make it permanent. They receive in addition actual travel costs, whether train or plane and regardless of class of accomodation they choose. If they travel by automobile they receive 8 cents per circular mile.

6. The House in space is only about one third the size of the Pennsylvania House. They have no general public address system. The Speaker and the Reading Clerk have a mike. There are two podiums with mikes in the well of the House in case any member wishes to debate a bill.

The Senate Chamber comparable in size to the Pennsylvania Senate has no public address system.

In each chamber the press is accomodated by chairs at the foot of the Rostrum that have arm rests on them. There are no telephone connections at these locations. The Press however have the privilege of the Floor. It was reported by all we talked to that such an arrangement is satisfactory and there is little or no complaint.

7. The Speaker is elected by the members. The Speaker in turn appoints the Majority Leader and members of Committees, and the Minority members elect their Leader, who generally is the runner-up for Speaker. Neither House nor Senate has a Whip, nor assistant Floor Leader.

In the Senate the members elect the Majority Leader, who also doubles as Temporary President of the Senate.

The last Speaker of the House, Oswald D. Beck, served continuously as Speaker for 22 years from 1937-1959.

There have been 16 Majority Leaders and 17 Minority Leaders of the House since 1901.

8. The House and Senate meet the first Wednesday after the first Monday in January each year.

They meet every Monday night thereafter at 8 p.m. Tuesday mornings at 11 a.m. until February. In February they start stretching out their number of days of meeting weekly until about March when they begin 5 day per week Sessions until adjournment. There is no fixed time for daily adjournment.

They have no trouble with absenteeism because they do not hesitate to enforce a Quorum Roll Call.

9. The House has 36 Standing Committees. Each member is assigned to 3 or 4 committees. Committee size varies in number similar to Pennsylvania.

All standing Committees are assigned permanent quarters.

Major Committees have adequate qualified research and clerical staff.

For instance the Ways and Means Committee corresponding to our Appropriations Committee has a permanent staff of 2 lawyers skilled in budget and finance and government contractual matters, 1 runner, 2 stenographers, a secretary to the committee who is a budget and finance analyst and specialist; and 4 clerks. During the Session

the number of clerks is increased to 8 or 9.

The Governor's Budget Staff consists of about 150 people.

Every Committee has a Clerk to organize the work of the Committee.

In 1955, when Harriman became Governor, the Majority Party of the Legislature (Republican) because of the inability to obtain information from the Executive Departments, organized a Research staff for service to the Majority Party. They have 5 research people on the staff with salaries beginning at $21,000.00 per year and scaling down to $12,000.00 per year. They also have 4 to 6 clerical staff. Their duty and function is to dig out and prepare facts, statistics and information for use of the Majority party in Committee meetings, Conferences, Caucuses and for interim Committees and for the Majority candidates for campaign use.

Within the past year the Minority (Democrat) Legislative members started such a staff of their own.

Expenses of both staffs are paid for out of General Fund appropriation.

Legislative Committees do initiate public hearings on proposed legislation of general public interest.

Standing Committees meet in closed session, and their meetings are not open to the Press. However the Committee Secretary Book, showing what action was taken on Bills, and the vote of each member on a bill is filed at the end of the Session with the Journal Clerk, and at that time, after adjournment, the Book of the Secretary is available for public inspection.

The work load of Major Standing Committees are relieved by Joint interim Committees. This is an interesting and apparently effective procedure and will be given separate treatment later in this report. It is the opinion of the Visitation Committee that this is one of the major keys in the ability of the Legislature to adjourn by April 1 each year.

Committee Chairmen do have a quorum problem because of conflict of meeting time where their members are attending other Committee meetings, although I gained the impression that this was minimized by the Secretary of the various Committee trying to coordinate meeting time. This same secretary also acts as Secretary to the Committee Chairman.

It is permissible to call a Committee meeting off from the floor during Session, but under arrangements with the Speaker and Assembly Leaders similar to the Pennsylvania House.

When the date for final adjournment is fixed, about two weeks prior to the date fixed, all Committees cease to function, and all unreported Bills then in their possession are transferred to the Rules Committee. By this method Rules has complete charge of winding up the Session.

There is a cut off date on the introduction of administration Bills only, usually about March 1. This compels Departments to have their work prepared and ready and is another reason contributing to short Sessions. This date is rigidly enforced.

10. In the 1961 Session there were 4993 bills introduced in the House and 3843 bills introduced in the Senate or a grand overall total of 8836 bills. Of this number 970 were approved by the Governor and 306 were vetoed. The balance died in Rules Committee.

In addition there were 179 Resolutions introduced in the House and 148 in the Senate or a grand overall total of 327. There is no consolidated total as to what disposition was finally made of the Resolutions.

Three years ago they initiated the pre-session filing of bills. Beginning on November 15, bills may be filed. It is reported this procedure helps to expedite the business of the Session, although about 75% of the pre-filing bills are repeats from previous sessions, and are what they refer to in New York as "Pigeons," in Pennsylvania referred to by the Press as "Turkeys."

The General Assembly in New York does not publish a weekly History of Bills such as we do in Pennsylvania.

Instead a private organization publishes a weekly cumulative list on bills in both branches of the Legislature. It is known as New York Legislative Index. A consolidated bound report is made at the end of the Session. The subscription price is $150.00 per Session. The Legislature makes an appropriation to obtain this service for use of all the members of the Legislature. Organizations, lobbyists and others outside the Legislature to get the service must pay the subscription price.

Items such as copies of bills, daily calendars, etc. are available to organizations and lobbyists on a quantity basis for free as in Pennsylvania.

11. Laws are available for distribution in book form about 3 months after the close of the Session.

12. There is no orientation of Freshman members.

13. Each Senator has a secretary and a clerk.

Each House member has a desk of his own. Senior members are usually assigned 3 desks to a room, some rooms of which are divided by portable partitions. Junior members are bunched 5 and 7 desks to a room. On the outside of the door of such rooms is a roster of the members occupying that room. A secretary is assigned to each such room.

Committee rooms, other than House Ways and Means and Senate Finance are comparable in size to our Committee Rooms on the "E" and 3rd Floor. We saw several instances where 2 and 3 committees were assigned to the same room.

14. One of the major keys to their short sessions is the manner and time of the preparation of the budget. Beginning about the middle of September, the Budget Office starts calling upon departments to submit their budget for the following year. Their fiscal year begins April 1. Their constitution requires the Governor to submit his budget to the Legislature not later than February 1. In addition to submission of their requests to the budget office, a copy is also required to be furnished to the House Ways and Means Committee and the Senate Finance Committee. Beginning about the middle of October, the Budget Office starts departmental hearings on the budget. At said hearings the Chairman of the House Ways and Means and as many members as so desire, and the Committees Budget Analyst; together with their counterparts of the Senate Finance Committee sit in on said hearings with full voice. By the time February 1 rolls around and the Governor submits his budget, all of this time-consuming work is finished. After the Budget is submitted the House Ways and Means and the Senate Finance jointly hold one or two public hearings on the budget in order to give taxpayer groups, Chambers of Commerce and all other interested persons an opportunity to express their views.

The 1961 Pennsylvania General Appropriation Bill—

House 808—was a document consisting of 71 pages. The New York General Appropriation Bill for 1961 is a document of 688 pages, it being a comprehensive line budget. For instance on Page 62, line 20, it provides under Department of Agriculture and Markets:

"Supervising Veterinarian (SG 20) 24	$192,298.00
On page 63, line 20, same Department:	
"File Clerk (SG 3) 8	$27,740.00
On page 231, line 20, Education Department:	
Board of Pharmacy,	
"Pharmacy Inspector (SG 17) 13	$86,418.00
On page 263, line 16, Education Department:	
College of Education at Brockport,	
"Professor I (P 20) 10	$87,225.00

And so throughout 688 pages, the total number of employees in every Branch and Department of the Government is listed. The Legislature at all times knows just exactly what is going on and what is contemplated in the government, the cost thereof and where and how the money is being spent, an objective very much to be desired in Pennsylvania.

When the budget is submitted by the Governor on February 1, the joint work of the Ways and Means Committee and the Finance Committee is confined to a line by line comparison with the previous budget, and when an item shows an increase or decrease, then the departments are called in to explain. There is no long list of scheduled departmental hearings. The Committee staffs have everything analyzed and prepared for the use of the members.

Copies of all agreements executed by the state, such as the Thruway agreement with the State, are filed with the Ways and Means and Finance Committee. (Perhaps in Pennsylvania this could be a legitimate function of our Budget and Finance Committee "Watchdog").

Ways and Means get copies of all shifting of funds from one project to another. (Perhaps another function for the Watchdog Committee instead of leaving everything to the Governor and the Budget office).

They also set up an emergency fund that may be used when money runs short in a particular spot or an emergency arises. This money can be spent only on the approval of the Governor and the Chairman of the Ways and Means and Chairman of Finance. (Perhaps another function of the Watchdog.)

There are supplemental budgets to the General Budget, but further detail about them in this report is considered not necessary.

15. There is a large Legislative Library for the use of the members. It contains all the Court Reports of the State, the Decisions and Rulings of all Administrative Agencies such as the Public Service Commission: Workmen's and Unemployment Compensation Boards, etc. It has financial Digests such as Moody's, Business, Governmental and General Encyclopedias and Digests; and current magazines and newspapers. It also serves as a lounging room for the members. Any extensive research is referred to the Research Staff previously mentioned. Such a readily accessible library for Pennsylvanis is strongly recommended. More detail could be obtained by contacting New York. What they have in other states might also be of interest. The New York library also contains a complete record of what we call our Legislative Journal and all proceedings of the Legislature.

SUMMARY

The main object and purpose of our visitation was to try and unlock the secret as to how New York can finish its legislative business each year in 3 months' time. In the past 12 years the latest they adjourned was April 2. This year they adjourned on March 25.

We gained a very emphatic impresison that the New York Legislature is truly a coordinate and not a subservient branch of the government. They cooperate, consult and advise with the Governor, but they are not dominated by him.

Contrary to a general belief that their three month sessions are controlled either by the Constitution or by statute, we very quickly found out that this was not so. We attribute much of their success to:

1. Pre-planning and the use of interim study committee. (Because of annual general sessions the use of this devise in New York is more effective than it might be in Pennsylvania. Instead of our biennial general session, and annual fiscal sessions in even numbered years, we believe that serious consideration should be given to passage by this session and the 1963 sesion of House bill No. 391, which would remove these shackles). Because of annual general sessions in New York, when a knotty problem arises such as our educational program, they would appoint an interim legislative committee to study the Governor's Report, tour the state and obtain grass roots opinion and then report back at the next session with proposed legislation. Much of it could be pre-filed. Such a committee would be given both money and staff with which to do a good job, instead of the method of a select committee on education which we had with neither money, staff, nor time. In New York the report would be before the Assembly in 9 months, instead of a year and 9 months in Pennsylvania, or by keeping us in session for 9 months to try to solve the problem by outside pressures instead of by a good study and review method to which such important and revolutionary legislation is entitled.

2. No new investigation and study committees are permitted during the session. All interim committees must report by March 1.

3. The pre-filing of bills is considered of some advantage. In 1961 there were 867 Senate and 1275 House bills pre-filed.

4. The cut-off date for introduction of administrative and departmental bills contribute to a short session. It stops a lot of dilly-dallying by the administration. If the administration drags its feet, then its requests are made the subject of an interim study committee.

5. The pre-session budget hearings are a very distinctive time-saving device.

6. A detail line budget is also a time-saver and in our opinion is one of the main reasons for the legislature being able to maintain its coordinate instead of subservient roll in government. We strongly urge such a procedure in Pennsylvania.

7. The legislative leaders are powerful officers. The Majority Leaders and the Speaker really run the session.

8. During the session the House has about 450 to 500 employes and the Senate also a like number. New York is certainly not penurious in having help, qualified help that is, to expedite the work of the session. Upon adjournment these staffs are reduced to from 50 to 100 employes.

Session employes are paid by the session. There are no per diem employes. Names, addresses and pay of all employes are at all times available for public information.

We believe a little more money spent in Pennsylvania for good qualified employes during a session, would save the Commonwealth much money, and pay for itself by shortening the time of the session.

9. How exhilirating it would be for the Pennsylvania General Assembly in its "Right to Know," if copies of contracts of G.S.A.; State Education Authority; Highway and Brideg Authority; contracts of Welfare Department for hospital care, and on and on throughout the several agencies of the State Government, to have to file copies of such contracts when they are made with the watchdog committee, instead of copies going to the Auditor General only when the bill is presented for payment.

Respectfully submitted,
EDWIN W. TOMPKINS
K. LEROY IRVIS

The SPEAKER. This is a very interesting and informative report. The Chair will have it reproduced so that every member will have a copy, and I hope that every member reads it. It is a very informative report.

The Chair has some bills to sign and will ask the gentleman from Armstrong, Mr. Helm, to preside.

Mr. HELM IN THE CHAIR

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF FREE CONFERENCE ON HOUSE BILL No. 678

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee, of Free Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 678.

An Act amending the act of July 7, 1955 (P. L. 258), entitled, "An act providing for anthracite mine drainage contingent on Federal aid and making an appropriation" extending the provisions of the act to authorize the sealing of abandoned coal mines and filling voids in abandoned coal mines and making money heretofore appropriated available for those purposes.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 678.

An Act amending the act of July 7, 1955 (P. L. 258), entitled, "An act providing for anthracite mine drainage contingent on Federal aid and making an appropriation" extending the provisions of the act to authorize the sealing of abandoned coal mines and filling voids in abandoned coal mines and making money heretofore appropriated available for those purposes.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1217.

An Act amending the act of May 1, 1907 (P. L. 135), entitled, "An act relating to the appointment of stenographers and assistant stenographers to report proceedings in the several courts of common pleas and orphans' courts of oyer and terminer and general jail delivery and courts of quarter sessions of the peace of this Commonwealth as well as before commissioners masters and special masters in chancery referees examiners auditors and other officers prescribing their powers and duties and when such reports shall be evidence of the facts reported prescribing their compensation and allowances for expenses when the same shall be paid by the county wherein such stenographers or assistant stenographers are employed and when by the parties to such proceedings and repealing an act entitled 'An act directing the appointment of official stenographers in the several civil courts of this Commonwealth authorizing the appointment of stenographers by examiners masters referees commissioners and auditors authorizing the appointment of assistant stenographers repealing 'An act to authorize the appointment of stenographers in the several courts of this Commonwealth prescribing their duties and fixing their compensation' approved May fifteenth one thousand eight hundred and seventy-four repealing 'An act to authorize the appointment of stenographers in the several courts of this Commonwealth prescribing their duties and fixing their compensation' approved May eighth one thousand eight hundred and seventy-six and repealing 'An act defining the duty of court stenographers in the several counties in this State' approved June tenth one thousand eight hundred and eighty-one' approved the twenty-fourth day of May one thousand eight hundred and eighty-seven but such repeal not to revive any law repealed by the said act of twenty-fourth of May one thousand eight hundred and eighty-seven" increasing the compensation of official stenographers for copies of stenographic notes

With the information that the Senate passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 5, line 3, by striking out the brackets before and after the word "ten" and by striking out immediately thereafter the word "fifteen."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Mr. TOMPKINS. Mr. Speaker, the amendments are as read by the clerk, striking out 15 cents for each hundred words of every copy and reducing it to 10 cents. We concur in those amendments and vote "aye."

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—199

Adams,	Fry,	Lamb,	Rovansek,
Anderson, J. H.,	Fulmer,	Lawson,	Royer,
Anderson, S. A.,	Gailey,	Lee, A. M.,	Rubin,
Arlene,	Gallagher,	Leonard,	Rudisill,
Auker,	Gelfand,	Limper,	Rutherford,
Bachman,	George,	Long, Wm. Jas.,	Sakulsky,
Backenstoe,	Gibb,	Long, Wm. Jos.,	Scarcelli,
Blair,	Gibbons,	Lutty,	Schaaf,
Boies,	Goldstein, J. H.,	Magee,	Schuster,
Bonner,	Goldstein, M. H.,	Manbeck,	Seltzer,
Bossert,	Goodrich,	Markley,	Shelton,
Bower,	Gramlich,	Marsh,	Sherman,
Bowman,	Gray,	May,	Shupnik,
Branca,	Greenlee,	McCandless,	Simmons,
Breth,	Gremminger,	McCann,	Slack,
Buchanan,	Gross,	McDevitt,	Snare,
Bush,	Guesman,	McDonald,	Stank,
Capano,	Guthrie,	McInroy,	Steckel,
Capitolo,	Hamilton,	McKeever,	Stimmel,
Cauley,	Hankins,	McLaughlin,	Stiteler,
Cianfrani,	Hartley,	McNally,	Stone,
Cioffi,	Haudenshield,	Meholchick,	Sullivan, J. A.,
Clarke,	Heavey,	Merry,	Taylor,
Comer,	Heffner,	Miller,	Thompson,
Cooley,	Helm,	Monroe,	Tomascik,
Crossin,	Hocker,	Morley,	Tompkins,
Curwood,	Holl,	Mullen,	Trusio,
Davis,	Holliday,	Munley,	Ujobai,
Dengler,	Holman,	Murphy,	Varner,
Dennison,	Horst,	Murray,	Verona,
Donaldson,	Irvis,	Musto,	Wall,
Dougherty,	Isaacs,	O'Dell,	Walsh,
Doughten,	Jenkins,	O'Donnell, J. A.,	Wargo,
Down,	Jim,	O'Donnell, J. P.,	Weidner,
Edwards,	Johnson, A. W.,	Odorisio,	Welsh,
Eilberg,	Johnson, R. P.,	Ogilvie,	Wescott,
Elvey,	Jones,	Parlante,	Whittaker,
Eshback,	Kamyk,	Pashley,	Willard,
Eshleman,	Keiser,	Perry,	Willaredt,
Esler,	Kelly,	Petrosky,	Williams, A. D.,
Ewing,	Kernaghan,	Piper,	Williams, E. S.,
Farabaugh,	Kessler,	Polaski,	Wilt,
Fetterolf,	King,	Polen,	Wood,
Filo,	Kistler,	Prendergast,	Worley,
Fineman,	Klein,	Price,	Wynd,
Flynn,	Knecht,	Pursley,	Yetter,
Foerster,	Kooker,	Reibman,	Zember,
Foor,	Kornick,	Reidenbach,	Zimmerman,
Fox,	Korns,	Renwick,	Andrews,
Frascella,	Kramer,	Riley,	Speaker

NAYS—0

NOT VOTING—11

Ashton,	Lippincott,	Mihm,	Strausser,
Henzel,	Maxwell,	Mills,	Sullivan, T. F.,
Lee, K. B.,	McCormack,	Needham,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1220.

An Act amending the act of October 21 1959 (P L 1345), entitled "An act authorizing the Department of Property and Supplies with the approval of the Secretary of Public Welfare and the Governor to convey 153.91 acres more or less of land in Bensalem Township Bucks County and 13.34 acres more or less of land in Somerset Township Somerset County in exchange for two tracts containing 109.87 acres more or less of land situate in Somerset Township Somerset County" reducing the amount of land which the Department of Property and Supplies is authorized to convey authorizing the sale of less than all of the said tracts requiring the payment of compensation in the event that the lands exchanged have different market values and prescribing the method of determining the respective market values

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is required.

The SPEAKER pro tempore. The clerk will read the emendments.

The clerk read the amendments as follows:

Amend Title, page 1, line 8, by inserting after the word "county" the words "reducing the amount of land which the Department of Property and Supples is authorized to convey;" page 2, line 3, by striking out after the word "of" the word 'four."

Amend Section 1, line 1, page 2, by striking out after the word "title" the words "the first paragraph of section 1 the description of Tract IV in"; page 3, line 2, by striking out at the beginning of the line the figures "153.91" and inserting in lieu thereof the figures "80.39"; line 3, by striking out after the word "with" the word "four"; line 11, by striking out at the beginning of the line the word "four" and inserting in lieu thereof the word "three"; line 11, by striking out after the word "with" the word 'four"; by striking out all of lines 17, 18, 19 and 20; page 4, by striking out all of lines 1 to 20 inclusive; page 5, by striking out all of lines 1 to 19 inclusive; page 6, by striking out all of lines 1 to 20 inclusive; page 7, by striking out all of lines 1 to 20 inclusive; page 8, by striking out all of lines 1 to 19 inclusive; page 6, by striking out all of lines 1 to 20 inclusive; page 7, by striking out all of lines 1 to 20 inclusive; page 8, by striking out all of lines 1 to 18 inclusive; page 9, by striking out all of lines 1 to 5 inclusive and inserting in lieu thereof the following:

TRACT I

Beginning at a point situate 22.20 feet more or less from the turnpike center line station 278 + 57.6 south 36 degrees 54 minutes 37 seconds west thence from the said point by the following courses and distances which are adjacent to other lands of the Commonwealth of Pennsylvania Department of Property and Supplies (1) north 36 degrees 54 minutes 37 seconds east a distance of 731.71 feet more or less (2) south 81 degrees 40 minutes 2 seconds east a distance of 790.00 feet more or less (3) south 50 degrees 11 minues 45 seconds east a distance of 149.06 feet more or less (4) north 72 degrees 13 minues 24 seconds east a distance of 245.68 feet more or less (5) north 58 degrees 34 minutes 5 seconds east a distance of 146.68 feet more or less (6) north 48 degrees 52 minutes 1 second east a distance of 146.71 feet more or less (7) North 33 Degrees 48 minutes 56 seconds east a distance of 201.32 feet more or less (8) north 40 degrees 22 minutes 9 seconds east a distance of 151.63 feet more or less thence along the western right-of-way line of Legislative Route 281 by a curve to the left with a radius of 11,519.15 feet an arc distance of 1,580,52 feet more or less thence along lands of the Commonwealth of Pennsylvania now being conveyed to the Pennsylvania Turnpike Commission by the following courses and distances (1) north 73 degrees 34 minutes 5 seconds west a distance of 520.75 feet more or less (2) south 61 degrees 25 minutes 55 seconds west a distance of 7.07 feet more or less (3) north 73 degrees 34 minutes 5 seconds west a distance of 145.01 feet more or less (4) north 28 degrees 34 minutes 5 seconds west a distance of 7.07 feet more or less (5) north 73 degrees 34 minutes 5 seconds west a distance of 361.29 feet more or less (6) north 53 degrees 5 minutes 23 seconds west a distance of 254.95 feet more or less to the point and place of beginning containing 24.605 acres more or less excepting and reserving therefrom all that certain parcel of land bounded and described as follows.

Beginning at a point in the northern right-of-way line of the Turnpike said point being normal to and 675 feet

distant in a northerly direction from Turnpike center line station 285 + 00 in Bucks County Delaware River Extension and continuing thence along the northern right-of-way line of the Turnpike the four following courses south 61 degrees 25 minutes 58 seconds west a distance of 106.07 feet to a point thence north 78 degress 38 minutes 53 seconds west a distance of 225.91 feet to a point thence north 73 degrees 34 minutes 05 seconds west a distance of 100.00 feet to a point thence south 85 degrees 38 minutes 35 seconds west a distance of 32.19 feet to a point common to the Turnpike right-of-way and the Swartz-Commonwealth of Pennsylvania property line thence along the Common Swartz-Commonwealth property line north 36 degrees 54 minutes 37 seconds east a distance of 102.60 feet to a Common Swartz-Commonwealth corner continuing thence across the Commonwealth's land by other lands of the Commonwealth the following two courses south 81 degrees 40 minutes 2 seconds east a distance of 790.00 feet to a point thence south 50 degrees 11 minutes 45 seconds east a distance of 149.08 feet to a point in the Turnpike northern right-of-way line thence along the Tunrpike northern right-of-way line the following five courses south 72 degrees 13 minutes 24 seconds west a distance of 29.99 feet to a point south 84 degrees 37 minutes 50 seconds west a distance of 107.73 feet to a point north 73 Degrees 34 minutes 5 seconds west a distance of 100.00 feet to a point north 54 degrees 46 minutes west a distance of 107.73 feet to a point north 80 degrees 41 minutes 35 seconds west a distance of 201.45 feet to the point of beginning containing 1.717 acres more or less.

TRACT II

Beginning at a point situate 172.34 feet more or less from Turnpike center line station 333 + 92.91 south 62 degrees 3 minutes 8 seconds west said point being the common point of beginning of parcels 2 and 4 and continuing along lands of the Commonwealth of Pennsylvania presently being conveyed to the Pennsylvania Turnpike Commission the following two courses and distances (1) by an arc distance of 155.52 feet more or less in a northwesterly direction with a radius of 2,964.73 feet (2) by a spiral whose chord is north 74 degrees 46 minutes 5 seconds west a distance of 108.00 feet more or less thence along the lands now or formerly of the Commonwealth of Pennsylvania and John W and Edna V Simons the following course and distance (1) south 39 degrees 30 minutes 44 seconds west a distance of 609.63 feet more or less thence along the lands now or formerly of Anthony and Eleanor Pacenski the following courses and distances (1) north 52 degrees 30 minutes 00 seconds west a distance of 872.20 feet more or less (2) south 39 degrees 00 minutes 00 seconds west a distance of 465.30 feet more or less thence along the lands now or formerly of Lewis A Swartz the following course (1) south 38 degrees 14 minutes 24 seconds west a distance of 684.09 feet more or less thence along the lands now or formerly of Louis [Wark] Mark the following two courses and distances (1) north 53 degrees 9 minutes 28 seconds west a distance of 2,340.87 feet fore or less (2) north 36 degrees 2 minutes 25 seconds east a distance of 39.61 feet more or less thence along the center line of township road 329 and the lands now or formerly of Stanley Q. and Freida F. Becker and C. P. and E. C. Frye the following three courses and distances (1) north 46 degrees 19 minutes 55 seconds east a distance of 734.03 feet more or less (2) north 47 degrees 37 minutes 25 seconds east a distance of 202.34 feet more or less (3) north 52 degrees 22 minutes 25 seconds east a distance of 257.91 feet more or less thence along lands now or formerly of C. P. and E. C. Frye the following course and distance (1) north 48 degrees 34 minutes 31 seconds west a distance of 594.93 feet more or less thence along the eastern right of way line of Legislative Route 281 the following course and distance (1) by an arc distance [1,003.84] 1,003.16 feet more or less in a northeasterly direction with a radius of 11,399.15 feet thence along the lands now or formerly of the Commonwealth of Pennsylvania the following four (4) courses and distances (1) south 25 degrees 8 minutes 36 seconds west a distance of 51.01 feet more or less (2) south 35 degrees 33 minutes 22 seconds west a distance of 298.16 feet more or less (3) south 4 degrees 8 minutes 33 seconds west a distance of 228.76 feet more or less (4) south 26 degrees 40 minutes 34 seconds east a distance of 630.59 feet more or less thence along the center line of township road 329 and lands of the Commonwealth of Pennsylvania the following two (2) courses and distances (1) north 52 degrees 20 minutes 25 seconds east a distance of 460.34 feet more or less (2) north 61 degrees 35 minutes 25 seconds east a distance of 106.36 feet more or less thence along lands now or formerly of the Commonwealth of Pennsylvania the following two (2) courses and distances (1) south 53 degrees 10 minutes 49 seconds east a distance of 2,842.28 feet more or less (2) by an arc distance of 400.27 feet more or less in a southeasterly direction with a radius of 2,764.73 feet thence along the former center line of Legislative Route 09124 and the lands now or formerly of the Commonwealth of Pennsylv;ania the following course and distance (1) south 62 degrees 3 minutes 8 seconds west a distance of 334.34 feet more or less to the point of beginning containing 123.38 acres more or less excepting and reserving therefrom however all those five (5) parcels of land described as follows.

(1) Beginning at a point which is normal to and 452.8 feet + distant northwardly from Turnpike centerline station 299 + 70.3 in Bucks County Delaware Rixer Extension and continuing along the Commonwealth-Frye property line north 48 degrees 34 minutes 31 seconds west a distance of 203.90 feet to a point common with this property line and the easterly right-of-way line of the Turnpike trumpet with U. S. 1 continuing thence along this easterly right-of-way line the following three courses south 89 degrees 4 minutes 51 seconds east a distance of 5.86 feet to a point north 65 degrees 16 minutes 9 seconds east a distance of 143.94 feet to a point and north 19 degrees 16 minutes 22 seconds east a distance of 220.83 feet to a point common to the easterly right-of-way line of the Turnpike trumpet and other lands of the Commonwealth thence south 26 degrees 40 minutes 34 seconds east a distance of 290.15 feet by other lands of the Commonwealth to a point in the Commonwealth property line in Trevose road thence by the Commonwealth property line in Trevose road south 52 degees 20 minutes 19 seconds west a distance of 236.04 feet to the point of beginning containing 1.287 acres more or less.

(2) Beginning at a point which is normal to and 118 feet distant northwardly from Turnpike centerline station 297 + 47.3 in Bucks County Delaware river extension and continuing along the Commonwealth of Pennsylvania's property line in Township Road no 329 also known as Trevose road the following two courses north 47 degrees 37 minutes 25 seconds east a distance of 150.49 feet to a point and north 52 degrees 22 minutes 25 seconds east a distance of 257.91 feet to a point common to the Commonwealth's property line and the southern right-of-way line of the Access road to the Turnpike's northern service station continuing thence along the southern right-of-way line of the Access road the following eight courses south 48 degrees 34 minutes 31 seconds east a distance of 16.50 feet to a point by a curve in a southeasterly direction an arc length of 39.27 feet the radius of said arc being 25 feet to a point south 37 degrees 29 minutes 5 seconds east a distance of 77.24 feet to a point south 52 degrees 30 minutes 55 seconds west a distance of 15.00 feet to a point by a curve in a southeasterly direction an arc length of 144.39 feet the radius of said arc being 440 feet to a point south 33 degrees 42 minutes 46 seconds west a distance of 20.00 feet to a point by a curve in an eastwardly direction an arc length of 412.86 feet the radius of said arc being 460 feet to a point and north 72 degrees 17 minutes 20 seconds east a distance of 90.99 feet to a point common to the southern right-of-way line of the Access road and the northern right-of-way line of the Exit Ramp to the Turnpike's northern service station continuing thence along the northern right-of-way line of the Exit Ramp the following six courses by a curve in a southwesterly direction an arc length of 118.14 feet the radius of said arc being 129.63 feet to a point south 16 degrees 25 minutes 55 seconds west a distance of

33.19 feet to a point by a curve in a southwesterly direction an arc length of 151.19 feet the radius of said arc being 279.63 feet to a point by a curve in a northwesterly direction an arc length of 114.10 feet the radius of said arc being 313.07 feet to a point north 75 degrees 51 minutes 34 seconds west a distance of 309.08 feet to a point and north 73 degrees 34 minutes 5 seconds west a distance of 402.70 feet to the point of beginning containing 4.244 acres more of less.

(3) Beginning at a point which is normal to and 702.33 feet distant northwardly from Turnpike centerline station 312 + 00 in Bucks County Delaware River Extension thence along the Turnpike northern right-of-way line the following fifteen courses south 16 degrees 25 minutes 55 seconds west a distance of 27.33 feet to a point thence north 73 degrees 34 minutes 05 seconds west a distance of 241.95 feet to a point thence by a curve in a westwardly direction an arc length of 133.10 feet the radius of said arc being 375.00 feet to a point thence north 3 degrees 54 minutes 15 seconds west a distance of 10.00 feet to a point thence by a curve in a southwestwardly direction an arc length of 92.78 feet the radius of said arc being 385.00 feet to a point thence south 72 degrees 17 minutes 20 seconds west a distance of 46.32 feet to a point thence north 17 degrees 42 minutes 40 seconds west a distance of 15.00 feet to a point thence south 72 degrees 17 minutes 20 seconds west a distance of 172.38 feet to a point thence by a curve in a southwestwardly direction an arc length of 119.26 feet the radius of said arc being 300 feet to a point thence south 5 degrees 3 minutes 56 seconds west a distance of 20.00 feet to a point thence by a curve in a northwesterly direction an arc length of 119.63 feet the radius of said arc being 320.00 feet to a point thence south 26 degrees 33 minutes 6 seconds west a distance of 20.00 feet to a point thence by a curve in a northwestwardly direction an arc length of 154.07 feet the radius of said arc being 340.00 feet to a point thence south 52 degrees 30 minutes 55 seconds west a distance of 10.00 feet to a point thence north 37 degrees 29 minutes 5 seconds west a distance of 118.74 feet to a point in Township Road No. 329 also known as Trevose Road continuing thence along the Commonwealth of Pennsylvania property line in Trevose Road the following three courses and distances north 49 degrees 53 minutes 14 seconds east a distance of 121.02 feet to a point north 52 degrees 20 minutes 25 seconds east a distance of 460.34 feet to a point thence north 61 degrees 35 minutes 25 seconds east a distance of 106.36 feet to a point thence across the Commonwealth lands by a line common to other lands of the Commonwealth south 53 degrees 10 minutes 44 seconds east a distance of 1176.19 feet to a point common to the Commonwealth and the northern right-of-way line of the Turnpike thence by the following three courses along the northern right-of-way line of the Turnpike south 41 degrees 40 minutes 45 seconds west a distance of 20.00 feet to a point thence by a curve in a northwestwardly direction an arc length of 173.89 feet the radius of said arc being 394.63 feet to a point thence north 73 degrees 34 minutes 5 seconds west a distance of 219.83 feet to the point of beginning containing 9.504 acres more or less.

(4) Beginning at a point which is normal to and 100 feet southwardly from Turnpike centerline station 323 + 00 in Bucks County Delaware River Extension thence along the Turnpike southerly right-of-way line of the Turnpike south 73 degrees 34 minutes 05 seconds east a distance of 719.43 feet to a point common to the southern right-of-way line of the Turnpike and the property line of the Commonwealth of Pennsylvania thence along the property line of the Commonwealth which is adjacent to the western side of Legislative Route 09124 south 39 degrees 40 minutes 44 seconds west a distance of 609.63 feet to a point common to the Commonwealth and Pacenski property line thence along the common Commonwealth-Pacenski property line north 52 degrees 30 minutes west a distance of 872.20 feet to a point thence along the same property line south 39 degrees 00 minutes west a distance of 465.30 feet to a point thence along the common Commonwealth-Packenski Swartz property line south 38 degrees 14 minutes 24 seconds west a distance of 684.09 feet to a point common to the Commonwealth Swartz and Mark property lines thence along the common Commonwealth-Mark property line north 53 degrees 9 minutes 28 seconds west a distance of 2340.87 feet to a point in Township Road No. 329 also known as Trevose Road said point being common to the Commonwealth Mark and former Becker property lines thence northwardly in Trevose Road by the common Commonwealth and former Becker property line the following two courses north 36 degrees 2 minutes 25 seconds east a distance of 39.61 feet to a point thence north 46 degrees 19 minutes 55 seconds east a distance of 347.27 feet to a point continuing thence along the Turnpike southern right-of-way line by the following twenty-one courses north 43 degrees 40 minutes 5 seconds east a distance of 16.50 feet to a point thence by a curve in an eastwardly direction an arc length of 54.12 feet the radius of said arc being 40.00 feet to a point thence south 57 degrees 36 minutes 54 seconds east a distance of 55.43 feet to a point thence south 46 degrees 18 minutes 18 seconds east a distance of 101.98 feet to a point thence south 57 degrees 36 minutes 54 seconds east a distance of 730.00 feet to a point thence by a curve in a southeasterly direction an arc length of 364.67 feet the radius of said arc being 364.63 feet to a point thence south 73 degrees 34 minutes 5 seconds east a distance of 75.00 feet to a point thence south 16 degrees 25 minutes 55 seconds west a distance of 15.00 feet to a point thence south 73 degrees 34 minutes 5 seconds east a distance of 135.00 feet to a point thence north 16 degrees 25 minutes 55 seconds east a distance of 50.00 feet to a point thence south 73 degrees 34 minutes 5 seconds east a distance of 125.00 feet to a point thence north 16 degrees 25 minutes 55 seconds east a distance of 60.00 feet to a point thence south 73 degrees 34 minutes 5 seconds east a distance of 100.00 feet to a point thence north 16 degrees 25 minutes 55 seconds east a distance of 20.00 feet to a point thence by a curve in a northeastwardly direction an arc length of 359.84 feet the radius of said arc being 249.63 feet to a point thence north 38 degrees 55 minutes 3 seconds east a distance of 70.81 feet to a point thence by a curve in a northeasterly direction an arc length of 156.91 feet the radius of said arc being 134.53 feet to a point thence 6 degrees 44 minutes 34 seconds west a distance of 20.00 feet to a point thence by a curve in a southeasterly direction an arc length of 123.23 feet the radius of said arc being 338.07 feet to a point thence south 73 degrees 10 minutes 1 second east a distance of 647.49 feet to a point thence north 61 degrees 25 minutes 55 seconds east a distance of 14.15 feet to the point of beginning containing 43.256 acres more or less.

(5) Beginning at a point which is normal to and 100 feet distant northwardly from Turnpike centerline station 329 + 17 in Bucks County Delaware River Extension thence along the Turnpike northern right-of-way line the following six courses north 73 degrees 34 minutes 05 seconds west a distance of 667.47 feet to a point thence north 62 degrees 15 minutes 29 seconds west a distance of 50.99 feet to a point thence north 48 degrees 33 minutes 05 seconds west a distance of 165.51 feet to a point thence north 62 degrees 15 minutes 29 seconds west a distance of 203.96 feet to a point thence north 17 degrees 56 minutes 45 seconds west a distance of 106.26 feet to a point thence by a curve in a northwesterly direction an arc length of 468.65 feet the radius of said arc being 414.63 feet to a point common to the right-of-way line of the Turnpike and other lands of the Commonwealth of Pennsylvania continuing thence along other lands of the Commonwealth south 53 degrees 10 minutes 44 seconds east a distance of 1666.09 feet to a point in the northern right-of-way line of the Turnpike thence along the northern right-of-way line of the Turnpike north 74 degrees 13 minutes 46 seconds west a distance of 196.49 feet this line being concentric to and 100 feet distant northwardly from the Turnpike centerline of the point of beginning containing 7.924 acres more or less.

TRACT III

Beginning at a point situate two (2) courses and distances away from the Turnpike center line station 278

+ 57.6 as follows south 36 degrees 54 minutes 37 seconds west a distance of 22.20 feet more or less and south 53 degrees 5 minutes 23 seconds east a distance of 254.95 feet more or less and continuing thence from said point along the Turnpike required southern right-of-way line by the following courses and distances (1) south 73 degrees 34 minutes 5 seconds east a distance of 361.29 feet more or less (2) south 28 degrees 34 minutes 5 seconds east a distance of 7.07 feet more or less (3) south 73 degrees 34 minutes 5 seconds east a distance of 145.01 feet more or less (4) north 61 degrees 25 minutes 55 seconds east a distance of 7.07 feet more or less (5) south 73 degrees 34 minutes 5 seconds east a distance of 520.75 feet more or less thence along the westerly required right-of-way line of Legislative Route 281 the following two (2) courses and distances (1) by an arc of 102.66 feet more or less in a southwesterly direction with a radius of 11,519.15 feet (2) south 26 degrees 45 minutes 24 seconds west a distance of 266.05 feet more or less thence along lands now or formerly of Herman Cohen and Jack Berman the Commonwealth of Pennsylvania and the American Standard Corporation the following course (1) north 53 degrees 5 minutes 23 seconds west a distance of 1,037.00 feet more or less to the point and place of beginning containing 4.303 acres more or less excepting and reserving therefrom all that certain parcel of land bounded and described as follows.

Beginning at a point in the Turnpike southern right-of-way line which point is normal to and 125 feet distant southerly from Turnpike centerline station 281 + 19.5 in Bucks County Delaware River Extension thence along the Turnpike southern right-of-way line south 73 degrees 34 minutes 5 seconds east a distance of 994.08 feet to a point in the western right-of-way line of U. S. 1 continuing thence along the common commonwealth U. S. 1 property line the following two courses by a curve in a southwesterly direction an arc length of 87.38 feet the radius of said arc being 11,519.15 feet to a point and south 26 degrees 45 minutes 24 seconds west a distance of 266.06 feet to a common point in the Commonwealth of Pennsylvania and Louis Mark property line thence along the Commonwealth-Mark property line north 53 degrees 5 minutes 23 seconds west a distance of 994.14 feet to the point of beginning containing 3.962 acres more or less.

[TRACT IV

Beginning at a point situate 172.34 feet more or less from the Turnpike center line station 333 + 92.91 south 62 degrees 3 minutes 8 seconds west said point being the common point of beginning of parcels 2 and 4 and continuing along the lands now or formerly of John W. and Edna V. Simons the following two courses and distances (1) south 61 degrees 4 minutes 4 seconds west a distance of 569.80 feet more or less (2) south 39 degrees 30 minutes 00 second west a distance of 284.40 feet more or less thence along the lands now or formerly of Anthony and Eleanor Pacenski the following course and distances (1) north 52 degrees 30 minutes 00 seconds west a distance of 65.00 feet more or less thence along the lands now or formerly of the Commonwealth of Pennsylvania the following three (3) courses and distances (1) north 39 degrees 30 minutes 44 seconds east a distance of 609.63 feet more or less (2) south 74 degrees 46 minutes 05 seconds east a distance of 108.00 feet more or less (3) south 77 degrees 04 minutes 15 seconds east a distance of 155.50 feet more or less to the point of beginning containing 1.624 acres more or less].

The above [four] three tracts being the same land conveyed to the Commonwealth of Pennsylvania by deed of friends hospital dated July 22 1949 and recorded in Bucks County deed book 941 at page 420.

TRACT [V] IV

Beginning at or about Station 742 + 92.31 in the turnpike center line said point being 97.76 feet more or less distant therefrom measured at right angles thence south 66 degrees 57 minutes 30 seconds east by the turnpike southern right-of-way line a line parallel to and the distance of 100 feet from the turnpike center line a distance of 1249.36 feet more or less to a corner common to lands of the Pennsylvania Turnpike Commission and other lands of the within grantor thence south 35 degrees 25 minutes west a distance of 730.27 feet more or less thence north 66 degrees 57 minutes 30 seconds west 378.27 feet more or less to a corner common to lands of the Pennsylvania Turnpike Commission and other lands of the within grantor thence north 22 degrees 06 minutes west a distance of 1008.10 feet more or less to a point in the turnpike southern right-of-way line said point being opposite at or about Station 742 + 92.31 in the turnpike center line 100 feet distant therefrom measured at right angles thence north 23 degrees 02 minutes 30 seconds east a distance of 2.24 feet more or less to the point and place of beginning containing 13.34 acres more or less.

Bounded on the west and north by lands of the Pennsylvania Turnpike Commission on the east and south by other lands of the Commonwealth of Pennsylvania.

Being part of the lands formerly of the Somerset County Poor District which became vested in the Commonwealth of Pennsylvania Department of Welfare by the Act of September 29 1938 (P L 53)

The conveyances shall be made under and subject to all easements servitudes and rights of others including but not confined to streets roadways and rights of any telephone telegraph water electric gas or pipe line companies as well and under and subject to any estates or tenancies vested in third persons whether or not appearing of record for any portion of the land or improvements erected thereon

The Department of Property and Supplies acting through the Secretary of Property and Supplies with the approval of the Secretary of Public Welfare and the Governor is authorized to grant necessary easements in over and through adjoining lands of the Commonwealth for the efficient continued use and maintenance of the lands to be conveyed to the Pennsylvania Turnpike Commission including but not confined to power line easements water line easements easement for location of road known as Legislative Route 09124 easement for relocation of township road known as T-329 sewer easements easements for water authorities and easements needed by Bensalem Township as well as easements for ditches of turnpike.

The easements granted by the Commonwealth shall contain regulations and prohibitions deemed necessary by the Department of Justice for the use maintenance repair renewal and reversion thereof for the protection of the Commonwealth and the adjoining lands.

Section 2 The deeds of conveyance together with authorized easements shall be approved by the Department of Justice and shall be executed by the Secretary of Property and supplies in the name of the Commonwealth of Pennsylvania.

Section 2, page 39, line 7, by striking out after the word "the" the words "first day of June 1952 effective date of this act" and inserting in lieu thereof the words "first day of June 1952."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. TOMPKINS. Mr. Speaker, I yield to the gentleman from Bucks, Mr. Williams.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Williams.

Mr. A. D. WILLIAMS, Jr. Thank you, Mr. Speaker. I, too, at the time that this bill passed the House, opposed this bill as a land grab in my county. However, the Senate has seen fit to remove from this bill 71, almost 72, acres of land which is prime commercial industrial land in Bucks County, which I am reliably informed is worth just under half a million dollars—$435,000. At a time when this General Assembly is looking around desperate-

ly for money for education I would submit that we, in Bucks County, would be most happy if the Governor instructs the Department of Property and Supplies to see if these 72 acres of land is sold, and we would be most happy if this money would be forwarded for educational purposes in our county. I would ask all members to concur in the concurrence report.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—196

Adams,	Fry,	Kramer,	Rovansek,
Anderson, J. H.,	Fulmer,	Lamb,	Royer,
Anderson, S. A.,	Gailey,	Lawson,	Rubin,
Arlene,	Gallagher,	Lee, A. M.,	Rudisill,
Auker,	Gelfand,	Leonard,	Rutherford,
Bachman,	George,	Limper,	Sakulsky,
Backenstoe,	Gibb,	Long, Wm. Jas.,	Scarcelli,
Blair,	Gibbons,	Long, Wm. Jos.,	Schaaf,
Boles,	Goldstein, J. H.,	Lutty,	Schuster,
Bonner,	Goldstein, M. H.,	Magee,	Seltzer,
Bossert,	Goodrich,	Manbeck,	Shelton,
Bower,	Gramlich,	Markley,	Sherman,
Bowman,	Gray,	Marsh,	Shupnik,
Branca,	Greenlee,	May,	Simmons,
Breth,	Gremminger,	McCandless,	Slack,
Buchanan,	Guesman,	McCann,	Snare,
Bush,	Guthrie,	McDevitt,	Stank,
Capano,	Hamilton,	McDonald,	Steckel,
Capitolo,	Hankins,	McInroy,	Stimmel,
Cauley,	Hartley,	McKeever,	Stiteler,
Cianfrani,	Haudenshield,	McLaughlin,	Stone,
Cioffi,	Heavey,	McNally,	Sullivan, J. A.,
Clarke,	Heffner,	Meholchick,	Taylor,
Comer,	Helm,	Merry,	Thompson,
Cooley,	Henzel,	Miller,	Tompkins,
Curwood,	Hocker,	Monroe,	Tomascik,
Davis,	Holl,	Morley,	Trusio,
Dengler,	Holliday,	Munley,	Ujobai,
Dennison,	Holman,	Murphy,	Varner,
Donaldson,	Horst,	Murray,	Verona,
Dougherty,	Isaacs,	Musto,	Wall,
Doughten,	Irvis,	O'Dell,	Walsh,
Down,	Jenkins,	O'Donnell, J. A.,	Wargo,
Edwards,	Jim,	O'Donnell, J. P.,	Weidner,
Eilberg,	Johnson, A. W.,	Odorisio,	Welsh,
Elvey,	Johnson, R. P.,	Ogilvie,	Wescott,
Eshback,	Jones,	Parlante,	Whittaker,
Eshleman,	Kamyk,	Pashley,	Willard,
Esler,	Keiser,	Petrosky,	Willaredt,
Ewing,	Kelly,	Piper,	Williams, A. D.,
Farabaugh,	Kernaghan,	Polaski,	Williams, E. S.,
Fetterolf,	Kessler,	Polen,	Wilt,
Filo,	King,	Prendergast,	Wood,
Fineman,	Kistler,	Price,	Worley,
Flynn,	Klein,	Pursley,	Wynd,
Foerster,	Knecht,	Reibman,	Yetter,
Foor,	Kooker,	Reidenbach,	Zember,
Fox,	Kornick,	Renwick,	Zimmerman,
Frascella,	Korns,	Riley,	Andrews, Speaker

NAYS—0

NOT VOTING—14

Ashton,	Lippincott,	Mills,	Perry,
Crossin,	Maxwell,	Mullen,	Strausser,
Gross,	McCormack,	Needham,	Sullivan, T. F.,
Lee, K. B.,	Mihm,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1578.

An Act amending the act of April 4, 1925 (P. L. 127), entitled "An act relating to Adoption" reducing the minimum period of custody in an agency or institution necessary for voluntary relinquishment of custody of a child and changing provisions relating to hearings in certain cases.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 1, line 2, by inserting after the word "Adoption" the following: reducing the minimum period of custody in an agency or institution necessary for voluntary relinquishment of custody of a child and.

Amend Section 1, page 2, line 6, by striking out after the word "of" the words "thirty (30)" and inserting in lieu thereof the following: "five (5)."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. TOMPKINS. Mr. Speaker, I yield to the lady from Lehigh, Mrs. Markley.

The SPEAKER pro tempore. The Chair recognizes the lady from Lehigh, Mrs. Markley.

Mrs. MARKLEY. Mr. Speaker, House bill 1578, is a composition of House bill 1677 and 1578, they are now in one bill. They are just the same as when they left the House.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—184

Adams,	Fry,	Kooker,	Riley,
Anderson, J. H.,	Fulmer,	Kornick,	Rovansek,
Anderson, S. A.,	Gailey,	Korns,	Royer,
Arlene,	Gallagher,	Kramer,	Rubin,
Auker,	Gelfand,	Lawson,	Rudisill,
Bachman,	George,	Lee, A. M.,	Rutherford,
Backenstoe,	Gibb,	Leonard,	Scarcelli,
Blair,	Gibbons,	Limper,	Schaaf,
Boles,	Goldstein, J. H.,	Long, Wm. Jas.,	Schuster,
Bonner,	Goldstein, M. H.,	Long, Wm. Jos.,	Seltzer,
Bossert,	Goodrich,	Lutty,	Shelton,
Bower,	Gramlich,	Magee,	Sherman,
Bowman,	Gray,	Manbeck,	Simmons,
Branca,	Gremminger,	Markley,	Slack,
Breth,	Gross,	Marsh,	Snare,
Buchanan,	Guesman,	May,	Stank,
Bush,	Guthrie,	McCandless,	Steckel,
Capano,	Hamilton,	McCann,	Stimmel,
Capitolo,	Hankins,	McDevitt,	Stiteler,
Cianfrani,	Hartley,	McDonald,	Stone,
Cioffi,	Haudenshield,	McInroy,	Sullivan, J. A.,
Comer,	Heavey,	McKeever,	Taylor,
Cooley,	Heffner,	McLaughlin,	Thompson,
Curwood,	Helm,	McNally,	Tomascik,
Davis,	Henzel,	Meholchick,	Tompkins,
Dengler,	Hocker,	Merry,	Trusio,
Dennison,	Holl,	Miller,	Ujobai,

Donaldson,	Holliday,	Morley,	Varner,
Dougherty,	Holman,	Mullen,	Verona,
Down,	Horst,	Murray,	Wall,
Edwards,	Irvis,	Musto,	Wargo,
Ellberg,	Isaacs,	O'Dell,	Weidner,
Elvey,	Jenkins,	O'Donnell, J. A.,	Welsh,
Eshback,	Jim,	O'Donnell, J. P.,	Wescott,
Eshleman,	Johnson, A. W.,	Ogilive,	Whittaker,
Esler,	Johnson, R. P.,	Parlante,	Willard,
Ewing,	Jones,	Petrosky,	Willaredt,
Farabaugh,	Kamyk,	Piper,	Williams, A. D.,
Fetterolf,	Keiser,	Polaski,	Williams, E. S.,
Filo,	Kelly,	Polen,	Wilt,
Fineman,	Kernaghan,	Prendergast,	Wood,
Flynn,	Kessler,	Price,	Wynd,
Foerster,	King,	Pursley,	Yetter,
Foor,	Kistler,	Reibman,	Zember,
Fox,	Klein,	Reidenbach,	Zimmerman,
Frascella,	Knecht,	Renwick,	Andrews, Speaker

NAYS—13

Cauley,	Greenlee,	Murphy,	Shupnik,
Clarke,	Lamb,	Pashley,	Walsh,
Crossin,	Munley,	Sakulsky,	Worley,
Doughten,			

NOT VOTING—13

Ashton,	McCormack,	Monroe,	Perry,
Lee, K. B.,	Mihm,	Needham,	Strausser,
Lippincott,	Mills,	Odorisio,	Sullivan, T. F.,
Maxwell,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 517

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House bill No. 517.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 517, entitled: "An act amending the act of April 29 1959 (P L 58) entitled "An act consolidating and revising the Vehicle Code the Tractor Code the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership possession and use of vehicles and tractors' prohibiting certain acts relating to registration plates and counterfeit registration plates numbers or markers" respectfully submit the following bill as our report:

FRED B. ROONEY,
WILLIAM VINCENT MULLIN,
WILLIAM Z. SCOTT,
(Committee on the part of the Senate)
HERBERT FINEMAN,
ARTHUR O. GUESMAN,
W. MACK GUTHRIE,
(Committee on the part of the House of Representatives)

An Act amending the act of April 29 1959 (P L 58) entitled "An act consolidating and revising the Vehicle Code the Tractor Code the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership possession and use of vehicles and tractors" prohibiting certain acts relating to registration plates and counterfeit registration plates numbers or markers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Subsection (c) of section 501 act of April 29 1959 (P L 58) known as "The Vehicle Code" is amended to read:

Section 501 Registration Plates to be Furnished by Department.

* * *

(c) It shall be unlawful to display on any vehicle or tractor an [altered defaced] unreasonably dirty [or forged] registration plate which prevents the reading of the numbers or letters thereon at a reasonable distance.

* * *

Penalty Any person violating subsection (c) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine not to exceed [fifty dollars ($50.00)] ten dollars ($10.00) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than [ten (10)] three (3) days.

Section 2 The act is amended by adding after section 507 a new section to read.

Section 507.1 Counterfeit Registration Plates Etc. No person shall sell offer for sale make procure attempt to procure or knowingly possess a counterfeit or any registration plate or marker issued by the secretary or erase change or alter the number or letter on any registration plate or marker or knowingly use or display on any motor vehicle trailer semi-trailer truck tractor or tractor such counterfeit registration plate or marker or any such registration plate or marker on which number or letter has been erased changed or altered

Penalty Any person violating any of the provisions of the section shall be guilty of a misdemeanor and shall upon conviction thereof in a court of quarter sessions be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) or to undergo imprisonment for not more than one (1) year or both.

On the question,

Will the House adopt the report of the Committee of Conference?

Mr. TOMPKINS. Mr. Speaker, I would like to have explained exactly what changes were made by the conference committee in this bill, the so-called dirty license bill. I was wondering what changes the committee made in it and whether Mr. Fineman, Mr. Guesman or Mr. Guthrie could explain them.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Fineman.

Mr. FINEMAN. Mr. Speaker, this bill, with one small exception, is now in the same form it was in when it was approved by this chamber. When the bill went over to the Senate, they had increased the amount of the fine from the $10 that the House had inserted to the original language, which was $50. The House and Senate conference committee agreed to once again delete the $50 and put back the $10, so that it is in the same form as it was in when it passed the House.

The only other change the Senate made, which I certainly am agreeable to, has to do with the imprisonment in default of payment of the fine. That was reduced from ten days to three days.

Mr. TOMPKINS. I thank the gentleman, Mr. Speaker.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—192

Adams,	Fulmer,	Lamb,	Riley,
Anderson, J. H.,	Galley,	Lawson,	Rovansek,
Anderson, S. A.,	Gallagher,	Lee, A. M.,	Royer,
Arlene,	Gelfand,	Leonard,	Rubin,
Auker,	George,	Limper,	Rudisill,
Bachman,	Gibb,	Long, Wm. Jas.,	Rutherford,
Backenstoe,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Blair,	Goldstein, J. H.,	Lutty,	Scarcelli,
Boles,	Goldstein, M. H.,	Magee,	Schaaf,
Bossert,	Goodrich,	Manbeck,	Schuster,
Bower,	Gramlich,	Markley,	Seltzer,
Bowman,	Gray,	Marsh,	Shelton,
Branca,	Greenlee,	May,	Sherman,
Breth,	Gremminger,	McCandless,	Shupnik,

Buchanan,	Gross,	McCann,	Simmons,
Bush,	Guesman,	McDevitt,	Slack,
Capano,	Guthrie,	McDonald,	Snare,
Capitolo,	Hamilton,	McInroy,	Stank,
Cauley,	Hankins,	McKeever,	Steckel,
Cianfrani,	Hartley,	McLaughlin,	Stimmel,
Cioffi,	Haudenshield,	McNally,	Stiteler,
Clarke,	Heavey,	Meholchick,	Stone,
Comer,	Heffner,	Merry,	Sullivan, J. A.,
Cooley,	Helm,	Miller,	Taylor,
Curwood,	Henzel,	Monroe,	Thompson,
Davis,	Hocker,	Morley,	Tomascik,
Dengler,	Holl,	Mullen,	Tompkins,
Dennison,	Holliday,	Munley,	Trusio,
Donaldson,	Horst,	Murphy,	Ujobai,
Dougherty,	Irvis,	Murray,	Varner,
Doughten,	Isaacs,	Musto,	Verona,
Down,	Jenkins,	O'Dell,	Wall,
Edwards,	Jim,	O'Donnell, J. A.,	Walsh,
Eilberg,	Johnson, A. W.,	O'Donnell, J. P.,	Weidner,
Eshback,	Johnson, R. P.,	Ogilvie,	Welsh,
Eshleman,	Jones,	Parlante,	Wescott,
Esler,	Kamyk,	Pashley,	Whittaker,
Ewing,	Keiser,	Perry,	Willard,
Farabaugh,	Kelly,	Petrosky,	Willaredt,
Fetterolf,	Kernaghan,	Piper,	Williams, A. D.,
Filo,	Kessler,	Polaski,	Williams, E. S.,
Fineman,	King,	Polen,	Wilt,
Flynn,	Klein,	Prendergast,	Wood,
Foerster,	Knecht,	Price,	Worley,
Foor,	Kooker,	Pursley,	Wynd,
Fox,	Kornick,	Reibman,	Yetter,
Frascella,	Korns,	Reidenbach,	Zimmerman,
Fry,	Kramer,	Renwick,	Andrews, Speaker

NAYS—4

Elvey,	Holman,	Kistler,	Zember,

NOT VOTING—14

Ashton,	Lippincott,	Mills,	Strausser,
Bonner,	Maxwell,	Needham,	Sullivan, T. F.,
Crossin,	McCormack,	Odorisio,	Wargo,
Lee, K. B.,	Mihm,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

The SPEAKER pro tempore. For what purpose does the gentleman from Carbon, Mr. Bonner, rise?

Mr. BONNER. How am I recorded on the last vote, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is not recorded as voting.

Mr. BONNER. I wish to be, Mr. Speaker. I wish to be recorded as voting "aye."

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE RESOLUTION No. 62

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House Resolution No. 62.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Resolution No. 62, resolving: (The Senate concurring) That the General Assembly of the Commonwealth hereby memorialize the Congress of the United States to adopt the Equal Rights For Women Amendment.

respectfully submit the following bill as our report:

WILLIAM J. LANE,
PETER J. CAMIEL,
CLARENCE D. BELL,
(Committee on the part of the Senate)

MARION L. MUNLEY,
KATHRYN GRAHAM PASHLEY,
ELISABETH S. WYND,
(Committee on the part of the House of Representatives)

In the House of Representatives, April 24, 1961.

Whereas There has been introduced in the 87th Congress on January 3, 1961. The Equal Rights For Women Amendment which has been referred to the Committee on the Judiciary and

Whereas This amendment reads as follows "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex" therefore be it

Resolved (The Senate concurring) That the General Assembly of the Commonwealth of Pennsylvania hereby memorialize the Congress of the United States to adopt the Equal Rights For Women Amendment and be it further

Resolved That copies of this resolution be transmitted to the presiding officers of each House of the Congress of the United States and to each member of the Senate and the House of Representatives from the State of Pennsylvania in the Congress of the United States

On the question,

Will the House adopt the report of the Committee of Conference?

It was adcpted.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 192

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on Senate 192 bill numbered and entitled as follows:

SENATE BILL No. 192.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" further providing for the placing of reflectors on vehicles and providing penalties.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 192

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on Senate Bill No. 192.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 192, entitled: "An act amending the act of April 29, 1959 (P. L. 58) entitled 'An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors,' further providing for the placing of reflectors on vehicles and providing penalties."

Respectfully submit the following bill as our report:

FRED B. ROONEY,
BENJAMIN R. DONOLOW,
GEORGE N. WADE,
(Committee on the part of the Senate)
WILLIAM LIMPER,
WILLIAM F. RENWICK,
RAYMOND E. WILT,
(Committee on the part of the House of Representatives)

An Act Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle

Code the Tractor Code the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership possession and use of vehicles and tractors" further providing for the placing of reflectors on vehicles and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (f) of section 801 act of April 29, 1959 (P. L. 58), known as "The Vehicle Code" is amended to read

Section 801 Required Lighting Equipment

* * *

(f) Reflectors and Reflective Materials Every [motor bus motor omnibus commercial] motor vehicle every trailer or semi-trailer and every vehicle drawn at the end of a combination of vehicles when operated on a highway may display reflective materials and shall display [at each side of the rear a red reflector] reflectors meeting the following requirements

[Whenever a red reflector is so used or whenever reflectors are used as hereinafter provided it or they] (1) Every such vehicle shall be equipped with two (2) red reflectors mounted on the rear thereof except that on a truck tractor they may be mounted on the rear of the cab Every such vehicle eighty (80) inches or more in over-all width except a truck tractor or a pole trailer or a passenger or suburban motor vehicle shall also be equipped on each side with one (1) reflector mounted at or near the front and with one (1) reflector mounted at or near the rear In addition every trailer or semi-trailer eighty (80) inches or more in over-all width and thirty (30) feet or more in length except a pole trailer shall be equipped with at least one (1) additional reflector the additional reflector or reflectors to be mounted at or near the center or at approximately uniform spacing in the length of the vehicle. Every pole trailer regardless of its width or length shall be equipped on each side with one (1) amber reflector at or near the front of the load and with one (1) red reflector on the rear-most support for the load. Every reflector on a motor bus motor omnibus commercial motor vehicle truck tractor trailer or semi-trailer shall be a Class A reflex reflector. Reflectors on other vehicles shall be either Class A or Class B reflex reflectors.

(2) Reflectors required on the rear or nearest to the rear on the sides of a vehicle shall reflect a red color and reflectors required elsewhere on a vehicle shall reflect an amber color. They shall be mounted upon the vehicle at a height not to exceed sixty (60) inches and not less than twenty-four (24) inches above the ground upon which the vehicle stands [and every such reflector] in the case of a motor bus motor omnibus commercial motor vehicle trailer semi-trailer or vehicle drawn at the end of a combination of vehicles and in the case of a passenger or suburban motor vehicle not less than twenty (20) inches above the ground upon which the vehicle stands except that reflectors shall be mounted as high as practicable on vehicles which are so constructed as to make compliance with the twenty-four (24) inch or twenty (20) inch requirement impractical. They shall be so installed as to perform their function adequately and reliably and except for temporary reflectors required for vehicles in driveaway-towaway operation or on projecting loads they shall be permanently and securely mounted in workmanlike manner so as to provide maximum stability and minimum likelihood of damage. Required reflectors otherwise properly mounted may be securely installed on flexible strapping or belting provided that under conditions of normal operation they reflect light in required directions. Required reflectors mounted temporarily on vehicles during the time they are in transit in a driveaway-towaway operation must be firmly attached. Every required reflector shall be of a type which at the time of its use is approved by the secretary and shall be so designed and maintained as to be visible at night on commercial vehicles from all distances within [five hundred (500)] six hundred (600) feet to [fifty (50)] one hundred (100) feet and on all other vehicles from all distances within three hundred fifty (350) feet to one hundred (100) feet from such vehicle when directly in front of or opposite to a motor vehicle displaying lawfully lighted head lamps as provided in this act

(3) Within the limitations of this subsection the secretary may adopt standard specifications governing the use and display of reflectors or reflective materials or both on the vehicles designated herein and it shall be unlawful for any person to use or display any reflectors or reflective materials as provided herein in violation of the standard specifications so adopted. Such specifications shall be as nearly uniform as practicable with requirements of the Interstate Commerce Commission applicable to vehicles of similar type and size.

* * *

Penalty. Any person violating any of the provisions of subsection (a) (b) (c) (d) (e) or (f) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten dollars ($10.00) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days. Any person violating any of the provisions of subsection (g) (h) (i) (j) or (k) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of two dollars ($2.00) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than one (1) day

On the question,

Will the House adopt the report of the Committee of Conference?

Mr. McCANN. On Senate bill 192 the caucus agreed to vote "aye" in support of the conference committee report.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—189

Adams,	Fulmer,	Lamb,	Renwick,
Anderson, J. H.,	Gailey,	Lawson,	Riley,
Anderson, S. A.,	Gallagher,	Lee, A. M.,	Rovansek,
Arlene,	Gelfand,	Leonard,	Royer,
Bachman,	George,	Limper,	Rubin,
Backenstoe,	Gibb,	Long, Wm. Jas.,	Rudisill,
Blair,	Gibbons,	Long, Wm. Jos.,	Rutherford,
Boles,	Goldstein, J. H.,	Lutty,	Sakulsky,
Bonner,	Goldstein, M. H.,	Magee,	Scarcelli,
Bossert,	Goodrich,	Manbeck,	Schaaf,
Bower,	Gramlich,	Markley,	Schuster,
Bowman,	Gray,	Marsh,	Seltzer,
Branca,	Greenlee,	May,	Shelton,
Breth,	Gremminger,	McCandless,	Sherman,
Buchanan,	Gress,	McCann,	Shupnik,
Bush,	Guesman,	McDevitt,	Simmons,
Capano,	Guthrie,	McDonald,	Slack,
Capitolo,	Hamilton,	McInroy,	Snare,
Cauley,	Hankins,	McKeever,	Stank,
Cianfrani,	Hartley,	McLaughlin,	Steckel,
Cioffi,	Haudenshield,	McNally,	Stimmel,
Clarke,	Heavey,	Meholchick,	Stone,
Comer,	Heffner,	Merry,	Sullivan, J. A.,
Cooley,	Helm,	Monroe,	Taylor,
Crossin,	Henzel,	Morley,	Thompson,
Curwood,	Hocker,	Mullen,	Tomascik,
Dengler,	Holl,	Munley,	Tompkins,
Dennison,	Horst,	Murray,	Trusio,
Donaldson,	Irvis,	Murphy,	Ujobai,
Dougherty,	Isaacs,	Musto,	Varner,
Doughten,	Jenkins,	O'Dell,	Verona,
Down,	Jim,	O'Donnell, J. A.,	Wall,
Edwards,	Johnson, A. W.,	O'Donnell, J. P.,	Walsh,
Eilberg,	Johnson, R. P.,	Odorisio,	Wargo,
Eshback,	Jones,	Ogilvie,	Weidner,
Eshleman,	Kamyk,	Parlante,	Welsh,
Esler,	Keiser,	Pashley,	Wescott,
Ewing,	Kelly,	Perry,	Willaredt,
Farabaugh,	Kernaghan,	Petrosky,	Willard,
Fetterolf,	Kessler,	Piper,	Williams, A. D.,
Filo,	King,	Polaski,	Williams, E. S.,
Fineman,	Kistler,	Polen,	Wilt,
Flynn,	Klein,	Prendergast,	Worley,

Foerster,	Knecht,	Price,	**Wynd,**
Foor,	Kooker,	Pursley,	Yetter,
Fox,	Kornick,	Reibman,	Zember,
Frascella,	Kramer.	Reidenbach,	Andrews,
Fry.			**Speaker**

NAYS—10

Auker,	**Holliday,**	Miller,	Whittaker,
Davis,	Holman,	Stiteler,	**Zimmerman,**
Elvey,	Korns.		

NOT VOTING—11

Ashton,	**Maxwell,**	**Mills,**	**Sullivan, T. F.,**
Lee, K. B.,	**McCormack,**	**Needham,**	**Wood,**
Lippincott,	**Mihm,**	**Strausser,**	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 469, entitled:

An Act amending the act of May 26, 1949 (P. L. 1828), entitled "Fiduciaries Investment Act of 1949," making further provisions concerning authorized investments in corporate bonds and stock.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Lamb.

Mr. LAMB. Mr. Speaker, I rise in opposition to Senate bill 469.

I feel, Mr. Speaker, that the function of the fiduciary is one of protection and one of production, protecting the funds that happen to be in its care and then doing what it can to produce income from those funds. This legislature realized that some time ago when they passed the fiduciary investment act and, in order to protect the funds of the estate that the fiduciary happened to be managing, the legislature set certain restrictions.

With respect to corporate bonds, this legislature said that a fiduciary could not invest in a corporate bond where the corporation had not produced a net profit in the last eight of ten years and where there had been a default in interest in eight of the last ten years.

This legislature also laid down the "prudent man" rule at that time, so we had two considerations, No. 1, the "prudent man" rule, which this bill would seek to establish, and, also, two restrictions with respect to corporate bonds.

With respect to corporate stocks, this legislature also incorporated the "prudent man" rule, but went on to say that before a fiduciary could invest in preferred stocks that the company would have to have made a profit in eight of ten years and, also, had to pay a dividend on its corporate stock in that ten years, and, with respect to common stock, the company had to make a profit in the last 16 years and pay a dividend on its common stock in 12 of the last 16 years.

So with respect to stock then, the legislature, as I said, included the "prudent man" rule and also certain restrictions, but with respect to stock they went two steps further and said only one-third of a trust estate could be invested in common stock and that that stock had to be listed on the New York Stock Exchange or on an exchange approved by the Secretary of Banking.

Now, Mr. Speaker, it is the intent of this bill to take away all of those restrictions and just say, in effect, that if the fiduciary has acted as a prudent man, if he approached the investment in the same sense that he would in protecting his own funds, then he could not be held responsible for any diminution in the estate.

I wish to say right at the outset, Mr. Speaker, that I have all the faith in the world in our corporate fiduciaries, in our banks and our trust companies. I feel certain that they have the technicians and they have the men of knowledge who know how and where and when to invest corporate funds. But, Mr. Speaker, I am speaking today on behalf of or for the fiduciary who is not a corporate fiduciary, the individual like myself, or any member of the House, or any relative of the decedent who has been appointed under a will or under a trust instrument to act as a fiduciary. This man does not and may not have the knowledge and the technique and the know-how to invest funds, and so the Fiduciaries Investment Act was a guide to this person and told him how to invest his funds. Now, if we take that away, if we take away the restrictions that this act has set up and just say to that man, "Go out and act as a prudent man, handle these investments as you would your own," then you are opening up the whole field, you are opening up this fiduciary to poor advice by any number of stock brokers or any number of financial investment counselors, and there is no recourse for the beneficiaries of the estate that this person happens to be administering.

I might say, Mr. Speaker, that the answer to this problem is this: Where a decedent wishes to relieve his fiduciary, whether it is a corporate fiduciary or an individual fiduciary, of any obligation, he can say in the will, "I release the man, or release the fiduciary, from investing in only legals." That is all he has to do.

For those reasons, Mr. Speaker, I am opposed to this bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Clarke.

Mr. CLARKE. Mr. Speaker, it grieves me to rise and take a position opposite to that of my close friend and colleague, Mr. Lamb, but I feel compelled to do so under the circumstances.

Mr. Lamb began his remarks by referring to the duties as he sees them that a fiduciary has, and he labels those duties as, first, protection and, second, production. The amendment that we have before us for consideration today was designed to aid the fiduciary in his exercise of those very duties.

Removing the qualifications with regard to corporate bonds, preferred stocks and common stocks will give the fiduciary a greater opportunity to produce income from the fund that he is handling for the benefit of the beneficiary of those funds.

I might say in that connection that the legal list, or the list of "legals" as Mr. Lamb referred to it, is still retained in the law despite this amendment. The amendment deals only with two sections of the Fiduciaries Investment

Act, section 6 and section 9, those relating to the purchase and retention of corporate bonds, preferred stocks and common stocks.

The further point made by Mr. Lamb was with regard to the removal of the one-third limitation. Presently the Fiduciaries Investment Act says that the investments made by a fiduciary in common stocks shall be limited to one-third of the market value of the estate. The imposition or the retention of this limitation limits the fiduciary in the exercise of his duties, as Mr. Lamb wants to see him perform them, with regard, not only to the protection of the capital but the production of income. It deprives him of the chance to diversify the investments which he may be able to make and thereby render greater profit or income to the beneficiary, and also secure to a greater extent his investments.

Now insofar as the small fiduciary is concerned, as he referred to them, I believe he makes this point, that if we regard the larger banks and bank and trust companies when we think of fiduciaries, there is no problem. They are competently staffed with trained technical personnel. What of the other group, the smaller group of corporate fiduciaries and some individuals? We all know that the practical matter is that these men, if they are not competent and do not have the staff or technical assistance available, seek the advice of counsel learned in these matters, or of larger and more competently staffed corporate fiduciaries.

Of course, we must also keep in mind that in the greater number of these cases the trustee, if he is an individual or a smaller fiduciary, is selected by the testator or the settlor himself and is a person in whom this man reposes confidence and trust evidenced by the very fact that he has selected him.

I want to point out to the members of the House, in urging support for the adoption of this amendment, that the "prudent man" rule is part of our present law and I would like to preface the last part of my remarks by reading this language which delineates or sets forth the standard of care which the trustee or fiduciary must exercise. That language is like this: It authorizes fiduciaries to purchase or retain these securities that we have talked about both in the exercise of that degree of judgement and care under the circumstances then prevailing which men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable safety of their capital.

The "prudent man" rule, as it is called, has been in force and effect in the Commonwealth of Massachusetts for over 100 years. Since it was adopted there it has been adopted by 32 other States. It is a matter of record that no jurisdiction or State which has adopted this rule has ever abandoned it. Information is available which indicates that surcharge suits filed against fiduciaries are fewer in number in those jurisdictions and States which have adopted that rule than in those which have not.

I might say that perhaps the adoption of this amendment would make our law even clearer. It would still give the cautious or conservative fiduciary who simply wants to go through a perfunctory performance of his duties, the right to consult the legal list and make those investments and feel safe about it, and at the same time it will encourage the energetic and capable fiduciary and trustee to invest in a larger field and produce a greater income and thereby render a greater service. I urge all members to support the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Goldstein.

Mr. M. H. GOLDSTEIN. Mr. Speaker, the purpose of a fiduciary is to protect the investment, not to speculate. We can recall back in 1929 and 1930 when the investment funds of minors and banks were lost due to unfortunate conditions. We say it is better to have a four or five percent guaranteed investment for a minor, especially, than to take a chance for a good profit in a speculative enterprise.

I agree with the gentleman from Allegheny, Mr. Lamb, that we are giving too much power, especially to indivdiual fiduciaries. I can think of a case where the fiduciary would want to invest in a family corporation which he thought was a good investment. It might turn out to be o. k. or it might turn out to be a disaster, and when the minor reaches the age of 21 he has no inheritance. Let us protect these minors, not speculate with their inheritance.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Auker.

Mr. AUKER. Mr. Speaker, I just want briefly to back up my good colleagues, Mr. Goldstein and Mr. Lamb.

These provisions were originally put in the act for a good purpose and I have seen nothing develop in the economic life of this country or of this State that should change that purpose. They were based on hard experience through the 20's and the 30's, and I have seen nothing, as I say, develop in the economic life of our State or of our Nation that should move us to remove these vital restrictions on the investments of widows' funds, incompetents' funds and childrens' funds. They should and rightly ought to have every protection around these funds that we can possibly give them. It would be a mistake, in my estimation, to remove these restrictions that are now in the present law for the investment of trust funds, and I ask all my friends on both sides of the aisle to vote against this bill in its present form.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Perry.

Mr. PERRY. Mr. Speaker, may I call the members' attention that the "prudent man" law in fiduciary funds has been in existence in the State of Massachusetts for, perhaps, a hundred years. Benjamin Franklin left equal sized trust funds to the city of Boston and the city of Philadelphia. Across the years the returns from the trust fund in the city of Boston is about double what the return is in the city of Philadelphia.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Eilberg.

Mr. EILBERG. Mr. Speaker, I rise in support of this bill. I am particularly impressed with the argument with reference to charities, charitable trusts, fiduciaries holding money which is intended for charitable purposes, that these particular funds will be able to enlarge themselves much better than they can under existing laws. Because of this particular point of view, I ask the members on both sides of the aisle to vote for the bill.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—147

Adams,	Gailey,	Long, Wm. Jas.,	Rubin,
Anderson, S. A.,	Gallagher,	Lutty,	Rudisill,
Arlene,	Gelfand,	Markley,	Rutherford,
Bachman,	George,	Magee,	Scarcelli,
Backenstoe,	Gibbons,	Manbeck,	Schaaf,
Blair,	Goldstein, J. H.,	May,	Schuster,
Bonner,	Gramlich,	McCandless,	Seltzer,
Bower,	Gray,	McCann,	Shelton,
Branca,	Greenlee,	McDevitt,	Sherman,
Breth,	Gremminger,	McDonald,	Shupnik,
Buchanan,	Guthrie,	McInroy,	Slack,
Bush,	Hankins,	McKeever,	Snare,
Capitolo,	Hartley,	Meholchick,	Stank,
Cauley,	Heavey,	Merry,	Steckel,
Cioffi,	Heffner,	Miller,	Stimmel,
Clarke,	Helm,	Monroe,	Sullivan, J. A.,
Comer,	Henzel,	Morley,	Taylor,
Cooley,	Holl,	Munley,	Thompson,
Crossin,	Holliday,	Murphy,	Tompkins,
Curwood,	Holman,	Musto,	Truslo,
Davis,	Horst,	O'Dell,	Ujobai,
Dengler,	Irvis,	O'Donnell, J A.,	Varner,
Dougherty,	Johnson, A. W.,	O'Donnell, J. P.,	Verona,
Doughten,	Johnson, R. P.,	Ogilvie,	Walsh,
Down,	Jones,	Parlante,	Wargo,
Eilberg,	Kamyk,	Pashley,	Weidner,
Elvey,	Kelly,	Perry,	Welsh,
Eshback,	Kernaghan,	Petrosky,	Wescott,
Eshleman,	Kessler,	Piper,	Willard,
Fetterolf,	King,	Polaski,	Willaredt,
Fineman,	Kistler,	Polen,	Williams, A. D.,
Foerster,	Knecht,	Prendergast,	Williams, E. S.,
Foor,	Kooker,	Reibman,	Worley,
Fox,	Lawson,	Reidenbach,	Wynd,
Frascella,	Leonard,	Renwick,	Yetter,
Fry,	Long, Wm. Jos.,	Riley,	Zember,
Fulmer,	Limper,	Royer,	

NAYS—45

Anderson, J. H.,	Filo,	Keiser,	Price,
Auker,	Flynn,	Klein,	Pursley,
Boles,	Gibb,	Kornick,	Rovansek,
Bossert,	Goldstein, M. H.,	Korns,	Sakulsky,
Bowman,	Goodrich,	Kramer,	Simmons,
Capano,	Gross,	Lamb,	Stiteler,
Cianfrani,	Hamilton,	Lee, A. M.,	Tomascik,
Donaldson,	Haudenshield,	Marsh,	Wall,
Edwards,	Hocker,	McLaughlin,	Wilt,
Esler,	Isaacs,	McNally,	Zimmerman,
Ewing,	Jim,	Mullen,	Andrews,
Farabaugh,			Speaker

NOT VOTING—18

Ashton,	Lippincott,	Murray,	Strausser,
Dennison,	Maxwell,	Needham,	Sullivan, T. F.,
Guesman,	McCormack,	Odorisio,	Whittaker,
Jenkins,	Mihm,	Stone,	Wood,
Lee, K. B.,	Mills,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1838, entitled:

An Act amending "The General Assessment Law," approved May 22, 1933 (P. L. 853), providing that reproduction costs shall be considered in arriving at value and providing that factors taken into consideration in arriving at the value of real property and valuations so determined by certain counties under a permanent system of records may continue to be a valid basis for assessments.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, this bill is an amendment to the general county assessment law providing that reproduction costs be taken into consideration as a factor in levying assessments. Now we have had a lot of bills before this General Assembly seeking to redefine assessments to make them market values and raising the general level of assessments, putting floors under the 30 percent and everything else.

Apparently they have a situation down in Bucks County that is peculiar unto themselves in connection with some interpretations which have been placed upon certain phases of the re-assessment program on the question of using reproduction costs as factors in determining an assessment.

Now I am perfectly willing to help out Bucks County, but this applies to the entire State, and when we do, I wonder if this step is not a device to really take the taxpayers into space and orbit, to think that you can levy assessments by using reproduction costs as a basis of assessments instead of the actual value of the properties involved. As I say, I am perfectly willing to help out Bucks County, but I am not willing to help them out to the extent of imposing this basis of assessments and valuations upon the entire Commonwealth. I think we are really going haywire and clearly out in left field on this question in trying to establish assessments in the Commonwealth of Pennsylvania. I think it is wrong and, therefore, I am going to vote against the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Perry.

Mr. PERRY. Mr. Speaker, I want to concur in what the gentleman from Cameron, Mr. Tompkins, said about this bill. If this bill were to become law, property owners in the State of Pennsylvania who have properties that are 30 years or older could be penalized tremendously in assessments.

To give an example: I own a building; is is a four-story block building in Philadelphia, built in 1876. It is appraised and assessed today at $30,000. To reproduce that building today with 24-inch walls would cost over a million dollars. And if the assessment were made on that building on a reproduction cost, I would give them the building as a gift. And that applies to any building, particularly in rural areas, the old farm buildings with their big wide, thick stone walls. If they are appraised or assessed at reproduction cost, their assessment would multiply at least eight or ten times.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—10

Eshback,	Kelly,	Shelton,	Willard,
Fox,	Klein,	Whittaker,	Willaredt,
Gallagher,	Limper,		

NAYS—182

Adams,	Fulmer,	Lamb,	Riley,
Anderson, J. H.,	Gailey,	Lee, A. M.,	Rovansek,
Anderson, S. A.,	Gelfand,	Leonard,	Royer,

Arlene,	George,	Long, Wm. Jas.,	Rubin,
Auker,	Gibb,	Long, Wm. Jos.,	Rudisill,
Bachman,	Gibbons,	Lutty,	Rutherford,
Backenstoe,	Goldstein, J. H.,	Magee,	Sakulsky,
Blair,	Goldstein, M. H.,	Manbeck,	Scarcelli,
Boles,	Goodrich,	Markley,	Schaaf,
Bonner,	Gramlich,	Marsh,	Schuster,
Bossert,	Gray,	McCandless,	Seltzer,
Bower,	Greenlee,	McCann,	Sherman,
Bowman,	Gremminger,	McDevitt,	Shupnik,
Branca,	Gross,	McDonald,	Simmons,
Breth,	Guthrie,	McInroy,	Slack,
Buchanan,	Hamilton,	McKeever,	Snare,
Bush,	Hankins,	McLaughlin,	Stank,
Capano,	Hartley,	McNally,	Steckel,
Capitolo,	Haudenshield,	Meholchick,	Stimmel,
Cauley,	Heavey,	Merry,	Stiteler,
Cianfrani,	Heffner,	Miller,	Stone,
Cioffi,	Helm,	Monroe,	Sullivan, J. A.,
Clarke,	Henzel,	Morley,	Taylor,
Cooley,	Hocker,	Mullen,	Thompson,
Crossin,	Holl,	Munley,	Tomascik,
Curwood,	Holliday,	Murphy,	Tompkins,
Davis,	Holman,	Musto,	Trusio,
Dengler,	Horst,	O'Dell,	Ujobai,
Donaldson,	Irvis,	O'Donnell, J. A.,	Varner,
Doughten,	Isaacs,	O'Donnell, J. P.,	Verona,
Down,	Jenkins,	Odorisio,	Wall,
Edwards,	Jim,	Ogilvie,	Walsh,
Eilberg,	Johnson, A. W.,	Parlante,	Wargo,
Elvey,	Johnson, R. P.,	Pashley,	Weidner,
Eshleman,	Jones,	Piper,	Welsh,
Esler,	Kamyk,	Polaski,	Wescott,
Ewing,	Keiser,	Perry,	Williams, A. D.,
Farabaugh,	Kernaghan,	Petrosky,	Williams, E. S.,
Fetterolf,	Kessler,	Polen,	Wilt,
Filo,	King,	Prendergast,	Worley,
Fineman,	Kistler,	Price,	Wynd,
Flynn,	Knecht,	Pursley,	Yetter,
Foerster,	Kooker,	Reibman,	Zember,
Foor,	Kornick,	Reidenbach,	Zimmerman,
Frascella,	Korns,	Renwick,	Andrews,
Fry,	Kramer,		Speaker

NOT VOTING—18

Ashton,	Lawson,	McCormack,	Needham,
Comer,	Lee, K. B.,	Mihm,	Strausser,
Dennison,	Lippincott,	Mills,	Sullivan, T. F.,
Dougherty,	Maxwell,	Murray,	Wood,
Guesman,	May,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1796, entitled:

An Act amending the act of July 7, 1955 (P. L. 258), entitled "An act providing for anthracite mine drainage contingent on Federal aid and making an appropriation" removing certain restrictions.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adams,	Fox,	Kooker,	Reibman,
Anderson, J. H.,	Frascella,	Kornick,	Reidenbach,
Anderson, S. A.,	Fry,	Kramer,	Renwick,
Arlene,	Fulmer,	Lamb,	Riley,
Bachman,	Galley,	Lee, A. M.,	Rovansek,
Backenstoe,	Gallagher,	Leonard,	Royer,
Blair,	George,	Limper,	Rubin,
Boles,	Gibb,	Long, Wm. Jas.,	Rudisill,
Bonner,	Gibbons,	Long, Wm. Jos.,	Rutherford,
Bossert,	Goldstein, J. H.,	Lutty,	Sakulsky,
Bower,	Goldstein, M. H.,	Magee,	Scarcelli,
Bowman,	Goodrich,	Manbeck,	Schaaf,
Branca,	Gramlich,	Markley,	Schuster,
Breth,	Gray,	Marsh,	Seltzer,
Buchanan,	Greenlee,	May,	Shelton,
Bush,	Gremminger,	McCandless,	Shupnik,
Capano,	Gross,	McCann,	Simmons,
Capitolo,	Guthrie,	McDevitt,	Slack,
Cauley,	Hamilton,	McDonald,	Snare,
Cianfrani,	Hankins,	McInroy,	Stank,
Cioffi,	Hartley,	McKeever,	Steckel,
Clarke,	Haudenshield,	McLaughlin,	Stimmel,
Comer,	Heavey,	McNally,	Sullivan, J. A.,
Cooley,	Heffner,	Meholchick,	Taylor,
Crossin,	Helm,	Merry,	Thompson,
Curwood,	Henzel,	Miller,	Tomascik,
Davis,	Hocker,	Monroe,	Tompkins,
Dengler,	Holl,	Morley,	Trusio,
Dennison,	Holliday,	Mullen,	Ujobai,
Donaldson,	Holman,	Murphy,	Varner,
Doughten,	Horst,	Musto,	Verona,
Down,	Irvis,	O'Dell,	Wall,
Edwards,	Isaacs,	O'Donnell, J. A.,	Weidner,
Eilberg,	Jim,	O'Donnell, J. P.,	Welsh,
Elvey,	Johnson, A. W.,	Odorisio,	Whittaker,
Eshback,	Johnson, R. P.,	Ogilvie,	Willard,
Eshleman,	Jones,	Parlante,	Willaredt,
Esler,	Kamyk,	Pashley,	Williams, A. D.,
Ewing,	Keiser,	Perry,	Williams, E. S.,
Farabaugh,	Kelly,	Petrosky,	Wilt,
Fetterolf,	Kernaghan,	Piper,	Worley,
Filo,	Kessler,	Polaski,	Wynd,
Fineman,	King,	Polen,	Yetter,
Flynn,	Kistler,	Prendergast,	Zember,
Foerster,	Klein,	Price,	Zimmerman,
Foor,	Knecht,	Pursley,	Andrews,
			Speaker

NAYS—5

Auker,	Munley,	Stiteler,	Wargo,
Korns,			

NOT VOTING—21

Ashton,	Lee, K. B.,	Mills,	Strausser,
Dougherty,	Lippincott,	Murray,	Sullivan, T. F.,
Gelfand,	Maxwell,	Needham,	Walsh,
Guesman,	McCormack,	Sherman,	Wescott,
Jenkins,	Mihm,	Stone,	Wood,
Lawson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

The SPEAKER pro tempore. For what purpose does the gentleman from Philadelphia, Mr. Sherman, rise?

Mr. SHERMAN. Mr. Speaker, I would like to have my vote recorded as "aye" before the roll call is announced. Apparently something was wrong with my button.

The SPEAKER pro tempore. Did the gentleman vote before the roll call had been locked?

Mr. SHERMAN. I wish to vote "aye."

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

Mr. SHERMAN. I think, Mr. Speaker, if I am correct, before the vote is announced that I have a right to have my vote recorded as "aye."

The SPEAKER pro tempore. After the roll call has been locked, no one can be recorded.

Mr. SHERMAN. I understand, Mr. Speaker, that is was not announced. Cannot my vote be recorded as among those who voted "aye" since there had been no announcement of the vote?

The SPEAKER pro tempore. After the Speaker has cleared with the respective floor leaders and announced that the clerk will record the vote, it is impossible for a member to be recorded. The remarks of the gentleman—

Mr. SHERMAN. Even so, Mr. Speaker, as far as the

official roll call, my name should be in the "ayes," and I ask for a consultation with the parliamentarian on whether my vote should be recorded with the "aye" votes.

The SPEAKER pro tempore. For the information of the gentleman, we are voting by the electric roll call system, and it is impossible for the gentleman to be recorded after the roll has been locked.

Mr. SHERMAN. Let it be known that if my vote had been recorded, I would have voted "aye."

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record of the House.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Gelfand.

Mr. GELFAND. Mr. Speaker, I would like to reiterate that statement, inasmuch as the recording machine had been locked before I was able to get to the toggle switch, that if I were in my seat and able to vote, I would have voted "aye" on the bill.

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 401, entitled:

An Act amending the act of May 1, 1933 (P. L. 103), entitled "The Second Class Township Code" authorizing increase in the number of meetings for which supervisors may be paid without the prior approval of the auditors further providing for the attendance of supervisors or employes at road meetings and conventions imposing duties on township secretaries changing the time which may be expended by auditors in the completion of audits authorizing managers to attend meetings of county associations of township officers further providing for the parties who may protest a change in zoning.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—187

Anderson, J. H.,	Fry,	Lamb,	Royer,
Anderson, S. A.,	Fulmer,	Lawson,	Rubin,
Arlene,	Galley,	Lee, A. M.,	Rudisill,
Auker,	Gallagher,	Leonard,	Rutherford,
Bachman,	Gelfand,	Limper,	Sakulsky,
Backenstoe,	George,	Long, Wm. Jas.,	Scarcelli,
Blair,	Gibb,	Long, Wm. Jos.,	Schaaf,
Boles,	Gibbons,	Lutty,	Schuster,
Bonner,	Goldstein, J. H.,	Magee,	Seltzer,
Bower,	Goldstein, M. H.,	Manbeck,	Shelton,
Bowman,	Goodrich,	Markley,	Sherman,
Branca,	Gramlich,	Marsh,	Shupnik,
Breth,	Gray,	McCandless,	Simmons,
Buchanan,	Greenlee,	McCann,	Slack,
Bush,	Gremminger,	McDevitt,	Snare,
Capano,	Guthrie,	McDonald,	Stank,
Capitolo,	Hamilton,	McInroy,	Steckel,
Cauley,	Hankins,	McKeever,	Stimmel,
Cianfrani,	Hartley,	McLaughlin,	Stiteler,
Cioffi,	Haudenshield,	McNally,	Stone,
Clarke,	Heavey,	Meholchick,	Sullivan, J. A.,
Comer,	Heffner,	Merry,	Taylor,
Cooley,	Helm,	Miller,	Thompson,
Crossin,	Henzel,	Monroe,	Tomascik,
Curwood,	Hocker,	Morley,	Tompkins,
Davis,	Holl,	Mullen,	Trusio,
Dengler,	Holliday,	Munley,	Ujobai,
Dennison,	Holman,	Murphy,	Varner,
Donaldson,	Horst,	Musto,	Verona,
Dougherty,	Irvis,	O'Dell,	Wall,
Doughten,	Isaacs,	O'Donnell, J. A.,	Walsh,
Down,	Jim,	O'Donnell, J. P.,	Wargo,
Edwards,	Johnson, A. W.,	Ogilvie,	Welsh,
Eilberg,	Johnson, R. P.,	Parlante,	Wescott,
Elvey,	Jones,	Pashley,	Whittaker,
Eshback,	Kamyk,	Perry,	Willard,
Eshleman,	Keiser,	Petrosky,	Willaredt,
Esler,	Kelly,	Piper,	Williams, A. D.,
Ewing,	Kernaghan,	Polaski,	Williams, E. S.,
Farabaugh,	Kessler,	Polen,	Wilt,
Fetterolf,	King,	Prendergast,	Worley,
Filo,	Kistler,	Price,	Wynd,
Fineman,	Klein,	Pursley,	Yetter,
Flynn,	Knecht,	Reibman,	Zember,
Foor,	Kornick,	Reidenbach,	Zimmerman,
Fox,	Korns,	Riley,	Andrews,
Frascella,	Kramer,	Rovansek,	Speaker

NAYS—6

Adams,	Foerster,	Kooker,	Weidner,
Bossert,	Gross,		

NOT VOTING—17

Ashton,	Maxwell,	Mills,	Renwick,
Guesman,	May,	Murray,	Strausser,
Jenkins,	McCormack,	Needham,	Sullivan, T. F.,
Lee, K. B.,	Mihm,	Odorisio,	Wood,
Lippincott,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

STATEMENT BY MAJORITY LEADER

Mr. McCANN. Mr. Speaker, I have just been informed that the Senate passed the reorganization bill a few minutes ago, 26 to 23, so it is on its way to the House.

I do not have 106 votes on the Democratic side for House bill 1789. I certainly have mighty close to it, but I am going to ask that when I release the House it will only be for a recess and that the Education Committee will stay. As soon as the reorganization bill arrives from the Senate, it will be referred by the Speaker to the Education Committee and I hope it will be acted upon favorably and reported to the floor of the House and I will ask for a first reading today.

We will not vote on the tax measure today even though we have made good progress since the vote last week when there were at the high point 81 votes and on the final vote 78 on the tax measure. We will debate the issue of the taxes when we call the bill up for a vote. Of course, we will attempt, as we have attempted today, to get all of our members here. We certainly have done an outstanding job in asking them for their support of this tax measure.

Mr. Speaker, I will at this point, if it is proper to do so, let the members know that they may leave for the day. We will convene Monday at 3 o'clock fast time, but we ask the Education Committee to stay in recess. We will be at ease in the House until the bill arrives and the Education Committee acts upon the bill and reports it on the calendar.

Mr. A. W. JOHNSON. Mr. Speaker, I believe I will withhold any comments on the tax bill, whether we are for or against education. I mean there is rankling on our side concerning the statement made yesterday by the majority leader that we would have a chance to show whether we were for or against education or not. That statement was not, of course, a true statement as to whether we will vote for or against the tax bill.

The members want to go home. We could open up an hour's debate here, but I believe there is another week here to have the reorganization bill on the calendar and we will all have an opportunity to be heard. I have about eight or ten people on this side of the House who want to make speeches on it and we will therefore stand on the record this week and we will meet you here next Monday.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 716

Mr. IRVIS. Mr. Speaker, I present the report of the Committee of Conference on Senate bill No. 716.

The SPEAKER pro tempore. The report will lie over for printing under the rules.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 407.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to grant an easement over certain land situate in the City of Philadelphia County of Philadelphia.

SENATE BILL No. 610.

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code" further providing for change in classification of counties upon change in population.

SENATE BILL No. 672.

An Act amending the act of June 24, 1937 (P. L. 2045), entitled as amended "The Support Law" prescribing liabilities for assistance with respect to medical assistance for the aged.

SENATE BILL No. 789.

An Act amending the act of May 15, 1933 (P. L. 624), entitled as amended "Banking Code" authorizing banks and bank and trust companies to purchase shares of capital in certain corporations or associations engaged in financial operations subject to conditions and further providing for the acquisition in whole or in part of mortgage loans by a bank or bank and trust company.

SENATE BILL No. 790.

An Act amending the act of May 13, 1915 (P. L. 286), entitled "Child Labor Law" further prescribing work in which minors may engage providing for the issuance of special permits for minors engaging in the entertainment and related fields changing provisions relating to working hours employment certificates regulations prescribing penalties and providing a short title.

SENATE BILL No. 860.

An Act amending the act of May 15, 1933 (P. L. 624), entitled as amended "Banking Code" further providing for authorized investments and limitations on loans.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 867.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further classifying school districts and providing for the reorganization of school districts.

Referred to the Committee on Education.

SENATE RESOLUTION SERIAL No. 126.

Requesting the Public Utility Commission and Interstate Commerce Commission to study the Bituminous Coal Freight Rates.

Referred to the Committee on Rules.

SENATE MESSAGE

AMENDED SENATE RESOLUTION CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Represetatives to Senate resolution numbered and entitled as follows:

SENATE RESOLUTION SERIAL No. 108.

Directing The Joint State Government Commission to study the relocation of eastern and western correctional institutions.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mrs. REIBMAN asked and obtained permission for the Committee on Education to meet during the session of the House.

REPORT FROM COMMITTEE

Mr. IRVIS from the Committee on Education, reported as committed, Senate bill No. 867, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further classifying school districts and providing for the reorganization of school districts.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 867, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further classifying school districts and providing for the reorganization of school districts.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

SENATE MESSAGE

AMENDED SENATE BILL NONCONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 111.

An Act revising the procedure to be allowed concerning arrest detention and bail substituting criminal sum-

mons for warrant of arrest in certain criminal cases and fixing penalties.

and has appointed Messrs. SILVERT, DONOLOW and SCOTT a Committee of Conference to confer with a similar committee of the House of Representatives (if the House shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 111 and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 111

The SPEAKER pro tempore. The Speaker has appointed as a Committee of Conference on the part of the House, Messrs. GAILEY, IRVIS and J. H. GOLDSTEIN.

Ordered, that the clerk inform the Senate accordingly.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, before we finish today I, of course, have to check with the Senate. They asked me to wait for a minute.

I guess it has been announced and is official about the Secretary of our House, Mr. Philip Lopresti.

The SPEAKER pro tempore. I do not believe it has been announced officially, but I believe it would be more appropriate to make such an announcement at a time when we had a full House.

Mr. McCANN. Well, I think it would be embarrassing to some people if the information goes out this week. I would have been glad to say it when we had a full House.

The SPEAKER pro tempore. The gentleman is in order to say it, if he so desires, at this time.

Mr. McCANN. Mr. Speaker, for the record, Mr. Philip Lopresti, on September 1st, will become the executive director of the legislative Budget and Finance Committee.

The SPEAKER pro tempore. The Chair congratulates the gentleman from Cambria, Mr. Lopresti, as I am sure the members of the House do.

The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I too want to join in the congratulations to Phil. I have watched him go up the ladder. I suppose some day he may be governor, you never can tell.

The SPEAKER pro tempore. He says he is not a candidate.

Mr. A. W. JOHNSON. He is not a candidate? O.K. I will say this, however, I am not on the watchdog committee and I was not a part of the maneuvering, shall we say, that made such a splendid choice. I know it was done wisely and well, and I am sure that Phil will do the job. The watchdog committee, I take it, will proceed to be staffed and do the job that was expected of it when we set it up. It takes somebody who has been around here and knows legislation, knows our procedure, knows budgets, knows where the money has been going and knows what we in the legislature had in mind in setting up the legislative watchdog committee. In that respect I think Phil is a splendid choice and I am sure that he will have the backing of the entire General Assembly and we will expect him to do the job for us that we anticipated would be done when the act was passed. Thank you.

SENATE MESSAGE

AMENDED SENATE BILL NONCONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 698.

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code" making it illegal to buy sell alter or attempt to obtain by fraudulent means a diploma certificate or similar instrument prohibiting certain fraudulent acts pertaining to licensing registration or certification of any person and providing penalties.

and has appointed Messrs. HAYS, SEYLER and BELL a Committee of Conference to confer with a similar committee of the House of Representatives (if the House shall appoint such a committee) on the subject of the differences existing between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 698 and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 698

The SPEAKER pro tempore. The Speaker has appointed as a Committee of Conference on the part of the House, Messrs. IRVIS, PRENDERGAST and HEFFNER.

Ordered, that the clerk inform the Senate accordingly.

BILLS AND RESOLUTIONS PASSED OVER

Mr. McCANN. Mr. Speaker, I request that all other bills and resolutions not acted upon on today's calendar be passed over.

The SPEAKER pro tempore. The Chair hears no objection.

ADJOURNMENT

Mr. TOMPKINS. Mr. Speaker, I move that this House do now adjourn until Monday, August 21, 1961, at 2 p. m., e. s. t.

The motion was agreed to, and (at 5:30 p. m., e. s. t.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

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SENATE

MONDAY, AUGUST 21, 1961

The Senate met at 2:30 p.m., Eastern Standard Time.

The PRESIDING OFFICER (Joseph D. Ripp) in the Chair.

PRAYER

The Chaplain, Rev. JAMES V. LEARY, Assistant Rector of St. Michael The Archangel Roman Catholic Church, Levittown, offered the following prayer:

In the Name of the Father, and of the Son and of the Holy Ghost, Amen.

Let us pray for all heads of government and for those who assist them and have positions of authority, that our Lord and God may direct their minds and hearts to conform to His will, and that we may enjoy everlasting peace.

Almighty, everlasting God, in Thy hand rests the authority of all rulers and the rights of all peoples. Be pleased, then, to assist those who have authority to rule us, that under Thy protecting hand the integrity of religion may always flourish and the peace of all nations be made secure throughout the world.

Therefore, direct all our actions, O Lord, we beseech Thee, by Thy divine inspiration, and further them by Thy continual help, that every prayer and work of ours, especially of this Assembly, may always begin with Thee and through Thee be likewise ended. Amen.

In the Name of the Father, and of the Son and of the Holy Ghost, Amen.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WEINER and Mr. LANE, further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGES

HOUSE ADOPTS REPORTS OF COMMITTEES OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House has adopted Report of Committee of Conference on **HB 517,** which was placed on the Calendar.

He also informed the Senate that the House has adopted Report of Committee of Conference on House Concurrent Resolution **No. 62,** which was laid on the table.

SENATE BILLS RETURNED WITH AMENDMENTS

He also returned to the Senate, **SB 401, 605** and **852,** with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. The bills, as amended, will be placed on the Calendar.

HOUSE CONCURS IN SENATE BILL

He also returned to the Senate, **SB 469,** with the information that the House has passed the same without amendments.

HOUSE ADOPTS REPORTS OF COMMITTEES OF CONFERENCE

He also informed the Senate that the House has adopted Reports of Committees of Conference on **SB 88** and **192.**

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 1217, 1220, 1578, 1666** and **1667.**

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 111, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments nonconcurred in by the Senate to **SB 111,** and has appointed Messrs. GAILEY, IRVIS, and J. H. GOLDSTEIN as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 698, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments nonconcurred in by the Senate to **SB 698,** and has appointed Messrs. IRVIS, PRENDERGAST, and HEFFNER as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

BILL INTRODUCED AND REFERRED

Messrs. FLEMING and WEINER presented to the Chair **SB 923,** entitled:

An Act amending the act of August 4, 1959 (P. L. 587)

entitled "An act creating and establishing the Legislative Budget and Finance Committee; providing for its membership; prescribing its powers, functions and duties; . . . . . ." further providing for the personnel to be appointed by the Legislative Budget and Finance Committee.

Which was committed to the Committee on Rules.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS, OVER IN ORDER

SB 200—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 601 (Pr. No. 1166)—Mr. WEINER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 601, and that a Committee of Conference on the part of the Senate be appointed.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS, OVER IN ORDER

SB 628—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

REPORTS OF COMMITTEES OF CONFERENCE

SB 65 (Pr. No. 1226)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 65, entitled:

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code" making the sale of regrooved tires without notice thereof a crime.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	**Hays,**	**Mullin,**	**Stevenson,**
Berger,	**Kalman,**	**Murray,**	**Stiefel,**
Camiel,	**Keller,**	**Pechan,**	**Stroup,**
Chapman,	**Kessler,**	**Propert,**	**Taylor,**
Confair,	**Kromer,**	**Rooney,**	**Van Sant,**
Devlin,	**Lane,**	**Sarraf,**	**Wade,**
DiSilvestro,	**Madigan,**	**Scott,**	**Wagner,**
Donolow,	**Mahady,**	**Sesler,**	**Ware, III,**
Ehrgood,	**Mallery,**	**Seyler,**	**Weiner,**
Flack,	**McCreesh,**	**Shafer,**	**Wolfe,**
Fleming,	**McGinnis,**	**Silvert,**	**Yatron,**
Haluska,	**McMenamin,**	**Staisey,**	**Ripp,**
Hawbaker,	**Miller,**		**Presiding Officer**

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 716 (Pr. No. 1227)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 716, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" clarifying and changing provisions relating to social studies curriculum.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	**Hays,**	**Mullin,**	**Stevenson,**
Berger,	**Kalman,**	**Murray,**	**Stiefel,**
Camiel,	**Keller,**	**Pechan,**	**Stroup,**
Chapman,	**Kessler,**	**Propert,**	**Taylor,**
Confair,	**Kromer,**	**Rooney,**	**Van Sant,**
Devlin,	**Lane,**	**Sarraf,**	**Wade,**
DiSilvestro,	**Madigan,**	**Scott,**	**Wagner,**
Donolow,	**Mahady,**	**Sesler,**	**Ware, III,**
Ehrgood,	**Mallery,**	**Seyler,**	**Weiner,**
Flack,	**McCreesh,**	**Shafer,**	**Wolfe,**
Fleming,	**McGinnis,**	**Silvert,**	**Yatron,**
Haluska,	**McMenamin,**	**Staisey,**	**Ripp,**
Hawbaker,	**Miller,**		**Presiding Officer**

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

FINAL PASSAGE CALENDAR

BILL ON FINAL PASSAGE, OVER IN ORDER

SB 845—Without objection, the bill was passed over in its order at the request of Mr. SILVERT.

BILL ON FINAL PASSAGE DEFEATED

HB 1082 (Pr. No. 1199)—On the question,

Shall the bill pass finally?

Mr. WEINER. Mr. President, I merely want to make one statement here so that everybody will understand the real purport of this bill.

This bill would permit the polls to be open one extra hour on election day. The purpose for that is because there are many people who work odd hours. There are some who work very early hours and there are those who work very late hours. This bill would provide an extra hour for those people to come to the pools and vote.

In the General Election and the Presidential Election, we have found that perhaps where there is a great deal of to-do about it and it reaches national headlines, then you may get sixty per cent of the people voting. We feel this would bring a number of additional people out. We also feel that the majority of the people would have an opportunity to vote.

I think we should not disenfranchise people, but rather enfranchise them and give them an opportunity to vote at these elections, which are vital to us and which will elect people to office who will guide the destinies not only of our cities and State, but the Nation as well. We feel this extra hour will give some of these people an opportunity to do so. I ask my colleagues to vote "aye" on this measure.

Mr. BERGER. Mr. President, I would agree that it would be desirable to have more people come to the polls and vote. However, I do not believe—and I believe I am right—that having the polls open an extra hour in the day is going to answer the problem. It is a matter of education,

information and interest in government, which would be reflected at the polls by the people going to them whether they are open six, eight, ten or fifteen hours a day. It does not make any difference, because those who are going to go and vote are going to go and vote. Those who are disenfranchised by having the polls open one hour less than eleven hours is hardly a consideration at all in this matter.

Therefore, Mr. President, I ask my colleagues to vote "no" on this bill.

Mr. PECHAN. Mr. President, I would just like to make one remark, and that is that at the present time, the polls are open for thirteen hours. You have one group of election officials who are there for the entire thirteen hours. Then, in some of the areas, it takes them another twelve hours, at least, to count those votes. I do not think it is fair to them. It is not only unfair to them, but they are so tired that it invites the mistakes which are very often made when the official count is taken.

I do not think this bill will help one bit. In thirteen hours, the people certainly have enough time to get to the polls and vote.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Camiel,	Lane,	Mullin,	Silvert,
Devlin,	Mahady,	Murray,	Staisey,
DiSilvestro,	McCreesh,	Rooney,	Stiefel,
Donolow,	McGinnis,	Sarraf,	Weiner,
Haluska,	McMenamin,	Sesler,	Yatron,
Hays,	Miller,	Seyler,	Ripp,
Kalman,			Presiding Officer

NAYS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

THIRD READING CALENDAR

APPROPRIATION BILLS ON THIRD READING AND FINAL PASSAGE

HB 137 (Pr. No. 2531)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 763 (Pr. No. 836)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 764 (Pr. No. 837)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 765 (Pr. No. 838)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 771 (Pr. No. 844)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 772 (Pr. No. 845)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 774 (Pr. No. 847)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 775 (Pr. No. 2638)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 776 (Pr. No. 849)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 777 (Pr. No. 850)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,	Miller,		Presiding Officer

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

APPROPRIATION BILLS OVER IN ORDER TEMPORARILY

HB 778, 779, 780 and 781—Without objection, the bills were passed over in their order temporarily at the request of Mr. HAYS.

APPROPRIATION BILLS ON THIRD READING AND FINAL PASSAGE

HB 782 (Pr. No. 855)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 783 (Pr. No. 856)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Stalsey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 784 (Pr. No. 857)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Stalsey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 785 (Pr. No. 2640)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 786 (Pr. No. 859)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 787 (Pr. No. 2641)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Weiner,
Ehrgood,	Mallery,	Seyler,	Yatron,
Flack,	McCreesh,	Shafer,	Ware, III,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 788 (Pr. No. 861)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 789 (Pr. No. 862)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative..

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 790 (Pr. No. 863)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 791 (Pr. No. 864)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 792 (Pr. No. 865)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 793 (Pr. No. 866)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 794 (Pr. No. 2176)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sealer,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 795 (Pr. No. 2642)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constituion,

On the question,

Shall the bill pass finally?

Mr. HAYS. Mr. President, we are considering House Bill No. 795, Printer's No. 2642.

I think this carries an appropriation for the Dickinson School of Law in the amount of $135,000. A few weeks ago, I voted in opposition to a salary judge bill. When I finish with these remarks, I will be afraid to appear before any court in Pennsylvania, I suppose. I got myself in wrong with all the judges, and now I suppose I will clear up most of the attorneys.

However, before we vote on this measure, I want to put a couple of facts before you. As I recall, two years ago, we appropriated $50,000 to this institution. I believe this represented something like forty per cent, I was told, of their budget. This year, by this legislation, we are appropriating $135,000. I want to show you what that means. As I understand it, there are 197 students there. We are giving each of those students a scholarship of about $750 a year. Of those students, twenty-eight of them are nonresidents of the Commonwealth of Pennsylvania.

I want you to contrast with that the fact that of the thousands of high school boys and girls who graduate each year from the high schools and private secondary schools of Pennsylvania, the State awards eighty scholarships, valued at $200 a year. Here, with one simple bill, we are awarding scholarships to approximately 200 law students, at about $750 a year, and twenty-eight of these students are not residents of the Commonwealth of Pennsylvania.

In the light of these facts, Mr. President, I choose to vote "no" on this legislation. I hope many of my colleagues will join me.

Mr. LANE. Mr. President, with reference to Senator Hayes' remarks, I would also like to remind him that down through the years, the Commonwealth of Pennsylvania has awarded scholarships to all of the medical schools in Pennsylvania. This year, I understand that the scholarship is $2,400 a year for each medical student in every medical school in the Commonwealth. I have no figures, however, as to the nonresidents. I imagine there are quite a number of them. We have gotten into this practice and I do not think there is much we can do about it.

It was my understanding that Dickinson Law School had financial difficulties and that is the reason there was an increase in the appropriation. This is the reason why I intend to vote for the bill, unless someone can inform me otherwise.

Mr. STIEFEL. Mr. President, for many years, we have debated in the Committee on Appropriations about this bogus issue of students from outside of Pennsylvania. It is true enough that the Commonwealth supports the students in the medical schools and now in the law schools. However, on the other side, if start examining the number of students from Pennsylvania who are attending institutions in other sister States, you will find that the matter balances itself.

I feel this is a faulty approach to the entire problem. I hail from a city district, but I feel that the rural sections have many students who are unable to attend institutions of higher learning if they have to go to Pittsburgh or to Philadelphia in order to obtain their higher education. For this reason, I believe this is a good measure to help the rural sections of Pennsylvania send their sons to a law school such as the Dickinson Law School.

Mr. WEINER. Mr. President, I can understand the concern of some of my colleagues about this measure. By the same token, if in the State of Pennsylvania one of our more illustrious law schools—and we have many in this State—were to turn out one young man, who happens to be an American citizen despite the fact that he did not use wisdom in choosing Pennsylvania as his home base, we can all be proud if that man is one who might serve in one of the departments of State or serve the State wherever he goes. Our population today is very mobile, as you can see from the latest census figures. People are on the move. Where a man may be born does not necessarily mean that is where he is going to serve and that is where he is going to live. As a matter of fact, in government today, you find many people who were born in various States who may be serving in some capacity somewhere else and may be doing a good job.

I would not want to restrict it. I do not think we ought to be that provincial that we cannot open our schools, our education and our learning to all people from wherever they might be. People have trailed all over the world to come to the schools of Pennsylvania—our medical schools, our law schools and our colleges—because the training they get here is the finest.

I urge my colleagues to vote "aye" on this measure.

Mr. TAYLOR. Mr. President, I intend to vote for this measure because all of the good judges— and most of the judges— come from Dickinson. Therefore, they ought to get a little more.

Mr. DONOLOW. Mr. President, I have no objection to the generosity shown by the House—and possibly it will also be shown by this body—in approving this increase to Dickinson from $50,000 to $135,000.

However, I cannot satisfy in my own mind, as I sit here the comparison and the actions taken by the House—which probably will be adopted by this Body—when they take a hospital like Children's Hospital, in Philadelphia, which is one of the finest institutions in Pennsylvania, and cut that hospital from $90,000 to $81,000. I hope the generosity that is shown toward Dickinson will be approved when I introduce my amendments later on today for Children's Hospital.

Mr. EHRGOOD. Mr. President, I happen to agree very heartily with Senator Donolow on the matter of Children's Hospital. However, I believe this Body should have one fact straightened out in their minds. In the biennium of 1959-1961, the appropriation was $250,000. The appropriation asked for in House Bill No. 795 is $135,000 for a thirteen-month period, which if you will examine the figures, is the pro rata share without any increase or any cut in the previous figure.

Mr. HAYS. Mr. President, I just want to thank the alumnus of the Dickinson School of Law for bringing me the correct facts. Thank you very much.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	Hawbaker,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
			Presiding Officer

NAYS—2

Hays, Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

HB 796 (Pr. No. 2455)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 797 (Pr. No. 879)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 798 (Pr. No. 871)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 800 (Pr. No. 873)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 801 (Pr. No. 874)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 924 (Pr. No. 2177)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1013 (Pr. No. 1115)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1050 (Pr. No. 1167)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having

voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1177 (Pr. No. 2503)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Stalsey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1431 (Pr. No. 2178)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Stalsey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1564 (Pr. No. 2626)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Stalsey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1600 (Pr. No. 2002)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Stalsey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1610 (Pr. No. 2248)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,

Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1708 (Pr. No. 2472)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Ripp,
Hawbaker,			Presiding Officer

NAYS—1

Miller,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

APPROPRIATION BILL ON THIRD READING AMENDED

HB 1709 (Pr. No. 2501)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. DONOLOW, by unanimous consent, offered the following amendments:

> Amend Sec. 1, page 1, lines 2, 3 and 4, by striking out all of lines 2 and 3, "TWENTY-FIVE DOLLARS ($17,259,125)" and inserting: seventeen million three hundred three thousand one hundred twenty-five dollars ($17,303,125)
>
> Amend Sec. 1, page 4, line 17, by striking out "81,000" and inserting: 125,000

On the question,

Will the Senate agree to the amendments?

Mr. DONOLOW. Mr. President, these amendments would increase the appropriation for Children's Hospital in Philadelphia.

Children's Hospital of Philadelphia has the rare distinction of being one of the outstanding hospitals in the United States in dealing with children's diseases. I do not believe there is a county in the State of Pennsylvania that does not have children sent to this hospital at one time or another.

There is not a pediatrician in our Commonwealth who has not taken some course or done some work at Children's Hospital. There is not a pediatrician in the counties of the Commonwealth who at one time or another has not submitted or sent a child to Children's Hospital of Philadelphia.

Not only is it a wonderful hospital for the care of children, but the research division of Children's Hospital for rare diseases is an outstanding example of progress in our Commonwealth.

Mr. President, this money is needed badly by Children's Hospital to continue the work they are carrying on in the care and research of children's diseases.

You cannot put Children's Hospital, Mr. President, in the same category as you would other hospitals. The care of children necessitates care around the clock and it necessitates nurses almost continuously to feed the children and to take care of their every need. They have children in this hospital who came there right at birth, and some remain there as long as three, four and five years.

Mr. President, I ask my colleagues to support this need because it is a crying need in our day.

Mr. BERGER. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Donolow.

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Mr. Donolow, permit himself to be interrogated?

Mr. DONOLOW. I will, Mr. President.

Mr. BERGER. Mr. President, do I understand that the appropriation in this bill is a decrease from the prior appropriation?

Mr. DONOLOW. Yes, sir; from $90,000 to $81,000.

Mr. BERGER. Mr. President, I certainly concur in the remarks made by Senator Donolow, and would ask my colleagues to vote in favor of these amendments.

There are some reductions in hospital appropriations from the prior appropriation bill. However, these I understand were made because of the availability of Kerr-Mills funds. This would not be true in the case of this hospital, and, therefore, I think these are very salutary amendments.

Mr. WEINER. Mr. President, without taking a great deal of time, as a co-sponsor of these amendments, I would ask my colleagues to vote for them.

I have had a personal experience, as far as this hospital is concerned. I will not bore anybody with that, or go into any detail or burden anybody with that problem. However, I think this is a worthy institution and it needs all of the help it possibly can get. I ask my colleagues to vote "aye" on these amendments.

And the question recurring,

Will the Senate agree to the amendments?

The amendments were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. DONOLOW.

COMMITTEE OF CONFERENCE APPOINTED ON SB 601

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs. DEVLIN, STAISEY and WADE, as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall ap-

point such committee) to consider the differences existing between the two houses in relation to Senate Bill No. 601.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT FROM COMMITTEE

Mr. STAISEY, by unanimous consent, from the Committee on Mines and Mineral Industries, reported, as committed, **HB 1796.**

BILLS INTRODUCED AND REFERRED

Messrs. YATRON, DEVLIN, VAN SANT, ROONEY and STAISEY, by unanimous consent, presented to the Chair **SB 924,** entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" further regulating the issuance of new licenses for airport restaurants.

Which was committed to the Committee on Law and Order.

Messrs. SILVERT and WEINER, by unanimous consent, presented to the Chair **SB 925,** entitled:

An Act amending the act of May 20, 1937 (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; . . ." extending the jurisdiction of the Board of Arbitration of Claims to include claims against The State Highway and Bridge Authority arising from contracts in which The State Highway and Bridge Authority is a contracting party with the Commonwealth.

Which was committed to the Committee on Rules.

MOTION FOR RECONSIDERATION ON SB 877

Mr. SEYLER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 877, Printer's No. 1152, failed of final passage on August 14, 1961.

The PRESIDING OFFICER. How did the Senator vote?

Mr. SEYLER. Mr. President, I voted with the prevailing side.

Mr. DEVLIN. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. DEVLIN. Mr. President, I voted with the prevailing side.

On the question,

Will the Senate agree to the motion?

Mr. BERGER. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease)

MOTION WITHDRAWN

Mr. SEYLER. Mr. President, I wish to withdraw the motion which I just made for the reconsideration of Senate Bill No. 877.

Mr. DEVLIN. Mr. President, I also wish to withdraw my second to the motion.

The PRESIDING OFFICER. The motion is accordingly withdrawn.

RECESS

Mr. WEINER. Mr. President, I request a five minute recess of the Senate for the purpose of holding a meeting of the Committee on Rules, to be held in the Minority Floor Leader's Office at the rear of the Senate.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a five minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

CALENDAR

HB 1438 CALLED UP OUT OF ORDER

HB 1438 (Pr. No. 2587)—Without objection, the bill was called up out of order, from page 15 of the Third Reading Calendar, by Mr. WEINER.

BILL ON THIRD READING AMENDED

HB 1438 (Pr. No. 2587)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. LANE. Mr. President, I ask unanimous consent to offer amendments to House Bill No. 1438, Printer's No. 2587.

The PRESIDING OFFICER. There being no objection, the gentleman may proceed.

Mr. LANE. Mr. President, before presenting these amendments, I would like to make a brief statement to the Membership of the Senate and to the people of southwestern Pennsylvania with reference to this strip mining legislation.

The amendments that I am offering, Mr. President and Member of the Senate, are compromise amendments. They will not restore the bill to the form in which it passed the House of Representatives. However, due to the fact that there is always a question of votes on the floor of the Senate, I was prevailed upon to agree to this compromise. That I have done.

I do not wish to review all of the things that have gone on before with reference to this legislation. However, Mr. President, I believe that the time has come when we must pass strip mining legislation which is strict and which is in the public interest.

This legislation, in my opinion, will accomplish that purpose. I do not feel that the bill is one hundred per cent. However, I do feel, Mr. President, that we have probably eighty-five or ninety per cent of the regulations, which appeared in the original bill, incorporated in these amendments.

I realize this is a highly controversial piece of legislation, and I hope the Membership on both sides will support my position on this bill.

What we have done, Mr. President, is reduce the bond in the bill from $500 to $400. We have also compromised, Mr. President, with reference to highways. I want everyone to know that by a recent agreement, I have agreed—after discussing it with a number of the Members of the Senate—to delete highways from the bill. I have it scratched out in ink. It is deleted in two places in the bill and I want the record made clear.

Mr. President, this legislation provides a number of features. I have an analysis, which will go over very briefly and which, I believe, will cover most of the salient parts of this legislation.

I believe this legislation will not put anyone out of business. I have heard this statement ever since we have

tried to regulate any particular group. They always have the story that they are going to be put out of business.

Mr. President, a few Members who were present at some of the hearings heard some of the testimony whereby backfilling was going to cost anywhere from $.50 to $1.50 a ton. Then the Secretary of Mines came up with a proposal that he would do the backfilling for $.15 a ton. Of course, that was rejected also.

It seems to me that probably there is a lot of opposition to stricter regulations. However, in viewing the hills and valleys of southwestern Pennsylvania, I believe the public demands that we have regulations which will force strip mine operators to backfill, to fill up these mud holes, these acid mine holes, and to backfill the contour, if you please. This is not in the bill. Under the present law, they re-cover by the amount of three feet. This will increase it to five feet, and this is one step in the right direction.

We also have a prohibition here with reference to public buildings and to dwellings in populated areas, all of which are reasonable, Mr. President.

I feel this legislation, if accepted by the Senate, will be accomplishing something which we have tried to do for a number of years.

I do not know of any other way to do the job. I would like to have had the bill restored to its original form. However, I do not think that can be done. If any Member of the Senate has amendments which he will offer that will return the bill to its original form, as it passed the House, I will vote for the amendments because I feel it is an absolute necessity.

I want the public to know, also, Mr. President, that I am not affiliated with any group of sportsmen. I am not affiliated with any particular group at all with reference to this legislation. This is my position and my position alone. I am not influenced by anyone, and I do not intend to be. I am working for the best interests of the public, and I believe that this legislation is good legislation. I imagine, in years to come, the strip miners will agree that this is good legislation.

Therefore, Mr. President, I offer the following amendments and if the amendments are adopted, I request that the bill go over in its order, as amended, because there may be some further amendments.

The PRESIDING OFFICER. The Clerk will read the amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 2 (Sec. 4), page 4, line 14, by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: four hundred dollars ($400.00)

Amend Sec. 2 (Sec. 4), page 4, line 19, by striking out "THREE THOUSAND SIX HUNDRED DOLLARS ($3600)" and inserting:four thousand dollars ($4000.00)

Amend Sec. 4 (Sec. 8), page 13, line 3, by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: four hundred dollars ($400.00)

Amend Sec. 4 (Sec. 8), page 13, line 18, by striking out all of said line and inserting: four thousand dollars ($4000.00)

Amend Sec. 4 (Sec. 8), page 14, line 3, by striking out "THREE THOUSAND SIX HUNDRED DOLLARS ($3600)" and inserting: four thousand dollars ($4000.00)

Amend Sec. 4 (Sec. 10), page 14, line 19; page 15, lines 1 to 8, by striking out "PROVIDED THAT WHERE THE LAND" in line 19, page 14; all of lines 1 to 7 and "FURTHER THAT" in line 8, page 15, inserting: provided that where the land upon which said operation is located was plowed tilled and cultivated for the growing of farm field crops at the time the operation was started or within five (5) years next prior thereto or where the operation is within seven hundred (700) feet from any group of five (5) dwelling units any public building school church community or institutional building cemetery or public recreational area said backfill shall begin at the top of the high wall and be sloped to the bottom of the pit at an angle not to exceed forty-five (45) degrees: And provided further That

Amend Sec. 4 (Sec. 10), page 15, lines 13 to 17, by striking out "THE EXPOSED PORTION OF THE" in line 13, all of lines 14 to 16 and "DEGREES" in line 17.

Amend Sec. 4 (Sec. 10), page 15, line 17, by inserting brackets before and after "for" where it appears the first time, and inserting immediately thereafter: The exposed portion of the high wall of the last cut in any operation which is more than seven hundred (700) feet from any group of five (5) dwellings units any public building school church community or institutional building cemetery or public recreational area after backfilling in accordance with the terms of this act shall not exceed an angle of seventy (70) degrees For

Amend Sec. 4 (Sec. 10), page 16, lines 6 and 7, by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: four hundred dollars ($400.00)

Amend Sec. 4 (Sec. 10), page 16, line 13, by striking out "THREE HUNDRED DOLLARS ($300)" and inserting three hundred forty dollars ($340.00)

On the question,

Will the Senate agree to the amendments?

Mr. FLEMING. Mr. President, at the outset, I would like to say that in no way, shape or form do I question the sincerity of Senator Lane. I know he is an ardent advocate of rigid control of strip mining in the bituminous field. I am only sorry that I did not secure the floor before he did. I do have amendments in my hand which I hope to have unanimous consent to offer after these are acted upon.

My amendments will do exactly that which Senator Lane suggested; that is, restore House Bill No. 1438 to the form in which it came from the House. I certainly believe that is the bill which should be enacted by this Body and by the General Assembly, as a whole. I do not believe that bill would, in any way, affect either the strip mining industry in Pennsylvania or would it, in any way, cause unemployment to the miners so employed.

I am absolutely satisfied that the bill, as it came over from the House, is fully operative. I am absolutely satisfied that various operators in the bituminous field have proven conclusively that the provisions of House Bill No. 1438, as originally presented to the Senate and passed by the House, can be carried out and that the operators can operate properly. I firmly believe that the natural resources of the Commonwealth of Pennsylvania should be, as much as possible, protected for future generations. I do not believe that the financial gain of a few strip mining operators should be put above the preservation of our natural resources of our countryside.

I only want the Senate to know that at the completion of the roll call or the vote—whichever it may be—on these amendments of Senator Lane's, I intend to offer amendments which will restore the bill to its original form.

And the question recurring,

Will the Senate agree to the amendments?

A voice vote having been taken, the question was determined in the affirmative and the amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

Mr. STAISEY. Mr. President, I request unanimous consent to offer amendments to House Bill No. 1438 at this time, and I also request permission to make a brief statement.

The PRESIDING OFFICER. There being no objection, the gentleman may proceed.

Mr. STAISEY. Mr. President, without belaboring the point on the issue of amendments, I want my colleagues to know that the purpose and intent of these amendments is to restore House Bill No. 1438 to the form in which the House sent it to the Senate. I know there are others who share this sentiment with me.

Mr. President, there has been considerable controversy surrounding the issue of strip mining and its regulation. Yet, if you address yourself to the essential issue involved, it becomes apparent and clear the kind of action which is necessitated by the problem itself.

The first question I asked myself is this: Whether or not this industry, as presently conducted, is in need of regulation in the public interest. By the great well of public opinion and by testimony which has been gathered, I think it is clear that there is here a need for regulation. I am speaking of regulation not in the sense that you are going to alter the way strip miners strip, but in the sense that you will now begin to get them to do what they have not been doing.

The second question which occurs to me, Mr. President, is this: Whether or not these regulations or any set of regulations are the most appropriate in facilitating this activity and in preserving the public interest. Here is where the differences arise and this is where the question comes, in so far as these amendments are concerned.

On the side of those who support the restoration of the bill, this must be said: These amendments and the original bill are not based on speculation or any estimates or any guesses. They are based on experience. They are based on the best informed people we have in the Department of Mines. These are the people upon whom we have called, traditionally and by law, to regulate and to care for this particular activity in our Commonwealth. As I said, Mr. President, these amendments have been designed by men who are informed in this field and who are conversant with the problem. I certainly would never subscribe to any legislation wherein I would knowingly cause people to become unemployed or to destroy a legitimate activity.

The bill, Mr. President, as it presently stands, compels me to say that I have never seen a legislative bird so featherless. The real needs and the needs felt by the people whom we are called upon to satisfy are not answered by the bill in its present form.

The other question which occurs to me in regard to these amendments is simply that I am convinced that experience is going to dictate that a good bill, which the bill was when it was forwarded to us from the House of Representatives, will not only promote this industry, but it will also promote the welfare of the people of Pennsylvania. You see, the great difficulty which has arisen, as far as this issue has been concerned, has been a predisposition on the part of some to try to determine what is necessary to satisfy the requirements of the strip miners. The real issue is what is necessary to satisfy the needs and the requirements of the people of Pennsylvania?

Mr. President, these amendments, I submit, while they might be demanding, are not destructive. Over the long haul, these amendments are going to preserve this industry and are going to protect the public's interest.

I call upon my colleagues to support me and others in these amendments. Right now, Mr. President, I have one vote down and I have twenty-five to go for a good piece of legislation.

The PRESIDING OFFICER. The Clerk will read the amendments offered by the gentleman from Allegheny, Senator Staisey.

The amendments were read by the Clerk as follows:

Amend Sec. 2 (Sec. 4), page 4, line 14 by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: five hundred dollars ($500.00)

Amend Sec. 2 (Sec. 4), page 4, line 19 by striking out "THREE THOUSAND SIX HUNDRED DOLLARS ($3600)" and inserting: five thousand ($5000.00)

Amend Sec. 2 (Sec. 5), page 11, lines 5 and 6 by striking out "OCCUPIED DWELLING HOUSE UNLESS RELEASED BY THE OWNER THEREOF OR" and inserting: dwelling unit

Amend Sec. 4 (Sec. 8), page 13, line 3 by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: five hundred dollars ($500.00)

Amend Sec. 4 (Sec. 8), page 13, line 18 by striking out all of said line and inserting: five thousand dollars ($5000.00)

Amend Sec. 4 (Sec. 8), page 14, line 3 by striking out "THREE THOUSAND SIX HUNDRED DOLLARS ($3600)" and inserting: five thousand dollars ($5000.00)

Amend Sec. 4 (Sec. 10), page 14, lines 16 to 18 by striking out "which shall begin at least [three]" in line 16, all of line 17 and "shall extend" in line 18 and inserting: [which shall begin at least three feet above the top of the coal and shall extend] from the top of the highwall

Amend Sec. 4 (Sec. 10), page 14, line 19; page 15, lines 1 to 8 by striking out"] PROVIDED THAT WHERE THE LAND" in line 19, page 14; all of lines 1 to 7 and "FURTHER THAT" in line 8, page 15.

Amend Sec. 4 (Sec. 10), page 15, line 10 by inserting a bracket after "thereof."

Amend Sec. 4 (Sec. 10), page 15, lines 13 to 17 by striking out "THE EXPOSED PORTION OF THE" in line 13, all of lines 14 to 16 and "DEGREES" in line 17.

Amend Sec. 4 (Sec. 10), page 15, line 17 by inserting brackets before and after "for" where it appears the first time and inserting immediately thereafter: For

Amend Sec. 4 (Sec. 10), page 16, lines 6 and 7 by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: five hundred dollars ($500.00)

Amend Sec. 4 (Sec. 10), page 16, line 13 by

striking out "THREE HUNDRED DOLLARS ($300)" and inserting: four hundred forty dollars ($440.00)

On the question,

Will the Senate agree to the amendments?

Mr. FLEMING. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Staisey.

The PRESIDING OFFICER. Will the gentleman from Allegheny, Mr. Staisey, permit himself to be interrogated?

Mr. STAISEY. I will, Mr. President.

Mr. FLEMING. Mr. President, I would like to ask the Senator whether his amendments would restore House Bill No. 1438 to the exact form in which it reached the Senate from the House?

Mr. STAISEY. Mr. President, I should like to say "yes" quickly to that question, but caution tells me I ought not to.

The bill was sent from the House in one form, it went to committee, it came out of committee in another form, and it has just been amended on the floor. I would suggest, very respectfully, Mr. President, to my very fine colleague from Allegheny County, if he will join me and vote with me and we win, we will see it in print tomorrow and then we will know.

Mr. FLEMING. I thank the gentleman, Mr. President.

I am certainly in complete accord with what Senator Staisey is attempting to do. I had previously said that I would offer amendments to do that. I have the amendments here and I have had them since last week. They seem to be a little different than those of Senator Staisey's. However, I am certainly willing to accept Senator Staisey's statement that these amendments do return the bill to the form in which it came from the House.

I would, therefore, request that all my colleagues in the Senate vote in favor of these amendments in order to give this bill the proper terminology and to make the restrictions as rigid as possible on strip mining in Pennsylvania.

Mr. STAISEY. Mr. President, I believe, in my answer to my distinguished colleague from Allegheny County, I said that to the best of my knowledge and as I ordered the amendments, they were to restore the bill as it was when it came from the House. However, since then, a number of things have happened to that bill.

Mr. HAYS. Mr. President, I hate scars. I feel that the bill, as amended, will prevent the kind of scars which it is supposed to effect. In public education, we have a theory about individual differences. My reason for voting "no" on the amendments of my colleague, Senator Staisey, is the fact that these amendments do not take into consideration some previous individual differences in regard to strip mining in the Commonwealth of Pennsylvania.

I would call your attention to the fact that the bill, as amended by the Lane amendments, recognizes, as does the State of West Virginia, that there are two types of terrain where strip mining takes place; namely, agricultural and more mountainous. Senator Staisey's amendments will not recognize this fact.

It seems to me that in the second place, the width of the seam is well-known. In some sections of Pennsylvania, the coal seam is forty-eight to sixty inches. In other places, it is twenty to thirty inches. The same regulation is being applied in these amendments in both areas.

I think, this morning, I just received from Mrs. Ruth Grigg Horting the semi-monthly report on public assistance. This covers the sixty-seven counties. I want to give you the percentages of the population on public assistance, alphabetically, by counties. According to Mrs. Horting, the State average for the last two weeks in July 1961 was 3.7 per cent. I shall not read the names of the counties; you can follow it alphabetically. The county averages were 2.3 per cent, 4.7 per cent, 4.9 per cent, 2.2 per cent, 5.3 per cent, 1.7 per cent, 3.9 per cent, 5.4 per cent, 0.6 per cent, 2.1 per cent, 6.1 per cent, 1.8 per cent, 2.8 per cent, 2.1 per cent, 1.4 per cent, and 4.0 per cent. Then we come to Clearfield County, which is 6.4 per cent, having the highest percentage of people on public assistance.

I remind you that the stripping industry in Clearfield County employs approximately 1,900 or 2,000 people, directly, and many more people are indirectly affected by this industry.

Therefore, Mr. President, while I do not like to look at scars, I feel that the bill, as it has been amended, will take care of the physical scars in Pennsylvania. However, I do not want to vote for anything which might increase the scars of public assistance and unemployment in any section of the Commonwealth.

Those of you who live in counties with public assistance rates of 0.6, I think should keep in mind that there are some counties with people on public assistance with a percentage of 6, plus.

And the question recurring,

Will the Senate agree to the amendments?

Mr. FLEMING. Mr. President, I request a roll call vote on these amendments.

The PRESIDING OFFICER. A roll call being requested, the Clerk will call the roll.

(During the calling of the roll, the following occurred:)

Mr. STAISEY. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

The yeas and nays were required by Mr. FLEMING and were as follows, viz:

YEAS—21

Berger,	McGinnis,	Sesler,	Van Sant,
Devlin,	McMenamin,	Seyler,	Wade,
Ehrgood,	Murray,	Shafer,	Ware, III,
Fleming,	Pechan,	Staisey,	Yatron,
Lane,	Sarraf,	Stroup,	Ripp,
Mahady,			Presiding Officer

NAYS—27

Bell,	Haluska,	Mallery,	Silvert,
Camiel,	Hawbaker,	McCreesh,	Stiefel,
Chapman,	Hays,	Miller,	Taylor,
Confair,	Kalman,	Mullin,	Wagner,
DiSilvestro,	Keller,	Propert,	Weiner,
Donolow,	Kessler,	Rooney,	Wolfe,
Flack,	Kromer,	Scott,	

So the question was determined in the negative, and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

Without objection, the bill, as amended, was passed over in its order at the request of Mr. LANE.

HB 1221 CALLED UP OUT OF ORDER

HB 1221 (Pr. No. 2643)—Without objection, the bill was called up out of order, from page 13 of the Third Reading Calendar, by Mr. WEINER.

BILL ON THIRD READING AMENDED

HB 1221 (Pr. No. 2643)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. McMENAMIN. Mr. President, I request unanimous consent to offer certain amendments to House Bill No. 1221, on behalf of Senator Murray and myself.

The PRESIDING OFFICER. The Chair hears no objection, and the gentleman will proceed.

Mr. McMENAMIN. Mr. President, briefly, I am about to offer amendments which have the effect of increasing the stripping bond per acre to $400 in order to bring this bill into conformity with the Bituminous Act, which has just been amended in a similar fashion.

The PRESIDING OFFICER. The Clerk will read the amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 3 (Sec. 6), page 6, lines 12 and 13, by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: four hundred dollars ($400)

Amend Sec. 3 (Sec. 6), page 6, lines 18 and 19 by striking out "THREE THOUSAND SIX HUNDRED DOLLARS ($3600)" and inserting: four thousand dollars ($4000)

Amend Sec. 5 (Sec. 8), page 9, lines 15 and 16, by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: four hundred dollars ($400)

Amend Sec. 5 (Sec. 8), page 9, lines 17 and 18, by striking out "THREE THOUSAND DOLLARS SIX HUNDRED DOLLARS ($3600)" and inserting: four thousand dollars ($4000)

Amend Sec. 5 (Sec. 9), page 10, lines 12 and 13, by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: four hundred dollars ($400)

Amend Sec. 5 (Sec. 9), page 10, lines 16 and 17, by striking out "THREE THOUSAND SIX HUNDRED DOLLARS ($3600)" and inserting: four thousand dollars ($4000)

Amend Sec. 5 (Sec. 9), page 11, lines 1 and 2, by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: four hundred dollars ($400)

Amend Sec. 5 (Sec. 9), page 11, lines 5 and 6, by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: four hundred dollars ($400)

Amend Sec. 5 (Sec. 9), page 11, lines 7 and 8, by striking out "THREE THOUSAND SIX HUNDRED DOLLARS ($3600)" and inserting: four thousand dollars ($4000)

Amend Sec. 5 (Sec. 9), page 11, line 15, by striking out all of said line and inserting: four thousand dollars ($4000)

Amend Sec. 10 (Sec. 16), page 16, line 12, by striking out all of said line and inserting: three hundred sixty dollars ($360)

Amend Sec. 11 (Sec. 17), page 17, lines 16 and 17, by inserting a bracket before "and" in line 16 and after "operator" in line 17.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

Mr. McMENAMIN. Mr. President, I have another amendment which would restore the enforcement provisions of the act.

The PRESIDING OFFICER. The Clerk will read the amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 13 (Sec. 21), page 19, line 16, by inserting after "both:" or undergo imprisonment not exceeding three (3) months or both

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

Mr. McMENAMIN. Mr. President, I offer a further amendment which would increase the backfilling requirements to within 700 feet of homes and highways, at an angle.

The PRESIDING OFFICER. The Clerk will read the amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 7 (Sec. 12), page 13, line 5, by inserting the following: The operator shall be required within one (1) year after a strip mine operation is abandoned to backfill all stripping pits which are not more than seventy-five (75) feet in depth and within seven hundred (700) feet of the right-of-way of any public highway or within seven hundred (700) feet of any dwelling unit public building school church commercial or institutional building on an angle of forty-five (45) degrees from the top of the highwall to the bottom of the stripping pit

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

Mr. McMENAMIN. Mr. President, incidentally, I want to again mention that all of these amendments—there are five in number and this is the fourth—are offered not only on my behalf, but also on behalf of Senator Murray.

I now offer another amendment which would require backfilling in the very deep pits which are, apparently, peculiar to the anthracite region.

The PRESIDING OFFICER. The Senate will be at ease a moment.

(The Senate was at ease.)

The PRESIDING OFFICER. The Clerk will proceed to read the amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 7 (Sec. 12), page 13, line 5, by inserting the following: In all stripping pits which are more than seventy-five (75) feet in depth and are within seven hundred (700) feet of the right-of-way of any public highway or within seven hundred (700) feet of any dwelling unit public building school church commercial or institutional building the operator shall be required to backfill the pits on an angle of forty-five (45) degrees from a point on the highwall not less than seventy-five (75) feet above the bottom of the pit

On the question,

Will the Senate agree to the amendment?

Mr. SCOTT. Mr. President, all of the amendments which

Senator McMenamin has or will offer here this afternoon to this particular measure have been worked out in the compromise except the present amendment—the one that is under consideration—and this is the amendment that I must rise and oppose.

This is the amendment which would be very difficult for the anthracite operators to fulfill and continue to stay in business. This is merely a question of economics in my mind, and I do not think they can comply with the provisions of this amendment and stay in business.

And the question recurring,

Will the Senate agree to the amendment?

A voice vote having been taken, the question was determined in the negative and the amendment was defeated.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

Mr. McMENAMIN. Mr. President, the last amendment which I am about to offer has the effect of restoring the present provision of the law which requires that all stripping, regardless of where it might be situated, be filled to five feet to cover outcroppings of coal to prevent underground mine fires.

The PRESIDING OFFICER. The Clerk will read the amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 7 (Sec. 12), page 13, line 5, by inserting the following: In all stripping pits which are more than seven hundred (700) feet from the right-of-way of any public highway or more than seven hundred (700) feet beyond any dwelling unit school church commercial or institutional building the operator shall be required to cover the exposed surface of the coal seams to a depth of five (5) feet

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

Mr. MURRAY. Mr. President, I ask unanimous consent to also offer amendments to House Bill No. 1221, on behalf of Senator McMenamin and myself.

The PRESIDING OFFICER. There being no objection, the gentleman may proceed.

Mr. MURRAY. Mr. President, these are restorative amendments to restore the bill to its original form.

The PRESIDING OFFICER. The Senate will be at ease for just a moment.

(The Senate was at ease.)

The PRESIDING OFFICER. The Clerk will now read the amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 2 (Sec. 3), page 4, lines 17 and 18, by striking out "WITHIN THIRTY (30) DAYS AFTER" and inserting: (upon

Amend Sec. 2 (Sec. 3), page 5, line 1, by inserting a parenthesis after "abandoned."

Amend Sec. 2 (Sec. 3), page 5, lines 3 to 5, by striking out all of said lines.

Amend Sec. 2 (Sec. 3), page 5, line 12, by inserting after "banks": and that occupied by the spoil banks

Amend Sec. 3 (Sec. 6), page 6, lines 12 and 13, by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: five hundred dollars ($500)

Amend Sec. 3 (Sec. 6), page 6, lines 18 and 19, by striking out "THREE THOUSAND SIX HUNDRED DOLLARS ($3600)" and inserting: five thousand dollars ($5000)

Amend Sec. 5 (Sec. 8), page 9, lines 15 and 16, by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: five hundred dollars ($500)

Amend Sec. 5 (Sec. 8), page 9, lines 17 and 18, by striking out "THREE THOUSAND DOLLARS SIX HUNDRED DOLLARS ($3600)" and inserting: five thousand dollars ($5000)

Amend Sec. 5 (Sec. 9), page 10, lines 12 and 13, by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: five hundred dollars ($500)

Amend Sec. 5 (Sec. 9), page 10, lines 16 and 17, by striking out all of line 16, and "($3600)" in line 17, and inserting: five thousand dollars ($5000)

Amend Sec. 5 (Sec. 9), page 11, lines 1 and 2, by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: five hundred dollars ($500)

Amend Sec. 5 (Sec. 9), page 11, lines 5 and 6, by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: five hundred dollars ($500)

Amend Sec. 5 (Sec. 9), page 11, lines 7 and 8, by striking out "THREE THOUSAND SIX HUNDRED DOLLARS ($3600)" and inserting: five thousand dollars ($5000)

Amend Sec. 5 (Sec. 9), page 11, line 15, by striking out all of said line, and inserting: five thousand dollars ($5000)

Amend Sec. 7, page 11, line 17, by striking out "SECTION 11" and inserting: Sections 11 and 12

Amend Sec. 7, page 11, line 18, by striking out "IS" and inserting: are

Amend Sec. 7 (Sec. 11), page 12, line 5, by striking out the brackets before and after "two hundred (200)."

Amend Sec. 7 (Sec. 11), page 12, lines 5 and 6, by striking out "TWO HUNDRED TWENTY-FIVE (225)."

Amend Bill, page 13, by inserting between lines 16 and 17:

Section 12 [In any case where a strip mining operation after completion shall leave anthracite exposed the operator shall be required on written order of the department to cover the exposed surface of the anthracite to a depth of five (5) feet in order to prevent the spread of fire to the unmined anthracite] The operator shall be required within one (1) year after a strip mine operation is abandoned to backfill all stripping pits not more than seventy-five (75) feet in depth on an angle of forty-five (45) degrees from the top of the high wall to the bottom thereof In all pits in excess of seventy-five (75) feet in depth backfilling shall be done in a manner agreed upon in writing between the operator and the Secretary of Mines and Mineral Industries prior to the start of the strip mine operation

Amend Sec. 10 (Sec. 16), page 16, line 12, by striking out all of said line, and inserting: four hundred forty dollars ($440)

Amend Sec. 11 (Sec. 17), page 17, lines 16 and 17, by inserting a bracket before "and" in line 16, and after "operator" in line 17.

Amend Sec. 13 (Sec. 21), page 19, line 16, by inserting after "both": or undergo imprisonment not exceeding three (3) months or both

Amend Sec. 14, page 19, lines 17 to 19, by striking out all of said lines.

On the question,

Will the Senate agree to the amendments?

Mr. MURRAY. Mr. President, I ask for a roll call vote on these amendments.

Mr. SCOTT. Mr. President, I rise to oppose these amendments.

These amendments, as pointed out by the sponsor, would restore this measure to the original form in which it came from the House of Representatives.

I would like to read into the record, Mr. President, from an advertisement which appeared in a number of newspapers throughout Pennsylvania today. Here is the context of this advertisement:

"Ninety-two million dollars will be lost to the economy of the six-county anthracite area if stripping bill No. 1221, in its original form, becomes law."

Mr. President, anyone who lives in the anthracite area, or anyone who has had an opportunity to visit the huge strippings in that area, certainly knows that if the provisions of these amendments become law, there is no question whatsoever that the anthracite stripping industry will fade into oblivion and go out of business completely in the State of Pennsylvania.

When you talk about $92,000,000 to the economy of a six-county area and the importance of that money to the citizens of that area, I would like to request all of my colleagues to vote "no" on these amendments.

Mr. BERGER. Mr. President, as I am informed,—and I do not pretend to have any peculiar knowledge of this problem at all—the problem in anthracite is different than that in the bituminous strip mining field.

There is not a great deal of strip mining in my own area. However, I have been informed that because of seepage from bituminous strip mines, there is a danger that the impoundment of water in the proposed Kinzua Dam may become acid through seepage from strip mines.

Understanding that and similar situations in western Pennsylvania, I supported the amendments which would restore the bituminous strip mine bill to its original form.

However, Mr. President, being informed as I am that this problem is not the same in the anthracite region, and that economically it is an impossibility to carry out the provisions of House Bill No. 1221 and have the operators remain in business, I intend to oppose these amendments which would restore this bill to its original form.

And the question recurring,

Will the Senate agree to the amendments?

The yeas and nays were required by Mr. MURRAY and were as follows, viz:

YEAS—18

Devlin,	McGinnis,	Sesler,	Ware, III,
Flack,	McMenamin,	Seyler,	Weiner,
Fleming,	Murray,	Staisey,	Yatron,
Lane,	Pechan,	Stroup,	Ripp,
Mahady,	Sarraf,		Presiding Officer

NAYS—30

Bell,	Hawbaker,	Miller,	Stevenson,
Berger,	Hays,	Mullin,	Stiefel,
Camiel,	Kalman,	Propert,	Taylor,
Chapman,	Keller,	Rooney,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
DiSilvestro,	Kromer,	Shafer,	Wagner,
Donolow,	Mallery,	Silvert,	Wolfe,
Haluska,	McCreesh,		

So the question was determined in the negative, and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

The PRESIDING OFFICER. The Lieutenant Governor has now ascended the rostrum, and the gavel will be turned over to the Lieutenant Governor of the Commonwealth, the Honorable John Morgan Davis, at this time.

The PRESIDENT (Lieutenant Governor John Morgan Davis) in the Chair.

THIRD READING CALENDAR

EDUCATION BILLS OVER IN ORDER

SB 130 and **646**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

EDUCATION BILL ON THIRD READING AND FINAL PASSAGE

SB 683 (Pr. No. 796)—Read at length the third time and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	Hawbaker,	Miller,	Silvert,
Berger,	Hays,	Mullin,	Staisey,
Camiel,	Kalman,	Murray,	Stevenson,
Chapman,	Keller,	Pechan,	Stiefel,
Confair,	Kromer,	Propert,	Stroup,
Devlin,	Lane,	Ripp,	Taylor,
DiSilvestro,	Madigan,	Rooney,	Van Sant,
Donolow,	Mahady,	Sarraf,	Wagner,
Ehrgood,	Mallery,	Scott,	Ware, III,
Flack,	McCreesh,	Sesler,	Weiner,
Fleming,	McGinnis,	Seyler,	Wolfe,
Haluska,	McMenamin,	Shafer,	Yatron,

NAYS—2

Kessler,	Wade,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

EDUCATION BILLS OVER IN ORDER

SB 688, 690, 734 and **769**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

HB 1335 CALLED UP OUT OF ORDER

HB 1335 (Pr. No. 2453)—Without objection, the bill was called up out of order, from page 14 of the Third Reading Calendar, by Mr. WEINER.

BILL OVER IN ORDER

HB 1335 (Pr. No. 2453)—Read at length the third time.

On the question,

Will the Senate agree to the bill on third reading?

Mr. WADE. Mr. President, as all of the Members of the Senate are well aware, this is the perennial bill which treats with the General State Authority, an Authority which was created some time back, and involves funds of the taxpayers of the Commonwealth over which this Legislative Body—including both the House and the Senate—

loses control once the measure is passed or once the amount of borrowing power is increased.

I think it would be in order to have a very brief history of that agency and of the—might I call it—Frankenstein which we are creating as we increase the borrowing power of this agency.

I heard, on the Senate floor the other day, statements by two young and distinguished Members of this Chamber in which they announced that they hoped to serve in the Senate of Pennsylvania for many years to come.

Also, some few weeks ago when we were debating an amendment that would provide for a new Constitution in Pennsylvania, I heard the distinguished Member from Westmoreland County, Senator Mahady,—if I recall his statement correctly—say that this was an agency with which, because of the limited borrowing power under our present Constitution, we would have to live. I agree with Senator Mahady that this is a matter paralleled by others where we lose the legislative control, and I question very much the advisability in some instances.

Now for the brief history. During Governor Earle's Administration, this legislative monstrosity was created. Then when General Martin became Governor, he abolished and paid off the outstanding bonds at that time. Later, when Senator Duff became Governor, he asked for the sum of $175,000,000 to be granted as borrowing power for a revival of the General State Authority. During the four years of the Administration of Governor Fine, who succeeded Governor Duff, he asked for an increase of $155,000,000 in borrowing power. Then following Governor George Leader's four years and he asked for another increase of $150,000,000 in borrowing power. This you will recognize as a total borrowing power of almost a half-million dollars; to be more accurate, $480,000,000.

During the first two years of the present Administration, Governor David Lawrence asked for an increase of $141,000,000, bringing the total up to $621,000,000. Now this bill, House Bill No. 1335, if enacted in its present form, would increase the total borrowing power to $865,000,000, fast approaching a billion dollars.

To these young Members who stated that is was their hope and desire to be Members of this Body for a long time in the future,—and I hope they are Members—let me remind them, together with the oldsters of us who are here, that we are creating an obligation, Mr. President, in excess of $52,620,000 annually, and not biannually, to meet this obligation if the money were all loaned. So far, however, the agency has paid off a small fraction of its indebtedness, amounting to $68,000,000.

They have, for the information of the other Members of the Senate, unallocated borrowing power of $10,000,000, which is created from a reserve which they set up in the form of doing business. That reserve on each project amounts to architects' fees, six per cent; administration, five per cent; contingency, ten per cent; interest, four per cent; and load factor, one per cent. That adds to each project the sum of twenty-six per cent, which is a very liberal allowance. I think we would all agree on that.

This agency has been in existence—as I pointed out—for eleven years, and they have gone ahead with projects averaging some $30,000,000 for each year of their existence.

The amendments which I am about to offer, on behalf of Senator Kessler, Senator Propert, Senator Stevenson and myself, do not add any new projects to those included in House Bill No. 1335. They propose to set up certain legislative restrictions or legislative limitations, or landmarks or guideposts to go by. We firmly believe—and I am sure that it is the unanimous opinion of many of my colleagues—that certain legislative restrictions should surround this agency. It should not just go ahead or plunge ahead into the future without certain restrictions being placed upon it.

Therefore, Mr. President, if I may offer the first amendment—as I stated before, this is a series of amendments—and if I may have unanimous consent to make a brief statement in explanation of each of the amendments, I would appreciate it.

The first amendment would delete the driver examination points that are involved in House Bill No. 1335. About three weeks ago, these same Senators—Senator Kessler, Senator Propert, Senator Stevenson and myself—introduced a bill, Senate Bill No. 888, which was referred to the Committee on Highways. Senate Bill No. 888 would permit the Highway and Bridge Authority, which derives all of its rental money from the Motor License Fund, to set up these different points for driver examinations.

I think this is an important function in highway safety. However, if we deleted this from House Bill No. 1335,—and I sincerely hope that we will and I hope that the Members of this Senate will join in this request to delete it from House Bill No. 1335—Senate Bill No. 888 should then be passed. This would give the Highway and Bridge Authority the privilege of setting up these driver examination points.

Mr. President, on behalf of the Senators enumerated before, I ask unanimous consent to offer the following amendments.

The PRESIDENT. The Chair hears no objection, and the gentleman may proceed.

Messrs. WADE, PROPERT, KESSLER and STEVENSON offered the following amendments:

> Amend Sec. 1 (Sec. 4), page 4, lines 16 to 18, by striking out all of lines 16 and 17, and "201)" in line 18, and inserting: eight hundred sixty-four million one hundred eleven thousand thirteen dollars ($864,111,013)
>
> Amend Sec. 2, page 39, lines 5 to 19; page 40, lines 1 to 13, by striking out all of said lines.
>
> Amend Sec. 2, page 40, line 14, by striking out "XI" and inserting: X
>
> Amend Sec. 2, page 41, line 6, by striking out "XII" and inserting: XI
>
> Amend Sec. 2, page 42, last line on page, by striking out "XIII" and inserting: XII
>
> Amend Sec. 2, page 45, line 13, by striking out "XIV" and inserting: XIII
>
> Amend Sec. 2, page 45, line 15, by striking out "12,178,540" and inserting: 12,133,981

On the question,

Will the Senate agree to the amendments?

Mr. LANE. Mr. President, may we be at ease a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Mr. LANE. Mr. President, I now yield to Senator Wade.

Mr. WADE. Mr. President, I thank the gentleman, and I now move that the amendments which I have offered be laid on the table.

The reason for this request, as I stated at the outset, is that we have a series of amendments for this bill. It is rather late in the day, but most important of all is this House Bill No. 1335. This bill is a very extensive bill and

one which is pretty costly to reprint. Therefore, I think all amendments offered to it should be offered on the same day.

Mr. LANE. Mr. President, I second the gentleman's motion for the amendments to be laid upon the table.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on third reading?

Without objection, the bill was passed over in its order at the request of Mr. BERGER.

HB 778 CALLED UP

HB 778 (Pr. No. 851)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 4 of the Third Reading Calendar by Mr. LANE.

APPROPRIATION BILL OVER IN ORDER TEMPORARILY

HB 778 (Pr. No. 851)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. HAYS. Mr. President, I ask unanimous consent to offer amendments to House Bill No. 778.

The PRESIDENT. There being no objection, the gentleman may proceed.

Mr. HAYS. Mr. President and Members of the Senate, I expect to offer amendments to House Bill No. 778, House Bill No. 779, House Bill No. 780 and House Bill No. 781. Since the principle involved is the same, I will speak briefly about all four of these bills. I will also say that the same thing would apply to certain bills on page 3 of the Calendar, which we have already passed.

Therefore, Mr. President, I now offer to the Chair amendments to House Bill No. 778, Printer's No. 851, and after the amendments are read, I would like to make a brief statement.

The PRESIDENT. The Clerk will read the amendments.

The amendments were read by the Clerk as follows:

> Amend Sec. 1, page 1, line 3 by inserting after "appropriated:" subject to the limitations of section 2
>
> Amend Bill, page 2, by inserting after line 3:
>
> Section 2 Out of the appropriation made in section 1 hereof no more than is necessary and no more than the sum of two thousand four hundred dollars ($2400) per Pennsylvania resident student plus an additional ten percent of that total for nonresident students shall be paid to the college

On the question,

Will the Senate agree to the amendments?

Mr. HAYS. Mr. President, earlier in the day, I got myself in serious trouble with all the lawyers and judges of the Commonwealth. I will now make it a clean sweep by getting in the doghouse with the medical profession.

The thing that I am presenting is not peanuts, at least in my opinion. If the amendments to the four bills should be passed, I think it might mean a saving of $1,000,000 a year. That is how excessive this matter is.

Now I shall explain the amendments, and they are the same for the four institutions. These four institutions, of course, are medical schools. This amendment would provide that for each and every Pennsylvanian enrolled in these medical schools, the school would earn a scholarship of $2,400. Then we would add ten per cent to that so that this question of provincialism might be overcome, at least in part. This would permit each of these institutions to be paid for every Pennsylvania, qualified student enrolled, and ten per cent of that number, in addition.

One school has 69 per cent Pennsylvanians, which would be 31 per cent non-Pennsylvanians. Another school has 71 per cent; another, 62 per cent; and another, 50.9 per cent. Since the scholarship, shall I say, per year is about $2,400, you will observe, if you compute it, that this amounts to approximately $1,000,000 a year.

I am offering this amendment because I have a feeling —while I do not have the breakdown—that a great percentage of these nonresidents come from our neighboring States of Delaware and New Jersey. Delaware has no medical school and I think New Jersey has but limited medical schools. When I observe that New Jersey is stealing schoolteachers from Pennsylvania by means of higher salaries and I think the same thing is happening in Delaware, and when I observe that the per capita tax rate in New Jersey is less than in Pennsylvania, and when I observe that all the major unemployment pockets in the East are not in New Jersey and in Delaware, but instead in Pennsylvania, then I think that while it is very fine and high and noble to provide this kind of medical education, and it is medical education of the highest order and they are world-wide known institutions, it seems to me, as we scrouge around here to try to vote for enough tax measures to pay our bills,—I think I voted for everyone that has come over here—that we should look as to the kind of a free ride we are giving certain of our student guests, particularly from Delaware and New Jersey.

If we would bring this matter to a head, it seems to me that the States of New Jersey and Delaware might easily be persuaded to award scholarships. I recognize that Delaware is probably too small a State for a medical school to award scholarships to ten, twenty, thirty or forty members of the student body from the State of Delaware. However, Mr. President, I say to you that the economic condition in Pennsylvania is such that we should put a limit on the number of nonresidents we educate at the rate of $2,400 a year. I am not saying anything critical about any of these four institutions or the other medical schools which might be involved in this. I am simply saying that I think the economic condition of Pennsylvania is such that we should not spend $1,000,000 in this way.

Therefore, Mr. President, I ask my colleagues to vote for these amendments. They would allow each school to earn $2,400, multiplied by the number of Pennsylvanians enrolled, plus ten per cent to care for a reasonable number of out-of-State students, because, as I have told you, some schools have as high as forty-nine per cent and others have thirty per cent in nonresident students.

Mr. SILVERT. Mr. President, I should like to be heard on the amendments to House Bill No. 778, relating to the appropriation to Women's Medical College.

As I understand these amendments, Women's Medical College would be limited to ten per cent of its enrollment for students outside of the Commonwealth of Pennsylvania. Mr. President, the Women's Medical College of Pennsylvania, located in East Falls, Philadelphia, is per-

haps the most unique medical school in the world. Here is a medical school which has no duplication in the Commonwealth of Pennsylvania or in the United States. I understand there is no other purely women's medical college perhaps in the entire world.

To limit this Women's Medical College—with the great distinction it now possesses of being the only women's medical college in the world—to ten per cent of students from outside of Pennsylvania would mean that not only the forty-nine States and the State of Pennsylvania would be included in that ten per cent, but also students from all over the world who now attend Women's Medical College. I understand they have students from the Far East and they have students from India. The damage which an amendment of this kind would do to the reputation and distinction of this school could not possibly be measured in money.

Therefore, Mr. President, I ask that the amendments be defeated.

Mr. STIEFEL. Mr. President, there is a certain facet of this entire problem which escapes the attention of the gentleman who proposed the amendment.

There is always talk about importing medical doctors and exporting medical doctors. There are many students who come from New Jersey, Delaware or Ohio. I do not know why the proponent forgot to mention Ohio, whose medical students come to the Medical School of the University of Pittsburgh. Many of them graduate from the schools and then settle in Pennsylvania and render their services to the people of Pennsylvania. Many of our Pennsylvanians who graduate leave Pennsylvania and go to other places.

For this reason, Mr. President, the time is at hand when we have to stop drawing these lines. It appears as though a person from New Jersey is a foreigner. Here in Pennsylvania, if you do not hail from the rural sections, you are nobody.

I have said time and again—and Senator McMenamin always picks me up on it—that it is about time we stop thinking in terms of the Nineteenth Century. We are now one Nation and one State and, to me, any institution—and this applies to Pennsylvania State University—is of great interest to me and I will support it.

Mr. BELL. Mr. President, I oppose the gentleman's proposal to decrease the appropriation to these medical colleges. By indirection he is endeavoring to do what he is not doing by direction. In other words, if he wants to restrict our medical schools in Pennsylvania to Pennsylvanians, let him put a bill in to that effect.

What is going to be the effect on these medical colleges? You are going to take the lifeblood away from them. This is going to hurt the education given to all medical students in those colleges. You are not only going to get the doctors angry with you, Senator, but you are also going to get all the patients mad at you. In the Commonwealth of Pennsylvania, I think the great majority of our people, at one time or another, depend on the medical care given by the graduates of these wonderful medical colleges.

I want to back up Senator Stiefel. In my community, we have even had people from Korea who have gone to the great medical schools in Philadelphia and who have settled in our community and have become great Pennsylvanians. I say that this move would shackle the medical schools of Pennsylvania and it would create, as Senator Stiefel has stated, a backward step. Let us also see what would happen in other States. If we start this, where we preclude non-Pennsylvanians from attending our medical schools, we will find retaliation throughout the United States.

Mr. President, I therefore, rise to oppose this move. It is not for the best interest of the people of Pennsylvania.

Mr. LANE. Very reluctantly, Mr. President, I, too, must oppose Senator Hayes' amendments.

I recall a few years ago when we had quite a hassle with reference to the Teachers' Colleges in Pennsylvania. At that time, a great number of the authorities claimed that a number of the teachers were leaving Pennsylvania. A proposal was then made whereby any teacher who was educated in our Teachers' Colleges should pay back a certain portion of their tuition in the event they left Pennsylvania to teach in another State. That actually is peonage, and it did not work out. I am very happy about that.

As Senator Bell has stated, naturally these other States are going to retaliate. While Senator Hays was talking, I was thinking about the number of medical students from my area who are now in New York, Chicago or other States in other medical schools. The result would be that there would be a denial there.

On the other hand, Mr. President, we cannot forget the fact that we are one great nation. We should provide these facilities for every student because we are badly in need of members of the medical profession.

I think this is a backward step. I can see Senator Hays' intent as far as the legislation is concerned. However, I am very sorry, Senator Hays, but I cannot support the amendment.

Mr. BERGER. Mr. President, I just want to say one word, and that is to dispel what I believe might be an erroneous impression created by the remarks of Senator Hays.

These appropriations to the various medical colleges are not, in any sense, intended to provide scholarships. His statement that we would provide a $2,400 scholarship for each Pennsylvania student in the medical colleges is to all purposes completely wrong. This money is appropriated to these medical colleges for the purpose of assisting them in their programs of education, and it is not confined to payment for scholarships to the students who may be in attendance.

Mr. PECHAN. Mr. President, I have been busy milling around the floor and I have not followed all of this debate. However, it is my understanding that at the present time the medical schools do receive something in excess of $2,000 for each medical student. I know some few years ago they were getting $2,000 for every medical student, and I understand that it has since been raised to $3,000 for each medical student. I do not know what bookkeeping they have or how it is done, but the medical schools are subsidized to the extent of $3,000 for every medical student.

The reason I know that is because at one time I wanted to see the same thing done for dental students. It costs as much almost to be a student in a dental school as it does in a medical school. However, I was told to bide my time until a better day and until something else happened.

If I understand the situation correctly, at the present time each medical school that is State-supported is getting something like $3,000 for each medical student.

Mr. HAYS. Mr. President, I would not deny Senator Berger's contention that officially this is not a scholarship. However, I would contend that if these medical schools did not get the amount of money they do receive, the tuition would have to be raised to about $2,400. Therefore, indirectly, this is a kind of scholarship, it seems to me.

I am at a loss to understand how the State of Delaware, which has no medical schools, or the State of New Jersey, which hardly has a medical school, could retaliate as far as Pennsylvania is concerned.

And the question recurring,

Will the Senate agree to the amendments?

Mr. HAYS. Mr. President, I ask for a roll call vote on these amendments.

The yeas and nays were required by Mr. HAYS and were as follows, viz:

YEAS—1

Hays,			

NAYS—47

Bell,	Kalman,	Mullin,	Staisey,
Berger,	Keller,	Murray,	Stevenson,
Camiel,	Kessler,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wade,
Donolow,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,			

So the question was determined in the negative, and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

Without objection, the bill was passed over in its order temporarily at the request of Mr. HAYS.

REPORTS OF COMMITTEEE OF CONFERENCE SUBMITTED

Mr. LANE submitted the Reports of Committees of Conference on **SB 486,** which was placed on the Calendar, and **HB 853,** which was laid over for printing under the rules.

REPORTS FROM COMMITTEE

Mr. LANE, by unanimous consent, from the Committee on Rules, reported, as amended, **HB 1622** and **1638.**

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

By unanimous consent, a motion was made by Mr. DEVLIN and Mr. LANE, and agreed to, that the Senate do now resolve itself into Executive Session for the purpose of considering a nomination made by the Governor.

NOMINATION TAKEN FROM THE TABLE

Mr. DEVLIN. Mr. President, I call from the table for consideration the nomination of Anne X. Alpern for appointment as Judge of the Supreme Court of Pennsylvania, which was reported from committee on August 15, 1961 and laid on the table.

The PRESIDENT. The Clerk will read the nomination.

The nomination was read by the Clerk as follows:

JUDGE OF THE SUPREME COURT OF PENNSYLVANIA

July 31, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Anne X. Alpern, 3441 Beechwood Boulevard, Pittsburgh, Allegheny County, for appointment as Judge of the Supreme Court of Pennsylvania, until the first Monday of January 1962, vice Hon. Charles Alvin Jones, resigned.

DAVID L. LAWRENCE.

On the question,

Will the Senate advise and consent to the nomination?

Mr. PECHAN. Mr. President, I am voting against Miss Alpern for confirmation as a Justice of the State Supreme Court because I do not believe she has the proper judicial temperament for that position. Miss Alpern has announced some very fixed opinions on many, many subjects. However, the remark she made to three of her former fellow jurists from Allegheny County recently is the one that sticks in my mind. According to the newspapers, what she said when she was requested to have her photograph taken with these fine, outstanding Judges was something to the effect that: "Some people would shake hands with Khrushchev, but I would not."

What did she mean by this? Was she saying, in effect, that to have her picture taken with Allegheny County Judges would be something like shaking hands with the Red dictator? I had not noticed previously that she ever was reluctant to be photographed. Whatever was the meaning of this remark, this alone has not convinced me that Miss Alpern does not have the judicial temperament required of a Supreme Court Justice.

I can think of nothing more illuminating than the arbitrary stand she is taking as Attorney General in only asserting her authority when it does not involve her in a dispute with powerful members of her own party. Again and again she has sent her deputies and her investigators into Republican counties upon the first complaint of wrongdoing. However, when she is asked to investigate open gambling in Allegheny County or to intervene in the investigation of payola in the city administration in Philadelphia, Miss Alpern does nothing.

Recent, when requested to name a special prosecutor to investigate the Philadelphia scandal, she expressed the highest admiration for the appointed District Attorney, Mr. Crumlish, but said for the record that if she found he was not doing the job, she would intervene. Now look what has happened.

A few weeks ago, Mr. Crumlish, the Philadelphia District Attorney—

Mr. WEINER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Philadelphia, Mr. Weiner, will state it.

Mr. WEINER. Mr. President, the matter before the Senate is the nomination of Anne X. Alpern for Justice of the Supreme Court. I do not mind listening to a political speech. If that is in order, I think we ought to get to that business.

However, I think this is completely out of order—this discussion of the District Attorney of Philadelphia. Mr.

Crumlish is not here for confirmation; only Miss Alpern. I think the gentleman ought to confine his remarks to that matter. If he wants to make a political speech, I will be happy to listen to him under Petitions and Remonstrances.

Mr. FLEMING. Mr. President—

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Mr. Fleming.

Mr. PECHAN. Mr. President, I have not yielded the floor.

The PRESIDENT. Senator Weiner, I might point out to you, rose to a point of order, and Senator Fleming rose on that point of order, I believe.

Mr. FLEMING. That is correct, sir.

Mr. PECHAN. I was going to defend myself. However, go ahead.

Mr. FLEMING. Mr. President, I would suggest to the Chair that the point of order is not well taken. The Senator from Armstrong County is laying the groundwork for his opposition to the confirmation of this nominee of the Governor. Certainly, he has every right to lay before the Senate his reasons for asking the Senate not to confirm Miss Alpern.

Mr. PECHAN. Thank you very much. May I continue, Mr. President?

Mr. LANE. Will the gentleman yield for just a moment?

Mr. PECHAN. Because you are such a gentleman, I will.

Mr. LANE. Mr. President, I think that Senator Pechan should eliminate the political speeches and put the facts before us, because I am ready and willing to answer him on this particular subject. I wish he would proceed with the facts and not all of the gingerbread. Let us forget about this delay—there appears to be a delay, anyway—in confirming this lady for this position.

I think Senator Pechan is part and parcel to a political campaign to commence right on the floor of this Senate. We should not have politics now. Let us have it after the confirmation.

Mr. PECHAN. Mr. President, I would just like to ask the gentleman what he is doing now. I am not making a political speech. I am trying to tell you why I am not going to vote for her.

Mr. LANE. Tell us in short words, will you?

Mr. PECHAN. Mr. President, I am going to do it my way. Senator, I have listened to a lot of your hooey, believe me.

Mr. LANE. I have listened to your hooey for months, too.

The PRESIDENT. The gentleman will address the Chair, please.

Mr. PECHAN. I am sorry, Mr. President. I am awfully sorry. I do respect the Chair and I do respect you. I would pray, though, that you will let me continue without these interruptions. I will be through in just a moment.

The PRESIDENT. On the basis of that, Senator Pechan, the Chair will be glad to allow you to continue.

Mr. PECHAN. Mr. President, I do not even know where I left off.

Mr. President, a few weeks ago, Mr. Crumlish, the Philadelphia District Attorney, issued a long statement in which he said that City Councilman Victor Moore had violated the State Election Laws by soliciting a $3,000 cash contribution from a city contractor and then failing to report it, but he then added immediately that he would not prosecute.

Has Miss Alpern intervened in this situation? Has she kept her pledge that she would? Of course not. That might jeopardize the support she hopes to get from Congressman Bill Green in the November election for this self-same place on the State Supreme Court.

I do not ask you to take my view on this matter. Here is what the Americans for Democratic Action had to say over the week end about the refusal of Mr. Crumlish to act in the Moore case:

"This position by the District Attorney may be a nullification of the judicial system."

I say to you that Miss Alpern's silence in a matter of such grave importance definitely demonstrates to me, and to the people generally, that she does not have the impartiality and the judicial temperament to be a Supreme Court Justice.

Mr. WEINER. Mr. President, the only thing I can say is the voice is that of Senator Pechan, but the writing sounds like the Republican State Committee. They have opened the campaign a little bit early this year. I believe, at the moment, it is not an issue whether Mr. Crumlish did or did not take this position or that position.

The most important things that we have to discuss are this lady's qualifications to serve; here qualifications as a lawyer, as a person who is learned in the law and who can handle the situation, and whether she is the type of person who is qualified to take this seat.

Mr. PRESIDENT, I now desire to interrogate the gentleman from Armstrong, Senator Pechan.

The PRESIDENT. Will the gentleman from Armstrong, Mr. Pechan, permit himself to be interrogated?

Mr. PECHAN. I will, Mr. President.

Mr. WEINER. Mr. President, will the gentleman please advise us whether he was a Member of the Senate when the Lawrence Administration took office?

Mr. PECHAN. I was, Mr. President.

Mr. WEINER. Mr. President, was the gentleman present at the time when Miss Alpern's name was submitted here in nomination for the office of Attorney General?

Mr. PECHAN. I was, Mr. President.

Mr. WEINER. Mr. President, will the gentleman please advice us whether he voted for her at that time?

Mr. PECHAN. I did, Mr. President.

Mr. WEINER. Mr. President, will the gentleman also advise us whether he thought she was qualified to assume the office of Attorney General of Pennsylvania?

Mr. PECHAN. Mr. President, I took the word of the Governor. I felt that the Governor was entitled to his own Attorney General. I think some of you fellows on the other side swayed me a little bit.

Mr. WEINER. Mr. President, knowing how easily the gentleman is swayed, would the gentleman further advise us whether his county is not—if not contiguous—very close to Allegheny County and the city of Pittsburgh?

Mr. PECHAN. Yes, the city of Pittsburgh is a suburb of Armstrong County.

Mr. WEINER. Mr. President, will the gentleman please advise us further whether he is aware of the lady's ability when she served as City Solicitor in the city of Pittsburgh?

Mr. PECHAN. Not too much, Mr. President. I used to read about her and see her photograph. That is one of the reasons why I could not understand why she would not have her picture taken with three Judges. Her pictures—

Mr. WEINER. Mr. President, would the gentleman please

respond to the questions? I will be glad to let him make speeches on his own when he is ready to do that.

Mr. President, will the gentleman please advise us further whether he knew of her abilities as a Judge in the city of Pittsburgh?

Mr. PECHAN. As a dentist could judge a Judge, Mr. President, I would answer "yes." I would say that she was a competent Judge.

Mr. WEINER. Senator, when you told us before that you were swayed by the gentlemen on this side or by the Governor, that was not the entire statement. What you really meant was that from your own knowledge of her as City Solicitor in the city of Pittsburgh, and your own knowledge of her as a Judge, you were moved to vote for her confirmation here in the Senate as Attorney General for the Commonwealth of Pennsylvania because you knew nothing about her which would be derogatory or prevent you from voting for her. Is that correct?

Mr. PECHAN. I would say substantially.

Mr. WEINER. Then, your only complaint here today is that of a political nature; that she did not act on a matter in the city of Philadelphia or elsewhere. Is that not correct?

Mr. PECHAN. I have a lot of complaints which I did not enumerate. I would not have dared to; you would not have permitted me to go on. You stopped me from telling you what little I did tell you.

Mr. WEINER. Mr. President, I want to thank the gentleman for his responsive answers. I want to further advise the gentleman, Mr. President and Members of the Senate, that this is not only a person who has served on a job and is just being promoted on a political basis. This is a young lady who has made quite a career for herself. She has done quite a job both as City Solicitor in the city of Pittsburgh and later on as a Judge. She gave up a very secure Judgeship, where she could have been re-elected time after time. This was a position which was a respected job in the community. She was a respected person to come in and join the Governor and the Commonwealth of Pennsylvania for a job that had only a four-year tenure, wherein the job she previously held had a ten-year tenure. For her normal and good behavior in office, she would have probably been elected and re-elected as long as she cared to run. This has been the general history in the large cities and in the communities where they apply the Sitting Judge principle.

If the gentleman is piqued at her, I am sure that my colleagues will come to the same conclusion that I and many others have come to; namely, that there must be something personal involved which he either chooses not to tell us or wants to bring to our attention and for which he feels he must withhold his confirming of this young lady. She will only serve until the electorate has an opportunity to act upon the matter in November. I would assume that all things being equal, she probably will be re-elected in January and will then serve for twenty-odd years.

I would also like to point out to the gentleman that it was the Members on his side who went to her, as well, when we had problems in the Senate, I noticed that many of the decisions which she rendered were of a bipartisan nature. Many times, they were against many of the decisions I would have liked her to call for the reason that it might have helped our cause here a little bit more.

She has also represented the Senate when it had a little difficulty down in Philadelphia. I believe she did a very fine job. I heard no one complain, including Senator Pechan. Recently, she has represented the Members of the Legislature in a court action which they had. To date, I have heard no complaints about this. As a matter of fact, the first complaint I have heard about her or anything that she has done has been from the gentleman from Armstrong today on this floor.

Mr. WADE. Mr. President, I expect to vote against the confirmation of Miss Alpern as Justice of the Supreme Court. I believe it is the duty and obligation of every Member of this Senate to vote as carefully on the confirmation of anyone whose name is sent to us by the Governor as it is the obligation of the Governor to make the nomination.

I believe we have a very grave duty. We are inclined sometimes to a bit of levity on the Senate floor, but this concerns the confirmation of a Justice of the Supreme Court.

I have talked to no less than ten Judges of the County Courts, and I have yet to find a Judge of the County Courts who says that she should be confirmed. I think my feelings are summed up very well in a letter which I received today. The subject of the letter is, "Alpern Appointment to the State Supreme Court," and it reads as follows:

> "We respectfully ask you not to confirm the above appointment.
> "We believe Miss Alpern is not qualified for such a high office in the State Judicial Department. . . ."

Mr. WEINER. Mr. President, if the gentleman will forgive me for interrupting, I did not hear who this letter is from.

Mr. WADE. Mr. President, I did not give the names. I have not come to that part of the letter, as yet. I do not propose to give the names because I do not think they are relevant.

The PRESIDENT. That is obviously the reason why the Majority Leader did not hear you.

Mr. WADE. Mr. President, I shall speak a little louder. I hope the Majority Leader will turn up his hearing aid.

The letter continues as follows:

> "Past records such as refusing to prosecute vote fraud and corruption and expose election violations in Philadelphia as she did in other communities for less serious violations, as in the Cumberland County Commissioner's case.
> "Most important, we challenge her judicial temperament; attacks in violent temper on all who disagree with her, attacks on public utilities.
> "We need Judges on the Supreme Court Bench, and in all courts, free from political attachment or obligations or influence and we challenge her ability for this important appointment."

Just a few minutes ago, Mr. President, the Majority Leader questioned Senator Pechan as to whether or not he voted for her for the important position of Attorney General. I voted for her confirmation at that time. Since that time, in my judgment, her record does not prove that she would make a good Justice on the Supreme Court of Pennsylvania. Therefore, Mr. President, without further ado, I am announcing to the Members of the Senate that my plan is to vote against her confirmation.

Mr. SILVERT. Mr. President, since Governor Lawrence

named Miss Alpern to the Supreme Court, I have had occasion to discuss this nomination with lawyers in Philadelphia, both Democrats and Republicans. I wish to state that the consensus of opinion is that Miss Alpern is a brilliant lawyer who will add to the dignity, impartiality and ability of the Supreme Court.

Mr. LANE. Mr. President, Miss Alpern was born in Washington County. I recall when she first became City Solicitor for the city of Pittsburgh. I followed her career down through the years and I was happy, indeed, when Governor Lawrence decided to make her Attorney General for the Commonwealth of Pennsylvania.

I do not believe that Miss Alpern fears any political figure. I recall when I served as a member of the Vote Fraud Committee, selected by this Senate. The Chairman was my good friend, Senator Scott. There happened to be an injunction filed in Philadelphia against our committee. We went to Miss Alpern and she, as the Attorney General, represented this committee quite successfully before the State Supreme Court.

No one in this Senate can tell me, when the Attorney General would take such an attitude, that she is fearful of any political figure or that she is the pawn of any political figure. I do not think she is that type. I am quite sure she is the type who likes to stand up and be counted. She is not fearful. I believe she will make an excellent Justice of the Supreme Court, and I hope some day she will be the Chief Justice of the Supreme Court.

Mr. President, I think there has been more or less a little discrimination against the feminine sex when it comes to high appointments in office. Here is an opportunity in Pennsylvania to appoint an able lawyer, a learned jurist, a person who has an even temperament, and a person who could do the job. I would like very much to see every Member of this Senate vote for Miss Alpern, because I have all the confidence in the world in this woman. I know she will make a wonderful Justice of the Supreme Court.

Mr. MULLIN. Mr. President, statements have been made that Miss Alpern did not prosecute alleged frauds in Philadelphia. I might say that whatever happened in Philadelphia is a picayune matter. However, as picayune as it is, Miss Alpern did appoint a young lawyer and a very able member of her staff, a man by the name of Mr. Kalodner, to look into the vote frauds. He did attempt very hard to make cases out of cases which did not exist. He made one or two little things stick. However, the opposition knows, and everybody who has any information about the situation in Philadelphia knows, that we have run the cleanest elections which have ever been run anywhere. This attempt to smear the name of Philadelpiha merely smells like politics.

I believe Senator Scott, the Chairman of the Vote Fraud Committee, said that the elections in Philadelphia were clean. We intend to keep them clean despite this attempt to smear.

Mr. WEINER. Mr. President, I would like to call attention to the fact that Miss Alpern is up for confirmation and not Philadelphia. Her name was called from the table and not the name of Philadelphia.

As long as I have known Senator Wade, I have had great respect for him not only as a fair individual, but as a person who will do the honest and decent thing. I think, however, to read into the record any character assassination regarding anyone, without giving the source, is certainly not a very fair way of handling a matter, whether it be against Miss Alpern, me or anybody else. Senator Wade and I know that all of us receive mail about people. Anyone of us are subject to that type of attack if you are in public life. It might be that some people do not feel well or probably they have a problem of either some psychosis or neurosis which they should have taken care of, and they sometimes accomplish this by the use of a three or four-cent stamp. If you are reading letters from people who are ill and who need help, I think the gentleman should mention their names. If he does not, then I think he should turn the letter over to the Bureau of Mental Health and perhaps they can help that person, thereby putting a stop to the cluttering up of the mails. We have a deficit every year because of the heavy mailing that goes on. Many of these letters could be cut down if you took some of these sick people out of circulation. I know Senator Wade would not resort to using the names of people who are not mentally well and who take care of their problems by writing all sorts of poison-pen letters.

In all fairness to Miss Alpern,—who is a very fine lady and who has a very fine reputation in this Commonwealth, despite the fact that she might happen to be a woman and a Democrat, and if you will just leave that aside for a moment,—I think you should tell us the names of these people who are writing these things. Also, if it is somebody of any worthy note, then I would like to know about it myself. It may be they have some information which I do not have at hand. Perhaps I would not want to vote for Miss Alpern either. Therefore, Mr. President, I think the gentleman should make this known to his colleagues. Otherwise, I think it is in the category of being a low blow, which none of us can afford.

Mr. HALUSKA. Mr. President, I expect to vote for Miss Alpern when we vote on her confirmation. My colleague, Senator Lane, prefaced his remarks with the fact that Miss Alpern was born in Washington County. I also was born in Washington County. If that has any preference, I hope he will hold me in the same esteem as he holds Miss Alpern.

Mr. EHRGOOD. Mr. President, it gets very difficult for a Member of the Senate, and one who happens to be an attorney, to get up and state that he is going to vote against an individual who will become a Supreme Court Justice of the Commonwealth of Pennsylvania.

However, I happen to feel very strongly about this. The individual who put it on the basis that this nominee is even-tempered is the person who put the finger on the reason I am going to vote against her. I am voting against her for the very lack of even temperament which she has shown. I have witnessed that lack, and I, as an attorney, would not desire to have that type of temperament on the bench.

Mr. STIEFEL. Mr. President, just a slight remark in answer to Senator Pechan's statement. In one of the committees of the Senate there lies buried one of my bills which I introduced earlier in the Session. That bill would have transferred jurisdiction, in cases of appeals from decisions of the Public Utility Commission, to the Supreme Court. Now the appeals go to the Superior Court. I wanted to lend dignity to these appeals by sending them to the Supreme Court, but my colleagues saw fit to put this bill to death.

Anyway, Miss Alpern is going to the Supreme Court and not to the Superior Court. Therefore, whoever is afraid that she may in any way affect the public utilities should not worry about it, because she will have no jurisdiction over these cases.

The PRESIDENT. If there is no objection from the gentlemen of the Senate, I think that I could cast some light which may be of help to you. I hear no objection and so I will proceed.

I have spent a little over two and one-half years as a Member of the Pardons Board, working with Miss Alpern as the Attorney General. I can tell you that she has an absolutely perfect judicial temperament. I have worked for her. She has a big heart. She has considered every case that has come before the Board with carefulness and with clarity. I respected her as a Judge, when I was a Judge, in the Judicial Conferences that we attended, and I am happy to have been able to work with her during the last two and one-half years.

If it is a matter of judicial temperament that is affecting any of you gentlemen, you can accept my word for it. She does have it.

Mr. BERGER. Mr. President, I will preface the very short remarks I intend to make by saying that I am going to vote for the confirmation of Miss Alpern, having previously stated so upon interrogation by the press many times. I consider her a highly competent and excellent lawyer.

However, Mr. President, it may be well to say here that any remarks that are made on the Senate floor apropos of the confirmation of a Governor's nominee for such a high post as this are in explanation and justification of the vote which these gentlemen intend to cast, pro or con, on the nomination. They have, in my opinion, every right to assert what they believe and their reasons for so asserting.

Mr. President, I think it is unfortunate, possibly, that this matter comes before us at this time. Whether or not Miss Alpern is confirmed by the vote here today for the post of Justice of the Supreme Court of Pennsylvania, she is at the present time a nominee of the Executive Committee of the Democratic Party for that post, and if my vote should assist in her confirmation, it should be well understood throughout the Commonwealth that it is not by any means an endorsement on the part of the Republican Senate for that office.

Mr. RIPP. Mr. President, I realize that the hour is late. I realize that a roll call is about to be taken. However, I think I would be somewhat remiss in my duty, as one from Allegheny County, not to say a few words on behalf of Miss Anne X. Alpern.

My remarks will be brief because I expected no such repercussion from the Republican side of the aisle.

I realize that many of the Senators in this Body are lawyers. However, they are lawyers who, perhaps, did not appear before Miss Alpern as a Judge, or when she acted in her capacity as City Solicitor of the city of Pittsburgh. I, for one, appeared before her on matters involving the city of Pittsburgh and also in her courtroom, both in criminal court and in civil court.

Gentlemen, you must distinguish between appearing before a person who is sitting as a Judge and one who is acting in the capacity of Attorney General. I assure you that in her capacity as a Judge, where I have seen her working with other jurists and sitting alone,—and we lawyers know of the term "court in banc"—she was an able, competent and fearless Judge, and she will serve this Commonwealth well when she is elevated to the high court, the Supreme Court of Pennsylvania.

I ask you gentlemen to think twice before you vote against Miss Alpern because you are not doing your duty not only to yourselves, but you are not doing your duty to the Commonwealth and the people.

I, therefore, ask each and every one of the Senators to vote in the affirmative for the confirmation of Anne X. Alpern as a Justice of the Supreme Court of Pennsylvania.

And the question recurring,

Will the Senate advise and consent to the nomination?

(During the calling of the roll, the following occurred:)

Mr. DEVLIN. Mr. President, may we be at ease a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Mr. VAN SANT. Mr. President, having voted under a misapprehension, I desire to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Berger,	Kalman,	Murray,	Staisey,
Camiel,	Lane,	Ripp,	Stiefel,
Confair,	Mahady,	Rooney,	Stroup,
Devlin,	Mallery,	Sarraf,	Van Sant,
DiSilvestro,	McCreesh,	Scott,	Wagner,
Donolow,	McGinnis,	Sesler,	Ware, III,
Fleming,	McMenamin,	Seyler,	Weiner,
Haluska,	Miller,	Silvert,	Yatron,
Hays,	Mullin,		

NAYS—14

Bell,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Wade,
Ehrgood,	Kessler,	Stevenson,	Wolfe,
Flack,	Kromer,		

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. DEVLIN. Mr. President, I move that the Executive Session do now rise.

Mr. RIPP. Mr. President, I second the motion.

The motion was agreed to.

THIRD READING CALENDAR

BILLS OVER IN ORDER

HB 206, 216, SB 233 and **HB 283**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL RECOMMITTED

SB 353 (Pr. No. 372)—Upon motion of Mr. WEINER, seconded by Mr. BERGER, and agreed to, the bill was recommitted to the Committee on Local Government.

BILLS OVER IN ORDER

SB 354, HB 522 and **SB 574**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL ON THIRD READING AMENDED

SB 598 (Pr. No. 1198)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. KESSLER, by unanimous consent, offered the following amendment:

Amend Sec. 1, page 3, line 12, by striking out "altering public utility facilities."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. KESSLER.

BILL REREFERRED

HB 644 (Pr. No. 700)—Upon motion of Mr. WEINER, seconded by Mr. LANE, and agreed to, the bill was rereferred to the Committee on Highways.

BILLS OVER IN ORDER

HB 720, 727, SB 779, 801 and **HB 1028**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

HB 1162—Without objection, the bill was passed over in its order at the request of Mr. SESLER.

HB 1259, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1415, 1422, 1484, 1486, 1487, 1531 and **1549**—Without objection the bills were passed over in their order at the request of Mr. WEINER.

BILL ON THIRD READING AMENDED

HB 1599 (Pr. No. 2588)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendments:

Amend Title, page 1, last three lines of Title, by striking out "AND ENFORCE-" in third from last line, all of second from last line and "PENAL INSTITUTIONS" in last line.

Amend Sec. 1 (Sec. 102), page 2, lines 14 and 15, by striking out "AND ANY ENFORCEMENT OFFICER IN A" in line 14 and all of line 15.

Amend Sec. 5 (Sec. 304), page 6, line 12, by striking out "LIQUOR CONTROL."

Amend Sec. 5 (Sec. 304), page 6, lines 14 to 20; page 7, lines 1 to 12, by striking out all of said lines.

Amend Sec. 8, page 9, line 6, by striking out "TWO NEW SECTIONS" and inserting: a new section.

Amend Sec. 8 (Sec. 606.1), page 9, line 7, by striking out "LIQUOR CONTROL."

Amend Sec. 8 (Sec. 606.1), page 9, line 8, by striking out "LIQUOR CONTROL."

Amend Sec. 8 (Sec. 606.1), page 9, lines 15 and 16, by striking out "OR INVESTI-" in line 15 and all of line 16.

Amend Sec. 8 (Sec. 606.1), page 9, line 20, by striking out "LIQUOR CONTROL."

Amend Sec. 8 (Sec. 606.1), page 10, line 2, by striking out "LIQUOR CONTROL."

Amend Sec. 8 (Sec. 606.2), page 10, lines 4 to 18; page 11, lines 1 to 7, by striking out all of said lines.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

BILLS OVER IN ORDER

HB 1604, 1678, 1683 and **1771**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL ON THIRD READING AMENDED

HB 1793 (Pr. No. 2366)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. BELL. Mr. President, I ask unanimous consent to offer amendments to House Bill No. 1793, which will bring this bill into conformity with Act No. 345 which was signed by the Governor on July 18, 1961.

The PRESIDENT. There being no objection, the Clerk will read the amendments.

The amendments were read by the Clerk as follows:

Amend Title, page 1, second line of Title, by inserting after "empowering": counties of the third fourth fifth sixth seventh and eighth classes.

Amend Title, page 1, sixth line of Title, by inserting after "counties": of the second class.

Amend Title, page 1, eighth line of Title, by striking out "and" where it appears the first time.

Amend Title, page 1, last line of Title, by inserting after "purchases": providing for the supply and exchange of certain services and the appointment of optional joint advisory boards and prescribing their powers and duties.

Amend Sec. 1, page 2, line 1, by striking out "and 2" and inserting: 2 and 2.1.

Amend Sec. 1, page 2, line 6, by striking out "September 29 1959 (P L 990)" and inserting: July 18 1961 (Act No 345)

Amend Sec. 1 (Title), page 2, line 9, by inserting after "Empowering": [counties of the third fourth fifth sixth seventh and eighth classes]

Amend Sec. 1 (Title), page 2, line 11, by inserting after "counties": other than counties of the first and second class

Amend Sec. 1 (Sec. 1), page 2, line 15, by inserting after "clude": [counties of the third fourth fifth sixth seventh and eighth classes]

Amend Sec. 1 (Sec. 1), page 2, line 16, by inserting after "counties": other than counties of the first and second class

Amend Sec. 1 (Sec. 2), page 3, line 11, by inserting after "perform": municipal services and functions which may be separately exercised and performed under such existing provisions of law may be supplied or exchanged by municipalities under the joint agreements

Amend Bill, page 3, by inserting between lines 14 and 15:

Section 2.1 (a) Municipalities may establish optional joint advisory boards to aid and advise them in ways and means of effectuating the purposes authorized by this act Whenever such an advisory board is established the governing body of each municipality shall by majority vote select one of its number to act as its representative on the board Each representative shall serve without compensation but shall be entitled to receive traveling and other necessary expenses actually incurred in the performance of his duties Any vacancy on the board caused by death resignation or otherwise shall be filled for the remainder of the unexpired term in the same manner as the original appointment was made

(b) Any agreement creating an optional joint advisory board shall contain but not be limited to

provisions relating to:

(1) The nature and scope of activities with respect to which the board shall make studies recommend programs and policies and give advice to the cooperating municipalities

(2) The manner in which the board shall make reports

(3) The furnising by the cooperating municipalities of office space facilities equipment and supplies and such professional technical or clerical personnel as may be required in the work of the board

(4) Sharing of expenses of the board and

(5) Any other provisions that may be appropriate and desirable to govern the establishment functioning and termination of the board

Amend Sec. 2, page 3, line 15, by striking out "2" where it appears the second time, and inserting: 2.1

Amend Sec. 2 (Sec. 2.1), page 3, line 17, by striking out "2.1" and inserting: 2.2

Amend Sec. 3, page 4, line 15, by striking out "September 29 1959 (P L 990)" and inserting: July 18 1961 (Act No 345)

Amend Sec. 5, page 6, lines 4 and 5, by striking out "September 29 1959 (P L 990)" and inserting: July 18 1961 (Act No 345)

Amend Sec. 5 (Sec. 5), page 6, line 7, by striking out "[five hundred dollars ($500)] one thousand dollars ($1,000)" and inserting: one thousand dollars ($1000)

Amend Sec. 6, page 6, lines 12 and 13, by striking out "September 29 1959 (P L 990)" and inserting: July 18 1961 (Act No 345)

Will the Senate agree to the amendments?

On the question,

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. BELL.

BILLS OVER IN ORDER

HB 1811 and **1830**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

HB 778 CALLED UP

HB 778 (Pr. No. 851)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 4 of the Third Reading Calendar by Mr. WEINER.

APPROPRIATION BILL ON THIRD READING AND FINAL PASSAGE

HB 778 (Pr. No. 851)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Staisey,
Berger,	Kalman,	Murray,	Stevenson,
Camiel,	Keller,	Pechan,	Stiefel,
Chapman,	Kessler,	Propert,	Stroup,
Confair,	Kromer,	Ripp,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,			

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 779 CALLED UP

HB 779 (Pr. No. 852)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 4 of the Third Reading Calendar by Mr. WEINER.

APPROPRIATION BILL ON THIRD READING AND FINAL PASSAGE

HB 779 (Pr. No. 852)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. HAYS. Mr. President, I had promised to offer amendments to this bill, House Bill No. 779. However, due to the singular success I had with Senate Bill No. 778, I think I will withhold the amendments.

I would like to say that I have learned something. I think I want a voice vote the next time.

Secondly, I want the good ladies of the Women's Medical College of Pennsylvania to understand that the only reason we used them as a test case is the fact that they were at the top of the page, and since I have lost the judges, the lawyers and the doctors, I would like to have a few women on my team.

The PRESIDENT. Thank you, Senator Hays. It will be so explained to the ladies.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Staisey,
Berger,	Kalman,	Murray,	Stevenson,
Camiel,	Keller,	Pechan,	Stiefel,
Chapman,	Kessler,	Propert,	Stroup,
Confair,	Kromer,	Ripp,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,		

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 780 CALLED UP

HB 780 (Pr. No. 853)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 4 of the Third Reading Calendar by Mr. WEINER.

APPROPRIATION BILL ON THIRD READING AND FINAL PASSAGE

HB 780 (Pr. No. 853)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Staisey,
Berger,	Kalman,	Murray,	Stevenson,
Camiel,	Keller,	Pechan,	Stiefel,
Chapman,	Kessler,	Propert,	Stroup,
Confair,	Kromer,	Ripp,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,			

NAYS—1

Miller,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 781 CALLED UP

HB 781 (Pr. No. 2639)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 4 of the Third Reading Calendar by Mr. WEINER.

APPROPRIATION BILL ON THIRD READING AND FINAL PASSAGE

HB 781 (Pr. No. 2639)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. STIEFEL. Mr. President, Senator Hayes, despite the fact that he feels he did not score any victories today, rendered a great service to Pennsylvania this afternoon in this august Body. He did something which is long overdue. He elevated osteopathy to the same level as medicine. It happens that the College of Osteopathy does not benefit from the formula which he mentioned here on $2,400 per year, per student. They should, but they do not. Apparently, by including this in good company, I hope that in the future the College of Osteopathy will get its appropriation, not at the rate of $250,000 per year, but according to the formula of multiplying the number of students by the amount of $2,400 per year.

Senator Hays is the forerunner of things which are about to come.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Staisey,
Berger,	Kalman,	Murray,	Stevenson,
Camiel,	Keller,	Pechan,	Stiefel,
Chapman,	Kessler,	Propert,	Stroup,
Confair,	Kromer,	Ripp,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Seyler,	Ware, III,
Flack,	McCreesh,	Sesler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,		

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

SECOND READING CALENDAR

EDUCATION BILLS OVER IN ORDER

Without objection, all Education Bills on Second Reading were passed over in their order, with the exception of House Bill No. 1720, Printer's No. 2359, at the request of Mr. WEINER.

EDUCATION BILL ON SECOND READING AMENDED

HB 1720 (Pr. No. 2359)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. SEYLER offered the following amendments:

> Amend Section 1 (Section 2518), page 3, line 3, by striking out "JUNE 30".
>
> Amend Section 1 (Section 2518), page 3, line 4, by striking out "1961" and inserting: the first Monday of July 1962

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. SEYLER.

SB 791 CALLED UP OUT OF ORDER

SB 791 (Pr. No. 1142)—Without objection, the bill was called up out of order, from page 21 of the Second Reading Calendar, by Mr. WEINER.

BILL ON SECOND READING AMENDED

SB 791 (Pr. No. 1142)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. SHAFER offered the following amendment:

> Amend Sec. 4, page 5, by inserting after line 20:
>
> (6) Charitable organizations or agencies for the blind which are required by law to file reports with the Department of the Auditor General and the Department of Public Welfare or with any other office or department of the Commonwealth

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. SHAFER.

REMAINING BILLS ON SECOND READING CALENDAR OVER IN ORDER

All remaining bills on today's Second Reading Calendar were passed over in their order at the request of Mr. WEINER.

SENATE CONCURRENT RESOLUTION, SERIAL No. 120, CALLED UP

Mr. WEINER, without objection, called up from page 26 of the Calendar, Senate Concurrent Resolution, **Serial No. 120, entitled:**

Designating the fourth Saturday in September each year as Pennsylvania American Indian Day

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION, **SERIAL NO. 120,** ADOPTED

Mr. WEINER. Mr. President, I move that the Senate do adopt this resolution.

Mr. WAGNER. Mr. President, I second the motion.

The motion was agreed to and the resolution was adopted.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE CONCURRENT RESOLUTION No. 62 TAKEN FROM TABLE

Without objection, Mr. WEINER called from the table Report of Committee of Conference on House Concurrent Resolution No. 62.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE CONCURRENT RESOLUTION No. 62 ADOPTED

Mr. WEINER. Mr. President, I now move that the Senate adopt the Report of Committee of Conference on House Concurrent Resolution No. 62, entitled:

Congress Memorialized to Adopt the Equal Rights for Women Amendment

Mr. DEVLIN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WEINER. Mr. President, this resolution, dealing with equal rights for women, previously had some problems in it. I think the women have no more problems and if we vote for the adoption of the Report of Committee of Conference on this resolution, it will take care of any remaining problems.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEE

Mr. WEINER, by unanimous consent, from the Committee on Rules, reported, as committed, **SB 869, 923** and **925.**

BILL INTRODUCED AND REFERRED

Messrs. SESLER, WEINER and YATRON, by unanimous consent, presented to the Chair **SB 926,** entitled:

An Act amending the act of June 12, 1951 (P. L. 533), entitled "The Mental Health Act of 1951," further providing for the type of patients to be admitted to and cared for in certain State institutions.

Which was committed to the Committee on Public Health and Welfare.

BILLS ON FIRST READING

Mr. WEINER. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. DEVLIN. Mr. President, I second the motion.

The motion was agreed to.

The bills were as follows:

SB 869, 923, 925, HB 1622, 1638 and 1796.

And said bills having been read at length for the first time,

Ordered, To be laid aside for second reading.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor, advising that the following Senate Bills had been approved and signed by the Governor:

SB 76, 84, 106, 114, 456, 508, 583, 589, 697 and **751.**

SENATE BILLS RETURNED WITHOUT APPROVAL

He also presented communications in writing from His Excellency, the Governor, advising that the following Senate Bills had been returned without approval:

SB 405 and **509.**

The PRESIDENT. The communications and bills will be laid on the table.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

PROTHONOTARY OF THE COURT OF COMMON PLEAS, SUSQUEHANNA COUNTY

August 21, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward J. Austin, R. D. 2, Hallstead, Susquehanna County, for appointment as Prothonotary of the Court of Common Pleas, Clerk of the Court of Quarter Sessions of the Peace, and Clerk of the Court of Oyer and Terminer, in and for the County of Susquehanna, until the first Monday of January 1962, vice Howard T. Maynard, resigned.

DAVID L. LAWRENCE.

MEMBER OF THE DELAWARE RIVER PORT AUTHORITY

August 21, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frank M. Steinberg, 404 Latches Lane Apartment, Merion, Merion Station, Montgomery County, for reappointment as a member of the Delaware River Port Authority, until July 5, 1966, and until his successor is appointed and qualifies.

DAVID L. LAWRENCE.

MEMBER OF THE BUCKS COUNTY BOARD OF ASSISTANCE

August 21, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Florence Bender (Republican), 35 Firebush Road, Levittown, Bucks County, for appointment as a member of the Bucks County Board of Assistance, until December 31, 1963, and until her successor is duly appointed and qualified, vice J. Stanley Lee, Newtown, whose term expired.

DAVID L. LAWRENCE.

JUSTICE OF THE PEACE

August 21, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Francis M. Rourke, R. D. 1, Millerton, Tioga County, for appointment as Justice of the Peace in and for the Township of Jackson, Tioga County, until the first Monday of January 1962, vice James M. Mosier, resigned.

DAVID L. LAWRENCE.

BILLS SIGNED

The President (Lieutenant Governor John Morgan Davis) in the presence of the Senate signed the following bills:

SB 88, 192, 294, and **469.**

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

COMMITTEE MEETINGS
TUESDAY, AUGUST 22, 1961

Eastern Daylight Saving Time	COMMITTEE	ROOM
10:00 A.M.	CONSTITUTIONAL CHANGES AND FEDERAL RELATIONS	302
10:30 A.M.	EDUCATION	302
11:00 A.M.	LOCAL GOVERNMENT	301
11:30 A.M.	AGRICULTURE	539
12:00 A.M.	JUDICIARY GENERAL	535
12:30 A.M.	LAW AND ORDER	535

ADJOURNMENT

Mr. WEINER. Mr. President, I move that the Senate do now adjourn until Tuesday, August 22, 1961, at 12:00 m., Eastern Standard Time.

Mr. LANE Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:14 p.m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, August 21, 1961

The House met at 2 p. m., e. s. t.

The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

The Chaplain, Reverend David R. Hoover, offered the following prayer:

Omnipotent Father, Thou Who dost bestow upon mankind the power and strength to do Thy will, and Thou Who dost inspire each one of us to follow Thy way, give us Thy blessing, guidance, and tender care. O God, help us to see that modern day miracles are still undertaken in our day, but they are the result of a great deal of sweat and toil and prayer on the part of each of us. Enable us not to make a test of Thee to prove Thy power, but with implicit faith encourage us to move forward to greater accomplishments for the welfare of this great Commonwealth. In Thy dear Name. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Wednesday, August 16, 1961, will be postponed until printed.

The Chair hears none.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 678 and 1668

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 16, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 678, printer's No. 2603, entitled "An act amending the act of July 7, 1955 (P. L. 258), entitled 'An act providing for anthracite mine drainage contingent on Federal aid and making an appropriation' extending the provisions of the act to authorize the sealing of abandoned coal mines and filling voids in abandoned coal mines and making money heretofore appropriated available for those purposes and retaining certain money for the control and drainage of water from anthracite coal formations."

DAVID L. LAWRENCE.

August 18, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1668, printer's No. 2469, entitled "An Act amending the act of June 29, 1953 (P. L. 304), entitled 'Vital Statistics Law of 1953' requiring reports of deaths to be made to County Registration Commissions."

DAVID L. LAWRENCE.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 719.

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58), eliminating duplicate revocations or suspensions arising out of same event or occurrence.

HOUSE BILL No. 810.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing for the employment of professional and temporary professional employes of county boards of school directors regulating the employment dismissal suspension and demotion of such employes and providing for their rights and obligations.

HOUSE BILL No. 1377.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), further providing for the expenses of members of boards of school directors attending certain meetings and for the expenses of certain employes incurred in the furthering of the educational program of the school district.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

COMMITTEE APPOINTED

The clerk of the Senate being introduced informed the House of Representatives that the President pro tempore has appointed the following committee on the part of the Senate pursuant to Senate Concurrent Resolution Serial No. 119: Senator Stiefel, Senator McCreesh, and Senator Kessler.

COMMUNICATION

COMMITTEE APPOINTED

The SPEAKER laid before the House a communication which was read by the clerk as follows:

In the House of Representatives, August 21, 1961.

In accordance with the provisions of Senate Concurrent Resolution Serial No. 119, adopted by the Senate on Wednesday, May 24, 1961, and concurred in by the House on Wednesday, July 26, 1961, the Chair appoints as a committee on the part of the House: Messrs. Dougherty, Eilberg, and A. M. Lee.

SENATE MESSAGE

The clerk of the Senate being introduced, presented extracts from the Journal of the Senate:

Amended House bills returned for concurrence Nos. 161 and 1385.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, it has been agreed that we would call up Senate bill 867 today to move it to third reading as I have been informed that amendments will be offered by Mr. Eshleman, Mrs. Henzel, Mr. Tompkins and Mr. Fetterolf, and I ask that any others who may have amendments to Senate bill 867, give them to the two respective floor leaders so each of us will have every amendment that will be offered to this bill for our caucuses for tomorrow. That is Senate bill 867, Mr. Fineman, so that when we do caucus, Mr. Speaker, there will be no other amendments to be debated except those which have been given to the respective floor leaders for their caucuses tomorrow.

With that I ask that the bill move to third reading, but I repeat that I ask every member who has amendments to give them to each of the respective floor leaders so they may have them for their caucuses tomorrow.

The SPEAKER. Senate bill 867 will move to third reading with the understanding that all members who have amendments to that bill will file those amendments with their respective floor leaders so they can be subject to debate and consideration in caucusess to be held tomorrow.

EDUCATION BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 867, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further classifying school districts and providing for the reorganization of school districts.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1816, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), enlarging the functions of the State colleges and providing for certain duties for the Board of Presidents of State Colleges and for the Department of Public Instruction and changing provisions relating to tuition board and fees.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriation.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1845, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing for reimbursement for school nurses.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1846, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177), creating the State Council of Higher Education as a departmental administrative board in the Department of Public Instruction defining its powers and duties transferring certain duties to the State Council of Higher Education of the State Council of Education and defining and co-ordinating functions of the two councils.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1852, entitled:

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333), further regulating the form of the official primary ballot.

And said bill having been read at length the second time, and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 435, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" authorizing issuance of liquor licenses in lieu of retail dispenser's licenses to clubs and authorizing the transfer of hotel restaurant and eating place licenses to clubs without affecting the number of licenses thereafter grantable in any municipality.

And said bill having been read at length the second time, and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 503.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" authorizing the purchase and resale of books by the Historical and Museum Commission.

And said bill having been read at length the second time, and agreed to.

Ordered, to be transcribed for third reading.

LEAVES OF ABSENCE

By unanimous consent leaves of absence were granted as follows:

Mr. Dougherty for Mr. BRETH for today because of illness.

Mr. Dougherty for Mr. LUTTY for today because of illness.

Mr. Dougherty for Mr. MIHM for today because of illness.

Mr. Tompkins for Mr. McINROY for the week.

Mr. Tompkins for Mr. LIPPINCOTT for the week.

Mr. Tompkins for Mr. WILLAREDT for the week.

Mr. Tompkins for Mr. GIBBONS for today because of illness.

Mr. Tompkins for Mr. BUCHANAN for today because of illness.

Mr. Tompkins for Mr. ASHTON for the week.

Mr. Tompkins for Mr. ESLER for the week.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 81

Mr. HEAVEY. Mr. Speaker, I call up the report of the Committee of Conference on House Bill No. 81.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 81, entitled: "An act amending the act of April 29, 1959 (P. L. 58), entitled, 'An act consolidating the revising the Vehicle Code the Tractor Code the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership possession and use of vehicles and tractors' requiring certain commercial motor vehicles truck tractors trailers and semi-trailers to be marked with the names and addresses

Respectfully submit the following bill as our report:

FRED B. ROONEY,
THOMAS P. McCREESH,
GEORGE N. WADE,
(Committee on the part of the Senate)
CHARLES D. HEAVEY,
AUSTIN M. LEE,
HARRY R. J. COMER,
(Committee on the part of the House of Representatives)

An Act amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code the Tractor Code the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership possession and use of vehicles and tractors" requiring certain commercial motor vehicles truck tractors trailers and semi-trailers to be marked with the names and addresses of the owners or operators and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of April 29, 1959 (P. L. 58), known as "The Vehicle Code" is amended by adding after section 830 a new section to read

Section 830.1 Commercial Motor Vehicles Truck Tractors Trailers and Semi-trailers to Have Names and Addresses of Owners or Operators Every commercial motor vehicle truck tractor trailer or semi-trailer when used on a highway shall be conspicuously marked or placarded in letters showing to the outside not less than three (3) inches in height with the name and address of the registered owner or operator The provisions of this section shall not apply to (a) commercial motor vehicles truck tractors trailers or semi-trailers owned or operated by any public utility or contract carrier regulated by the Pennsylvania Public Utility Commission or the Interstate Commerce Commission (b) or to commercial motor vehicles truck tractors trailers or semi-trailers used in agriculture (c) or to commercial motor vehicles truck tractors trailers or semi-trailers which are clearly identified by the name or trade name of the registered owner or operator or to (d) commercial motor vehicles truck tractors trailers or semi-trailers being demonstrated or delivered by manufacturer or dealer thereof

Penalty Any owner or operator who shall fail to comply with any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten dollars ($10.00) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 2 This act shall take effect June 30 1962

On the question,

Will the House adopt the report of the Committee of Conference?

Mr. McCANN. Mr. Speaker, I ask the membership on our side to vote "aye" on concurrence in the committee report on House bill 81, printer's No. 2633.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—95

Anderson, S. A.,	Gallagher,	Long, Wm. Jas.,	Reidenbach,
Arlene,	Gelfand,	Long, Wm. Jos.,	Renwick,
Bachman	Gray,	McCann,	Riley,
Boles,	Gremminger,	McCormack,	Rovansek,
Bonner,	Guesman,	McDevitt,	Rubin,
Branca,	Hamilton,	McKeever,	Rudisill,
Bush,	Hankins,	McNally,	Sakulsky,
Capano,	Hartley,	Meholchick,	Scarcelli,
Capitolo,	Heavey,	Monroe,	Schaaf,
Cianfrani,	Irvis,	Morley,	Shelton,
Cioffi,	Jim,	Mullen,	Sherman,
Cooley,	Johnson, A. W.,	Munley,	Shupnik,
Crossin,	Jones,	Murphy,	Stank,
Curwood,	Kamyk,	Musto,	Stone,
Dougherty,	Kelly,	Needham,	Sullivan, J. A.,
Doughten,	Kernaghan,	O'Donnell, J. A.,	Taylor,
Eilberg,	Klein,	O'Donnell, J. P.,	Verona,
Eshback,	Kornick,	Parlante,	Wargo,
Farabaugh,	Korns,	Pashley,	Welsh,
Filo,	Lamb,	Petrosky,	Whittaker,
Fineman,	Lawson,	Polaski,	Williams, A. D.,
Flynn,	Lee, A. M.,	Polen,	Yetter,
Frascella,	Leonard,	Prendergast,	Andrews,
Fry,	Limper,	Reibman,	Speaker
Galley,			

NAYS—87

Adams,	Gibb,	Knecht,	Slack,
Anderson, J. H.	Goldstein, J. H.,	Kooker,	Snare,
Auker,	Goldstein, M. H.,	Lee, K. B.,	Steckel,
Backenstoe,	Goodrich,	Magee,	Stimmel,
Blair,	Gramlich,	Manbeck,	Stiteler,
Bossert,	Gross,	Markley,	Strausser,
Bower,	Guthrie,	May,	Thompson,
Bowman,	Haudenshield,	McCandless,	Tompkins,
Davis,	Heffner,	McDonald	Ujobai,
Dengler,	Helm,	Merry,	Varner,
Dennison,	Henzel,	Miller,	Wall,
Donaldson,	Hocker,	O'Dell,	Weidner,
Down,	Holl,	Odorisio,	Wescott,
Edwards,	Holliday,	Ogilvie,	Willard,
Elvey,	Holman,	Piper,	Williams, E. S.,
Eshleman,	Horst,	Price,	Wilt,
Ewing,	Isaacs,	Pursley,	Wood,
Fetterolf,	Johnson, R. P.,	Royer,	Worley,
Foor,	Keiser,	Rutherford,	Wynd,
Fox,	Kessler,	Seltzer,	Zember,
Fulmer,	King,	Simmons,	Zimmerman,
George,	Kistler,		

NOT VOTING—28

Ashton,	Gibbons,	Marsh,	Perry,
Breth,	Foerster,	Maxwell,	Schuster,
Buchanan,	Greenlee,	McInroy,	Sullivan, T. F.,
Cauley,	Jenkins,	McLaughlin,	Tomascik,
Clarke,	Kramer,	Mihm,	Trusio,
Comer,	Lippincott,	Mills,	Walsh,
Esler,	Lutty,	Murray,	Willaredt,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the report of the Committee of Conference was not adopted.

BILL AND AMENDMENTS LAID ON TABLE

Mr. McCANN. Mr. Speaker, I move that House bill No. 81 together with the Senate amendments be laid on the table.

On the question,

Will the House agree to the motion?

Mr. McCANN. Mr. Speaker, before they get off base, the parliamentarian has informed me that if you do not,

you proceed to vote right on the amendment. So you vote on the bill when you knock down a conference committee report. You move to the next stage. We never discussed this with the minority floor leader. If he so desires we will proceed.

The SPEAKER. If you do not like the amendments you still have the bill. Having discussed the bill, the best place—

Mr. TOMPKINS. Mr. Speaker, may we be at ease until we get this matter settled?

The SPEAKER. The best place for it is on the table until you make up your mind what you want to do about the bill. Defeating the amendments, as far as the House is concerned, does not defeat the bill.

The Chair would like to state that when anyone wants a roll call you just do not have a mob call "roll call." Some particular member asks for a roll call, some particular member seconds the request for a roll call, and you have a record. We often have a number of members asking "roll call," "roll call," when they do not mean it. When you want a roll call any member can rise and demand recognition and ask for a roll call. If the roll call is seconded then you get the roll call.

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. McCormack, rise?

Mr. McCORMACK. Mr. Speaker, I would like to be familiar with the parliamentary situation which is now before the House. I do not understand it and I would appreciate if I could have a brief explanation when the conference committee report—

The SPEAKER. The Chair will explain.

The conference committee presents the report. The House rejects the report. It has passed the bill once. The bill is still before it without the amendments from the Senate. The motion is to lay the bill on the table.

Mr. McCORMACK. Mr. Speaker, would we be in a position today to vote on the bill? Can there be any other motion than to lay it on the table when it is not on the calendar?

The SPEAKER. The only question you have before the House is on the amendments and you have rejected the amendments of the Senate. You have rejected the conference committee report on the amendments, but the bill is still alive as far as we are concerned.

Mr. McCORMACK. I am not interested in this particular bill, Mr. Speaker. I just wanted to learn some parliamentary procedure with respect to it.

The SPEAKER. We start from where we were.

On the question recurring,

Will the House agree to the motion to lay the bill and amendments on the table?

The yeas and nays were required by Messrs. McCANN and A. W. JOHNSON and were as follows:

YEAS—101

Anderson, S. A.,	Gailey,	Limper,	Reibman,
Arlene,	Gallagher,	Long, Wm. Jas.,	Reidenbach,
Bachman,	Gelfand,	Long, Wm. Jos.,	Renwick,
Blair,	Goldstein, J. H.,	McCann,	Riley,
Boies,	Gray,	McCormack,	Rovansek,
Bonner,	Gremminger,	McDevitt,	Rubin,
Bossert,	Guesman,	McDonald,	Rudisill,
Branca,	Guthrie,	McKeever,	Sakulsky,
Capano,	Hamilton,	McNally,	Scarcelli,
Capitolo,	Hankins,	Meholchick,	Schaaf,
Cianfrani,	Hartley,	Monroe,	Shelton,
Cioffi,	Heavey,	Morley,	Sherman,
Clarke,	Holl,	Mullen,	Shupnik,
Cooley,	Irvis,	Munley,	Stank,
Crossin,	Jim,	Murphy,	Stone,
Curwood,	Johnson, A. W.,	Musto,	Sullivan, J. A.,
Dougherty,	Johnson, R. P.,	Needham,	Taylor,
Doughten,	Jones,	O'Donnell, J. A.,	Tompkins,
Eilberg,	Kamyk,	O'Donnell, J. P.,	Verona,
Farabaugh,	Kelly,	Parlante,	Wall,
Fetterolf,	King,	Pashley,	Wargo,
Filo,	Klein,	Petrosky,	Welsh,
Fineman,	Kornick,	Polaski,	Yetter,
Flynn,	Lawson,	Polen,	Andrews,
Frascella,	Lee, A. M.,	Prendergast,	Speaker
Fry,	Leonard,		

NAYS—81

Adams,	Gibb,	Lee, K. B.,	Snare,
Anderson, J. H.,	Goodrich,	Magee,	Steckel,
Auker,	Gramlich,	Manbeck,	Stimmel,
Backenstoe,	Gross,	Markley,	Stiteler,
Bower,	Haudenshield,	Marsh,	Strausser,
Bowman,	Heffner,	May,	Thompson,
Bush,	Helm,	McCandless,	Ujobai,
Davis,	Henzel,	Merry,	Varner,
Dengler,	Hocker,	Miller,	Weidner,
Dennison,	Holliday,	O'Dell,	Wescott,
Donaldson,	Holman,	Odorisio,	Whittaker,
Down,	Horst,	Ogilvie,	Willard,
Edwards,	Isaacs,	Piper,	Williams, A. D.,
Elvey,	Keiser,	Price,	Williams, E. S.,
Eshback,	Kernaghan,	Pursley,	Wilt,
Eshleman,	Kessler,	Royer,	Wood,
Ewing,	Kistler,	Rutherford,	Worley,
Foor,	Knecht,	Seltzer,	Wynd,
Fox,	Kooker,	Simmons,	Zember,
Fulmer,	Korns,	Slack,	Zimmerman,
George,			

NOT VOTING—28

Ashton,	Gibbons,	Lutty,	Perry,
Breth,	Goldstein, M. H.,	Maxwell,	Schuster,
Buchanan,	Greenlee,	McInroy,	Sullivan, T. F.,
Cauley,	Jenkins,	McLaughlin,	Tomascik,
Comer,	Kramer,	Mihm,	Trusio,
Esler,	Lamb,	Mills,	Walsh,
Forester,	Lippincott,	Murray,	Willaredt,

So the question was determined in the affirmative and the motion was agreed to.

STATEMENT BY SPEAKER

The SPEAKER. With the permission of the House, the Chair desires to make a brief statement. The statement is brief by reason of the lateness of the hour today, half-past four, and the Chair has other avenues of communication with the members of this House.

We have no intention of inviting a purely partisan discussion; we do not want to inaugurate a session devoted to recriminations.

We have read in the papers that His Excellency, the Governor, favors a three-month session and the press of the State bob up and say, like the Philadelphia Bulletin, yes, His Excellency, the Governor, favors a three-month session and so do 10 million others. His Excellency, the Governor, has a very fine press, and once again we are the familiar whipping boy because of situations that absolutely we do not control.

What exactly did his Excellency, the Governor say? "The whole system is wrong," gentlemen. Mark that—the whole system. And I agree with him; the whole system is wrong. I am telling you the whole system is wrong. I would very strongly be for making provisions that we have a three-month session and adjourn at the end of three months or four months, whatever the time may be. "This—and he means and is talking about the present session—"is the greatest waste of time I have ever experienced in a long, long business and political career."

Now, ladies and gentlemen of the House, His Excellency, the Governor, and the administrative offices are a part of the system.

I have here a list of the bills that were said to be administration bills—and I only know that on the testimony of persons who purported to represent the administration's point-of-view—that were introduced in April, May and June. Now if you are going to start in January and end in three months, you cannot come in with bills in April, May and June. Half of the time the bills that were introduced in April, May and June represented a temporary administration or departmental point of view. This has been the "amendingest" session of the House that I have ever known. There have been more administration bills that have been introduced, amended, reamended, and re-reamended than I have ever experienced in all of my history here.

And so, His Excellency, the Governor, condemns the system, and so do I. I have long contended that what we needed was an order established that would have had committees of this House working last fall, formulating a legislative program. I have never agreed that tax programs should be formulated by citizens, however eminent they may be, who are members of the commission and hand us a program that we have had no part in creating, little opportunity to study, and supposed to swallow it. I have no sympathy with the idea of having an educational program that is framed by a commission not responsible to the members of this House, take a year to do it, not prepared at the opening of this session to file a report, many, many weeks, several weeks at least before any of the bills implementing the commission's report were available, and handing us a program which nobody had sold. You just cannot pull that program reorganizing the economy, wealth and educational facilities out of a hat. You have to sell it; you have to have grass-roots support. The people have got to know what it is all about, and I will venture to assert that not all the members of this House are even acquainted with the preliminary approach to the broad base project of education. We should have known something about it last year; we should have sat in; we should have had a part in formulating.

I will have something more to say upon another occasion about the system. We cannot get the system we need until we get the space to operate.

I would be very glad, and I think the leadership of this House and the members of this House would be very glad, to sit down in conference with His Excellency, the Governor, and determine what we must do to change the system, and what the Governor can help us do to change the system because there are some features of the Administrative Code that, in my opinion, will have to be amended before we can actually function as a free institution.

As for a "waste of time"—I resent it. There are members of this House and there are chairmen of committees who have worked day and night. And to cast aspersions upon the leadership of this House is rank ingratitude. I have never known a floor leader in all of my time here at Harrisburg who has put the time, the energy, the nervous energy, the devotion and the loyalty into an administrative program that the present leader has done. When administration bills were faltering, bills that I, personally, would have liked to vote against, how were they saved? By an appeal that the party needed your vote, or that the Governor needed your vote? Those bills, time after time, were saved by the simplest assertion that the floor leader possessed, "I need your vote." Notice how many administration bills got across. I say to you that the present floor leader has shown a type of personal allegiance, of personal leadership, that I have never seen exceeded nor equaled in all of my time here at Harrisburg, and some other time I will have more to say to you about the problems of the sessions.

STATEMENT BY MINORITY LEADER

The SPEAKER. Does the minority leader desire to be recognized?

Mr. A. W. JOHNSON. Mr. Speaker, I, too, would just like to make a few brief remarks, if I have permission of the House to do so.

The SPEAKER. The floor leader is always privileged to speak.

Mr. A. W. JOHNSON. Mr. Speaker, I know that on this side of the House last week, when we read the remarks of the Governor, the three-months' remarks, and so forth, that you have reiterated, this side of the House was literally boiling, I would say, and rightfully so.

I agree with the Speaker that a tremendous amount of hard work has gone into this session. Now, we of the Republican Party, when we were in power, let us take the most recent, 1957, how did we get out of here by the middle of June? We did it by sitting down and planning the session, as it were. We said, this month we are going to do this; next month we are going to do that. We are going to get out of here around the 1st of June. We are going to end our appropriation committee hearings on such and such a date, and we did that very thing.

On the appointed day Norman Wood had his appropriation committee hearings finished we had the bills out on the calendar; we had our tax program passed. In fact, we passed our tax program very, very early in the session, if you recall, in 1957; not as early as you folks did in January when you had the all-night session, but be that as it may, we had a tax program on the books relatively early, and, through sound planning, we were able to get out of here in the middle of June.

Likewise, in the '53 session, it was in early July when we ended the session. Now it can be done by proper planning. I agree with the Speaker of this House, the Governor has bombarded us with bills long after the 1st of April, stuff that should have been prepared, should have been in, should have been enacted into law. And even now administration bills are coming in right along from the front office and we are getting sheaves of amendments; we are getting bills from the attorney general's office, helping her, shall I say, in her campaign for the Supreme Court, but that is another matter. Be that as it may, we are getting an endless amount of stuff even now that ought to have been shut off long ago.

The only way to run this House, as the Speaker said, is to sit down and plan it. I can see where the majority party here could not plan anything because I do not believe that our Governor thinks in terms of planning. He is used to being mayor of a city where you do business all year long and council meets every Monday morning, and they decide on Sunday what they are going to do on Monday, and it moves and that is all there is to it. But when you are dealing with 210 people here in this legisla-

ture, you have to plan it; you have to come through with a program and you have to get it over with.

Now let us take this education program. We were rankled the other day when Mr. McCann said you will have an opportunity to show by voting for or against this tax program next week whether you are for education or not. Well, now, that was a broad statement to make. There is actually nothing sensational on this calendar so far as education is concerned. It is nothing but a simple subsidy bill that gives the schools back home $18.7 million. I know there is a reorganization bill on the calendar but that does not cost any money. Whether we vote for or against that bill does not say whether we are for or against money for education.

There is not anybody here, as I said, who would be willing to vote $18.7 million for education because we put the freeze clause into the education bill and, of course, the attorney general has said that that is unconstitutional, but we have shown that we have the interests of education at heart here by putting that freeze clause into that bill early in the session, and the Governor signed it, put it into law and there is no reason why it should not be paid. I am surprised that the school districts have not gone before the court and had the court on a declaratory judgment say that that freeze-clause amendment in the appropriation bill is just as constitutional as anything that has been put into the bill.

So, for you people on the other side—I do not want to get partisan now because the Speaker tried to be as nonpartisan as he could and as factual and as objective as he could—but whether we vote for this tax bill or not for education does not say that we are against an education program, because that education program could move, could go over to the Senate, and I would venture to say that if you took 5,000 people off the State payroll and cut down the budget like you did in '59 when you cut it down $42 million, there would be plenty of money right now for what is on our calendar, without putting on a dime of taxes, if the truth were really known. If they would cut $21 million out of this budget for one year, like the Governor did $42 million in two years, you would have the money in a nutshell for this program.

We are for this program and I venture to say if you would call it up this afternoon, before the tax bill, it would probably roll. The only one there would be any question about would be the reorganization bill, but we have not actually caucused on that. There are going to be amendments offered. But to repeat, you cannot say that we are against education, particularly now in the dying days of the session when the Speaker says there has not been any grass-roots sentiment built up for an education program because all the people back home say to you, there is an education program on that calendar. They think that we are going to perform a miracle down here in the next two weeks for education. But actually we are not. If $18.7 million passes, it will help the schools back home providing we do not eat it up for teachers' salaries this session.

There is nothing wrong with setting up a system of junior colleges, if you have the money to pay for it. There is nothing wrong with increasing the subsidies for school construction. But those are humdrum things in the ordinary walk of education that we probably should have done long ago; they are nothing sensational, nothing unique, nothing great about it; it is just a program here that is going to cost a little money.

So that is the admonition we have here. We could have, as I say, I agree with the Speaker, we should have gotten down to brass tacks in January and done the work, planned the session, and we could have been out of here. Reapportionment should have been agreed to long ago, but we have been dragging our feet on that and our crutch has been that we thought Congress was going to do something about it. We are nowhere on reapportionment today and we may not be tonight. I do not know, someone asked me when will we quit. We will probably quit here about 4 o'clock on December 30th, the way we are going.

I have nothing more to say. Maybe somebody else has some pertinent remarks on this situation.

STATEMENT BY MINORITY WHIP

The SPEAKER. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, I would like to talk on the issue that is before the House.

To start with, the Speaker has already mentioned that a part of any short legislative program is pre-planning. I agree with him 100 percent. By a little pre-planning we mean that when the Governor appears before the General Assembly to address it in January that he bring along with him, under the other arm, in addition to his address to the General Assembly, the package of bills that he wants as his program for the session; not to feel his way along all the time and keep introducing bills even as late as August, as he did with reapportionment.

No. 2, if you will go back and read the Governor's message to this General Assembly in January of this year, you will find that practically his whole program was tied to what the Federal Government might do, and we have dilly-dallied, and dragged our feet, we have hung around here waiting to see what the Federal Government is going to do, and the Federal Government just has not done. And we find ourselves, when the Federal Government has not acted, in a position of trying to develop a program.

No. 3, I said here that interim committees are very valuable things. They should be established in this House by a rule which I think we are going to try to adopt.

Another thing, your pre-session budget hearings are a very valuable thing to have us prepared when we meet here in January. We also suggest that be tried and done. Also, a line budget that the General Assembly may know what is going on, that we have some knowledge as to what is being done in government, that we be informed, that we become an independent coordinate branch of this government and not a subservient branch.

Those are the things which, in my opinion, will lead to a three-months' session of the General Assembly.

I would further recommend that we make a rule in this House and in the Senate that no administration bills may be introduced after the 1st day of March of any year. Make them get ready the same as they expect that we get ready. They cannot blame us for things for which they themselves are responsible. And if we want three-months' sessions, let us start gearing this General Assembly to those things which will give us a three-months' session, and if the administration is not ready, I do not care whether it is this one or the succeeding one, then we will tell them you will wait until the next session. You should

have had your stuff ready and we do not intend to hang around here just waiting to see what you want to do.

PERMISSION TO ADDRESS HOUSE

Mr. DONALDSON asked and obtained unanimous consent to address the House.

Mr. Speaker, you quoted in your news letter and then read from the rostrum the statement made by the Governor on page 4 of the transcript of his press conference of August 7, relative to this session being a considerable waste of time, a statement with which I am in rather substantial agreement.

Mr. Speaker, I understand that the members of the majority party customarily receive the transcript of the Governor's press conferences. We in the minority have not been so privileged, but we would hope that we might be in the future. As I read the transcript, Mr. Speaker, I have a little difficulty in determining whether or not it was for real or whether it might not have been a script dreamed up by the gentlemen of the press for use at a gridiron dinner. I would suggest that a great deal of the reason for the long delay in this legislative session can be deduced by a brief examination of this transcript.

The Governor opens it on a rather prophetic note by saying, "We have nothing to give out, gentlemen." On page 2, under the talk about the meeting on reapportionment, the Governor is asked, "Have you got a compromise plan for tomorrow night?" and the Governor answers, "No, I have no plan at all."

On page 4, the Governor is asked in reference to the proposed limitation on the length of session, "Is there any plan for that?" The Governor answers, "I don't know, do you?"

Then over on page 5, the Governor is asked, "Do you think the lengthening to 40-foot trailers is going to do anything for highway safety?" and the Governor answers, "Well, I don't know whether it will or won't."

Then follows this interesting colloquy between the Governor and his executive secretary Mr. Geisey in response to a question, "Are there any other States that hold the limit to 50 feet, the overall limit?" and I will read this verbatim, because I think it is pretty good:

> GOVERNOR. I don't really know.
> Mr. GEISEY. I think—
> GOVERNOR. I think, generally, the — —
> Mr. GEISEY. — — the limits generally apply to the trailer rather than to the overall limit.
> GOVERNOR. I think that's right.
> Mr. GEISEY. At least that is my information, but I am not certain of it.

And finally on page 8, the conference closes on substantially the same note on which it was begun. The Governor is asked, and he is asked this during the week that his majority leader in the Senate predicted the session would sine die, he is asked, "What is your estimate of the terminal date of this session?" And he answered, "I have no estimate. What is yours?"

Mr. Speaker, one of the grave reasons for the long length of this session is apparent, either indifference, or a wait-and-see attitude on the part of the front office. It is a fact, Mr. Speaker, that any Governor as the titular leader of his party, as the chief executive, can put the legislative program through this House expeditiously. Indeed, if he has a program he has the duty to use the prestige and power of his office to see that just that is done.

Mr. Speaker, the Governor, with whom I have had always agreed, has demonstrated in times past his ability to deal with legislative bodies. He never had any difficulty in all these years in Pittsburgh in enacting a major legislative program with city council. And as a political power in his party, members will remember that in 1955 he displayed his political muscle, he displayed it from that very rostrum on the day the Leader "wage" tax was enacted into law.

But now, Mr. Speaker, the Governor, who was well-known in Pittsburgh as the architect of the renaissance, has become the astronaut of the compass. He looks north to Albany for the length of legislative sessions; he looks west to Pittsburgh for ward meetings; he looks south to Washington for Congressional help and Federal aid, and always, always, like Mohammed, with an eye to the east, to see that the Green lawyers are placated and under control. But, Mr. Speaker, the business of State government and the legislative sessions are here in Harrisburg, and, like old soldiers, they are not going to fade away while the commander-in-chief professes indifference or says, wait and see. He wanted to wait and see on medical care for the aged; he wanted to wait and see on reapportionment; he wanted to wait and see on education for the Governor's Committee or the Federal government to act. We say, Mr. Speaker, that it is wrong; we say it is wrong on this side because what we see after eight months of this session, and almost six years of Democratic administration, we see a Pennsylvania that is losing population in proportion to its sister States; we see a Pennsylvania where the quality of education is going down; we see a Pennsylvania where job opportunities are becoming less and less available to its young people and to its hard-core unemployed, and we say that it is wrong, that it is wrong to wait for the Federal government to take more money out of Pennsylvania and to use it to establish industries in other States, to build new schoolhouses and pay higher teachers' salaries elsewhere, to speed the migration of population from our borders with Pennsylvania moneys that could well be used here to solve the problems confronting us.

The gentleman from Allegheny who was our minority leader for a few months of this session used to say that he rarely agreed with Harry Truman, but Chick always pointed out that he felt the greatest respect for Mr. Truman when he said, "If you can't stand the heat, get out of the kitchen," and we say to the Governor and the majority party, if you cannot conduct a worthwhile expeditious legislative session, get out of the kitchen and we will get the kettle boiling.

The SPEAKER. The pious hope expressed by the Speaker at the beginning of his talk, that we did not want to invite a purely partisan discussion and that we did not want to indulge in recriminations, did not get anywhere. I think for solving the problem of making this House more efficient, more modern, that we cannot do it by abusing each other in terms of partisan controversy. The question we have been discussing is not the weaknesses of the Democratic Party, if any, nor the strength of the Republican Party, if any, but how can we make this House a more efficient agency to serve the people of Pennsylvania. That is the issue, as far as the Speaker is concerned.

Was the gentleman from Philadelphia, Mr. McCormack, signalling for recognition? He would like to add a little fire, I guess, a few straws to the flame. The gentleman will proceed.

Mr. McCORMACK. Mr. Speaker, not wanting to prolong this too long, but feeling at the same time that we should be given equal opportunity, I would like to add some gems of wisdom to this record.

The SPEAKER. The gentleman will proceed.

Mr. McCORMACK. Little did I know when I first was the recipient of a beautiful package from the Governor's office that it was not sent to all of the legislators—

The SPEAKER. The Chair did not know that, either. He thinks it is a mistake. He thinks all the members should receive copies of the press conferences.

Mr. McCORMACK. Yes, I thought they were sent to both sides, as I said. I would certainly be glad to turn mine over unopened to any of the minority legislators here who desire it.

Now, one point that was made by Mr. Donaldson, I do not think he followed through on it, he said that at the beginning of the conference the Governor made the statement that he had nothing for the boys today, and then in eight pages he proceeds to prove that point. If the gentleman from Allegheny had read verbatim, there would be no question about it, but he missed a couple of the real gems in here, and I would like to call them to the attention of the House because I think they merit your thoughtful consideration.

We are now on page 8 of this transcript, for the benefit of the minority members, and this is what he really missed. They are talking about the 90-day limitation on sessions, and Mr. Siglin—I do not know who he is, he is probably a press representative from Pittsburgh—says to the Governor, "You think the junkets suggested by the House to see how they do it in other legislatures will help?"

> And this is the Governor's reply: "Are they going to take the newspapermen along? You know I tried to get you out to Honolulu on that junket?"
> Now SIGLIN: "Would have been nice."
> GOVERNOR. "I would just love to have seen Duke—"

Now who is Duke? Is that Duke Kaminski?

> "I would just love to have seen Duke, for instance, with some of those l-e-i-s." (Then there was laughter.)
> Then KAMINSKI: "I'm not the intimate type." (Laughter)

Now, who is paying for this, the press? I do not think the press is. The taxpayers are paying for this, and I think it is ridiculous.

But the further point I want to make is this: When the Governor took that junket to Honolulu, we were up here working in the legislature, and my wife was asking me why I could not take a vacation with the children. I said because we have important matters—education programs—we could not go. The Governor, the same day that the story of the Honolulu junket was in the paper, was berating us for not staying in Harrisburg until we got our job done. My wife said to me, "You ought to bring this to the attention of the Governor." So, Mr. Governor, I am bringing it to your attention.

Now, that is all, Mr. Speaker, on the facetious side. As a somewhat self-styled student of constitutional law, until I was defeated on the issue by Representative Bowman, when I first came to this legislature five sessions ago, after perusing the Pennsylvania constitution, the one thing I learned was that the government of Pennsylvania, like the Federal Government, was divided into coordinate and equal branches of the government. That being so, I rightfully assumed and concluded, based upon not only the constitution, but statutory law, that we were supreme and sovereign in the field of legislation and that the judicial branch was supreme and sovereign in the field of law, and that the executive was supreme and sovereign with respect to administration. But since I have been here under Governor Fine, through Governor Leader and the present Governor Lawrence, we have been the tail on the end of the dog, and Mr. Speaker, I do not like it. I never have liked it, and I listened with great interest to what the Speaker has proposed many times with respect to the appointment of interim committees and different committees that would study legislation and come up with programs, and Mr. Tompkins today briefly alluded to separate and equal provisions of the law.

Now, when are we going to assume the duties that the founding fathers of Pennsylvania have imposed on us under the constitution to be supreme and sovereign and not to take orders and dictates from another branch of this government? We are elected by the people of Pennsylvania to come up here and legislate and enact laws, and we are the grass-roots. We here in the legislature know what the people want because we are among them every day. I say to you that any program that has to be enacted we can enact without the benefit, without the aid, of these, not only, Governors, but administrative assistants and secretaries, et cetera, and we ought to do the job. We ought to say, "this is what we are going to pass, and then proceed to do it and not flounder here month after month waiting for the Governor and the administration to send over bills that are labelled administration bills. We do not need that. We can determine ourselves what is good for the people of Pennsylvania, and, until we start to realize our true and proper function under the constitution of Pennsylvania, this legislature will never be able to do the job that the people expect us to do. Thank you.

STATEMENT BY SPEAKER

The SPEAKER. The Chair just wants to make one statement and then will recognize the gentleman from Philadelphia, Mr. Morley.

The members of the House must realize that we have not properly equipped our committees for effective action. A committee to do good work needs a technical staff; it needs a year-around office. More than that, ladies and gentlemen of the House, what this legislature needs and must have is more members who realize that you have almost a full-time job. That is one reason, and the only justification, for increased activities and increased committee action every day and our getting $9,000 a year, and the increased wage should be reflected in re-organization of our committees with technical staffs and the cooperation of the administration in obtaining space. Every chairman of a committee should have a private office and outside there should be a hearing room. He should have a staff. Our suggestion is that the administration rent a

whole vacant building downtown and transfer one of the departments there. Money is available for the moving and if they did that we could proceed to orient our committees and work on a larger and more full-time basis. We cannot do committee work just off the cuff. We cannot do it; we cannot handle fiscal problems, educational problems, off the cuff anymore than anybody else can; we have to prepare for it; we have to have staffed committees and we have to have rooms to meet, and we have to have members of committees who are willing to put in more and more time on the job.

One other thing: Do not call this trip that was made a "junket." It was not a "junket." I hope that there will be at least three more trips, and that they will be as productive in suggestions as the other one that has been made. They are not "junkets." If they turn out to be junkets we will not have any more.

PERMISSION TO ADDRESS HOUSE

Mr. MORLEY asked and obtained unanimous consent to address the House.

Mr. Speaker, in your talk you mentioned two culprits in this picture, one the Governor of the Commonwealth and the other the Philadelphia Bulletin.

The SPEAKER. I did not use the term "culprit."

Mr. MORLEY. Well, I will use it then.

The Philadelphia Bulletin published an editorial on Saturday headed, "The Governor and 11 Million Others." It says that Governor Lawrence is lined up with some 11 million other Pennsylvanians in his appraisal of the way in which the Pennsylvania legislature more or less operates. Further down it talked about a legislative session, and about the days that we have put in here in Harrisburg. It says that the House has put in only 80 days and the Senate 72. These are days only in the legislative sense. A legislative day can mean an hour or so, with a dozen out of 210 eligibles actually in the hall of this House.

Mr. Speaker and ladies and gentlemen of the House, that is a deliberate fraud; that is dishonesty. That is not so. I have been at every session of this House, I have been in my seat, I have voted on every bill, and never at any time did I see less than 160 or 170 members here voting on a bill. This is the kind of thing that we have been subjected to in Philadelphia; now the Commonwealth and the Representatives of the people of the Commonwealth are getting the same thing.

I have read a little American history. I know something about the history of legislative bodies. This Country was established by a legislative body; it declared its independence, fought a war, and established a government without an executive. I have read the proceedings of some of these bodies. Unfortunately, the Constitutional Convention kept no detailed proceedings and we do not know in detail what happened, but we know that in 100 days they adopted the Constitution of this Country and sent it back to a vote by delegates elected in the States. In the State of Virginia, with the prestige of George Washington, James Madison, and Randolph, it only carried by two votes. John Barry had to get a detail of sailors from the navy yard to keep the Philadelphia delegates at Independence Hall until they voted.

North Carolina and Rhode Island did not have to ratify it until after the government was established. The first 10 amendments which were passed by the First Congress were not ratified by some of the States until this century.

Massachusetts, Connecticut and North Carolina never ratified those amendments.

The legislative tradition in The United States of America has been to bring the problems to the people in a deliberative body, to discuss those problems, to get a broad representation and viewpoint, to disagree, to put them through the mill and to finally develop laws that are acceptable and enforceable in America.

It took me 35 years to get to this House. I did not come in a hurry and I am not in hurry. I was not sent here to be in a hurry. I was not sent here to run a race. I was sent here to do a job, and if that job takes three months, or six months, or nine months, I am satisfied to stay here and do the job. I will admit that there is lost motion in the legislative process, but democracy is not an easy form of government. We know that an all-powerful executive can push buttons and lay down laws and edicts. This government was not designed to do it.

It seems to me, Mr. Speaker and ladies and gentlemen of this House, that when any individual, or any newspaper, or any group complains that the members of this House are not in a rush or in a hurry, that is a compliment to the House.

There is one more thing that I would like to say. I came here a few months ago and I met men and women on both sides of this House who are intelligent, who are dedicated, who are hard-working people. I have seen them disagree without being disagreeable. We worked out our problems and we have completed the legislation that I think is of the greatest import to the Commonwealth of Pennsylvania. I hope we can continue to do this.

You know this problem itself is not new; it happened before in the 19th Century in England; there was a rash of this criticism and complaining and demigoguery, and one of the classics of the English language was written by William Henry Cardinal Manning of England. Its title is "The Gossip," and I recommend, Mr. Speaker, that every newspaper editor in the Commonwealth of Pennsylvania read it; better still, that he publish it and give the people of this Commonwealth a chance to thoroughly understand what they are facing today.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Filo.

Mr. FILO. Mr. Speaker — — —

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Erie, Mr. Schaaf, rise?

Mr. SCHAAF. A point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCHAAF. Am I allowed to move the order of business for the day?

The SPEAKER. The gentleman may move the order of the day.

Mr. SCHAAF. I therefore move the order of the day, Mr. Speaker.

The SPEAKER. The order of the day is to vote bills on third reading.

The Chair recognizes the majority leader.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 65

Mr. McCANN. Mr. Speaker, I call up on page 12 of

the calendar, the report of the Committee of Conference on Senate bill No. 65. Is this in order to be voted?

The SPEAKER. The Chair hears no objection. The proper order of the day would be third reading bills, but if the House does not object, the majority leader is privileged to call bills from any part of the calendar.

The clerk will read the report.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 65, entitled: "An act amending the act of June 24, 1939 (P. L. 872), entitled 'An act to consolidate, amend and revise the penal laws of the Commonwealth,' making the sale of regrooved tires for passenger automobiles or motorcycles without notice thereof a crime."

Respectfully submit the following bill as our report:

WILLIAM J. LANE,
FRED B. ROONEY,
THOMAS A. EHRGOOD,
(Committee on the part of the Senate.)
HERBERT FINEMAN,
WILLIAM LIMPER,
ENOS H. HORST,
(Committee on the part of the House of Representatives.)

An Act amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" making the sale of regrooved tires for motor vehicles or motorcycles without notice thereof a crime

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 24, 1939 (P. L. 872), known as "The Penal Code" is amended by adding after section 899 a new section to read

Section 899.1 Sale of Regrooved Tires Whoever sells offers or exposes for sale or has in his possession with intent to sell any motor vehicle tire or motorcycle tire which has had its tread regrooved without that fact being plainly shown by a marking or label in the English language on the shoulder sidewall or other appropriate place shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than twenty-five dollars ($25) and costs of prosecution and in default of payment thereof shall undergo imprisonment for not more than ten (10) days.

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—187

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Long, Wm. Jas.,	Rudisill,
Auker,	Gibb,	Long, Wm. Jos.,	Rutherford,
Bachman,	Goldstein, J. H.,	Magee,	Sakulsky,
Backenstoe,	Goldstein, M. H.,	Manbeck,	Scarcelli,
Blair,	Goodrich,	Markley,	Schaaf,
Boies,	Gramlich,	Marsh,	Seltzer,
Bonner,	Gray,	Maxwell,	Shelton,
Bossert,	Gremminger,	May,	Sherman,
Bower,	Gross,	McCandless,	Shupnik,
Bowman,	Guesman,	McCann,	Simmons,
Branca,	Guthrie,	McCormack,	Slack,
Bush,	Hamilton,	McDevitt,	Snare,
Capano,	Hankins,	McDonald,	Stank,
Capitolo,	Hartley,	McKeever,	Steckel,
Cianfrani,	Haudenshield,	McNally,	Stimmel,
Cioffi,	Heavey,	Meholchick,	Stiteler,
Clarke,	Heffner,	Merry,	Stone,
Cooley,	Helm,	Miller,	Strausser,
Crossin,	Henzel,	Mills,	Sullivan, J. A.,
Curwood,	Hocker,	Monroe,	Taylor,
Davis,	Holl,	Morley,	Thompson,
Dengler,	Holliday,	Mullen,	Tomascik,
Dennison,	Holman,	Munley,	Tompkins,
Donaldson,	Horst,	Murphy,	Trusio,
Dougherty,	Irvis,	Musto,	Ujobai,
Doughten,	Isaacs,	Needham,	Varner,
Down,	Jim,	O'Dell,	Verona,
Edwards,	Johnson, A. W.,	O'Donnell, J. A.,	Wall,
Eilberg,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Elvey,	Jones,	Ogilvie,	Weidner,
Eshback,	Kamyk,	Odorisio,	Welsh,
Eshleman,	Keiser,	Parlante,	Wescott,
Ewing,	Kelly,	Pashley,	Whittaker,
Farabaugh,	Kernaghan,	Petrosky,	Willard,
Fetterolf,	Kessler,	Piper,	Williams, A. D.,
Filo,	King,	Polaski,	Williams, E. S.,
Fineman,	Kistler,	Polen,	Wilt,
Flynn,	Klein,	Prendergast,	Wood,
Forester,	Knecht,	Price,	Wynd,
Foor,	Kooker,	Pursley,	Yetter,
Fox,	Kornick,	Reibman,	Zember,
Frascella,	Korns,	Reidenbach,	Zimmerman,
Fry,	Lamb,	Renwick,	Andrews,
Fulmer,	Lee, A. M.,	Riley,	Speaker

NAYS—1

Worley,

NOT VOTING—22

Ashton,	Gibbons,	Lutty,	Perry,
Breth,	Greenlee,	McInroy,	Schuster,
Buchanan,	Jenkins,	McLaughlin,	Sullivan, T. F.,
Cauley,	Kramer,	Mihm,	Walsh,
Comer,	Lawson,	Murray,	Willaredt,
Esler,	Lippincott,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 200, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing for fire drills on school buses.

On the question,

Will the House agree to the bill on third reading?

Mr. SCHAAF asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 1, fifth line of Title, by striking out "fire" and inserting emergency evacuation

Amend Section 1 (Section 1517), page 2, line 4, by inserting after "Fire" and Emergency Evacuation

Amend Section 1 (Section 1517), page 2, line 5, by inserting after "using" or contracting for

Amend Section 1 (Section 1517), page 2, line 6, by striking out "three fire" and inserting on school grounds two emergency evacuation

Amend Section 1 (Section 1517), page 2, line 8, by striking out "the second during the month of December"

Amend Section 1 (Section 1517), page 2, line 8, by striking out "third" and inserting second

Amend Section 1 (Section 1517), page 2, line 20, by striking out "fire" and inserting emergency evacuation

Amend the bill, page 2, by inserting after line 20

Section 2. This act shall take effect immediately.

The SPEAKER. Will the House give unanimous consent

to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 298, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177), changing membership of the State Board of Medical Education and Licensure.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—181

Adams,	Gallagher,	Leonard,	Rovansek,
Anderson, J. H.	Gelfand,	Limper,	Royer,
Anderson, S. A..	George,	Long, Wm. Jas.,	Rubin,
Auker,	Gibb,	Long, Wm. Jos.,	Rudisill,
Bachman	Goldstein, J. H.,	Magee,	Rutherford,
Backenstoe,	Goldstein, M. H.,	Manbeck,	Sakulsky,
Blair,	Goodrich,	Markley,	Schaaf,
Boles,	Gramlich,	Marsh,	Seltzer,
Bonner,	Gray,	Maxwell,	Shelton,
Bossert,	Gremminger,	May,	Sherman,
Bower,	Gross,	McCandless,	Shupnik,
Bowman,	Guesman,	McCann,	Simmons,
Branca,	Guthrie,	McCormack,	Slack,
Bush,	Hamilton,	McDevitt,	Stank,
Capano,	Hankins,	McDonald	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cioffi,	Haudenshield,	McNally,	Stiteler,
Clarke,	Heavey,	Meholchick,	Stone,
Cooley,	Heffner,	Merry,	Strausser,
Crossin,	Helm,	Miller,	Sullivan, J. A.,
Curwood,	Henzel,	Mills,	Taylor,
Davis,	Hocker,	Monroe,	Thompson,
Dengler,	Holl,	Morley,	Tomascik,
Dennison,	Holliday,	Mullen,	Tompkins,
Donaldson,	Holman,	Munley,	Trusio,
Dougherty,	Horst,	Musto,	Ujobai,
Doughten,	Irvis,	Needham,	Varner,
Down,	Jim,	O'Dell,	Verona,
Edwards,	Johnson, A. W.,	O'Donnell, J. A.,	Wall,
Eilberg,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Elvey,	Jones,	Odorisio,	Weidner,
Eshback,	Kamyk,	Ogilvie,	Welsh,
Eshleman,	Keiser,	Parlante,	Wescott,
Ewing,	Kelly,	Pashley,	Whittaker,
Farabaugh,	Kernaghan,	Petrosky,	Willard,
Fetterolf,	Kessler,	Piper,	Williams, A. D.,
Filo,	King,	Polaski,	Williams, E. S.,
Fineman,	Kistler,	Polen,	Wilt,
Flynn,	Klein,	Prendergast,	Worley,
Foerster,	Knecht,	Price,	Wynd,
Foor,	Kooker,	Pursley,	Yetter,
Fox,	Kornick,	Reibman,	Zember,
Frascella,	Korns,	Reidenbach,	Zimmerman,
Fry,	Lamb,	Renwick,	Andrews,
Fulmer,	Lee, A. M.,	Riley,	Speaker
Gailey,	Lee, K. B.,		

NAYS—3

Cianfrani,	Isaacs,	Murphy,

NOT VOTING—26

Arlene,	Gibbons,	McInroy,	Schuster,
Ashton,	Greenlee,	McLaughlin,	Snare,
Breth,	Jenkins,	Mihm,	Sullivan, T. F.,
Buchanan,	Kramer,	Murray,	Walsh,
Cauley,	Lawson,	Perry,	Willaredt,
Comer,	Lippincott,	Scarcelli,	Wood,
Esler,	Lutty,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

The SPEAKER. The Chair requests the gentleman from Armstrong to preside.

Mr. HELM IN THE CHAIR

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1224, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing for the payments by the Commonwealth for certain equipment used for the instruction of handicapped children.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—188

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Long, Wm. Jas.,	Rudisill,
Auker,	Gibb,	Long, Wm. Jos.,	Rutherford,
Bachman,	Goldstein, J. H.,	Magee,	Sakulsky,
Backenstoe,	Goldstein, M. H.,	Manbeck,	Scarcelli,
Blair,	Goodrich,	Markley,	Schaaf,
Boles,	Gramlich,	Marsh,	Seltzer,
Bonner,	Gray,	Maxwell,	Shelton,
Bossert,	Gremminger,	May,	Sherman,
Bower,	Gross,	McCandless,	Shupnik,
Bowman,	Guesman,	McCann,	Simmons,
Branca,	Guthrie,	McCormack,	Slack,
Bush,	Hamilton,	McDevitt,	Snare,
Capano,	Hankins,	McDonald,	Stank,
Capitolo,	Hartley,	McKeever,	Steckel,
Cianfrani,	Haudenshield,	McNally,	Stimmel,
Cioffi,	Heavey,	Meholchick,	Stiteler,
Clarke,	Heffner,	Merry,	Stone,
Cooley,	Helm,	Miller,	Strausser,
Crossin,	Henzel,	Mills,	Sullivan, J. A.,
Curwood,	Hocker,	Monroe,	Taylor,
Davis,	Holl,	Morley,	Thompson,
Dengler,	Holliday,	Mullen,	Tomascik,
Dennison,	Holman,	Munley,	Tompkins,
Donaldson,	Horst,	Murphy,	Trusio,
Dougherty,	Irvis,	Musto,	Ujobai,
Doughten,	Isaacs,	Needham,	Varner,
Down,	Jim,	O'Dell,	Verona,
Edwards,	Johnson, A. W.,	O'Donnell, J. A.,	Wall,
Eilberg,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Elvey,	Jones,	Ogilvie,	Weidner,
Eshback,	Kamyk,	Odorisio,	Welsh,
Eshleman,	Keiser,	Parlante,	Wescott,
Ewing,	Kelly,	Pashley,	Whittaker,
Farabaugh,	Kernaghan,	Petrosky,	Willard,
Fetterolf,	Kessler,	Piper,	Williams, A. D.,
Filo,	King,	Polaski,	Williams, E. S.,
Fineman,	Kistler,	Polen,	Wilt,
Flynn,	Klein,	Prendergast,	Wood,
Forester,	Knecht,	Price,	Worley,
Foor,	Kooker,	Pursley,	Wynd,
Fox,	Kornick,	Reibman,	Yetter,
Frascella,	Korns,	Reidenbach,	Zember,
Fry,	Lamb,	Renwick,	Zimmerman,
Fulmer,	Lee, A. M.,	Riley,	Andrews,
			Speaker

NAYS—0

NOT VOTING—22

Ashton,	Gibbons,	Lutty,	Perry,
Breth,	Greenlee,	McInroy,	Schuster,
Buchanan,	Jenkins,	McLaughlin,	Sullivan, T. F.,
Cauley,	Kramer,	Mihm,	Walsh,
Comer,	Lawson,	Murray,	Willaredt,
Esler,	Lippincott,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

COMMITTEE APPOINTED

STUDY OF INTERIM COMMITTEE

Mr. ANDREWS. We have a resolution:

Resolved, that with the approval of the Speaker, a meeting of any standing committee of the House may be called by the Chairman during the interim after final adjournment of the pending General Assembly.

That committee, without statutory law, could not be endowed with any power, penal or otherwise. There is some legal question as to whether we could make available the contingent funds that the chief clerk has available for the expenses of the committee in coming to Harrisburg. For the purpose of getting some way of doing the thing we want to do, the Chair names as a committee the gentleman from Armstrong, Mr. Helm, the gentleman from Cameron, Mr. Tompkins, the majority leader, Mr. McCann, and the gentleman from Philadelphia, Mr. Fineman, to study this problem of an interim committee. We do not want to necessarily endow it with power, but we want to insure that we can create it as a functioning body during the interim, with expenses paid, mileage, and that sort of thing, for coming to Harrisburg.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1539, entitled:

An Act amending the act of June 22, 1931 (P. L. 881), entitled "An act prescribing rights and remedies and the procedure in connection with suits and recovery on bonds conditioned for the payment of material and labor furnished supplied or performed in the prosecution of any public work or improvement" extending the act to include Federal and State-aided institutions.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—188

Adams,	Galley,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Long, Wm. Jas.,	Rudisill,
Auker,	Gibb,	Long, Wm. Jos.,	Rutherford,
Bachman,	Goldstein, J. H.,	Magee,	Sakulsky,
Backenstoe,	Goldstein, M. H.,	Manbeck,	Scarcelli,
Blair,	Goodrich,	Markley,	Schaaf,
Boles,	Gramlich,	Marsh,	Seltzer,
Bonner,	Gray,	Maxwell,	Shelton,
Bossert,	Gremminger,	May,	Sherman,
Bower,	Gross,	McCandless,	Shupnik,
Bowman,	Guesman,	McCann,	Simmons,
Branca,	Guthrie,	McCormack,	Slack,
Bush,	Hamilton,	McDevitt,	Snare,
Capano,	Hankins,	McDonald,	Stank,
Capitolo,	Hartley,	McKeever,	Steckel,
Cianfrani,	Haudenshield,	McNally,	Stimmel,
Cioffi,	Heavey,	Meholchick,	Stiteler,
Clarke,	Heffner,	Merry,	Stone,
Cooley,	Helm,	Miller,	Strausser,
Crossin,	Henzel,	Mills,	Sullivan, J. A.,
Curwood,	Hocker,	Monroe,	Taylor,
Davis,	Holl,	Morley,	Thompson,
Dengler,	Holliday,	Mullen,	Tomascik,
Dennison,	Holman,	Munley,	Tompkins,
Donaldson,	Horst,	Murphy,	Trusio,
Dougherty,	Irvis,	Musto,	Ujobai,
Doughten,	Isaacs,	Needham,	Varner,
Down,	Jim,	O'Dell,	Verona,
Edwards,	Johnson, A. W.,	O'Donnell, J. A.,	Wall,
Eilberg,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Elvey,	Jones,	Odorisio,	Weidner,
Eshback,	Kamyk,	Ogilvie,	Welsh,
Eshleman,	Keiser,	Parlante,	Wescott,
Ewing,	Kelly,	Pashley,	Whittaker,
Farabaugh,	Kernaghan,	Petrosky,	Willard,
Fetterolf,	Kessler,	Piper,	Williams, A. D.,
Filo,	King,	Polaski,	Williams, E. S.,
Fineman,	Kistler,	Polen,	Wilt,
Flynn,	Klein,	Prendergast,	Wood,
Forester,	Knecht,	Price,	Worley,
Foor,	Kooker,	Pursley,	Wynd,
Fox,	Kornick,	Reibman,	Yetter,
Frascella,	Korns,	Reidenbach,	Zember,
Fry,	Lamb,	Renwick,	Zimmerman,
Fulmer,	Lee, A. M.,	Riley,	Andrews, Speaker

NAYS—0

NOT VOTING—22

Ashton,	Gibbons,	Lutty,	Perry,
Breth,	Greenlee,	McInroy,	Schuster,
Buchanan,	Jenkins,	McLaughlin,	Sullivan, T. F.,
Cauley,	Kramer,	Mihm,	Walsh,
Comer,	Lawson,	Murray,	Willaredt,
Esler,	Lippincott,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1827, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Department of Forests and Waters to lease land in Valley Forge State Park to the United States Post Office Department for the purpose of the construction and operation of a post office.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adams,	Galley,	Lee, A. M.,	Riley,
Anderson, J. H.,	Gallagher,	Lee, K. B.,	Rovansek,
Anderson, S. A.,	Gelfand,	Leonard,	Royer,
Arlene,	George,	Limper,	Rubin,
Auker,	Gibb,	Long, Wm. Jas.,	Rudisill,
Bachman,	Goldstein, J. H.,	Long, Wm. Jos.,	Rutherford,
Backenstoe,	Goldstein, M. H.,	Magee,	Sakulsky,
Blair,	Goodrich,	Manbeck,	Scarcelli,

Boles,	Gramlich,	Markley,	Schaaf,
Bonner,	Gray,	Marsh,	Seltzer,
Bossert,	Gremminger,	Maxwell,	Shelton,
Bower,	Gross,	May,	Sherman,
Bowman,	Guesman,	McCandless,	Shupnik,
Branca,	Guthrie,	McCann,	Simmons,
Bush,	Hamilton,	McCormack,	Slack,
Capano,	Hankins,	McDevitt,	Stank,
Capitolo,	Hartley,	McDonald,	Steckel,
Cianfrani,	Haudenshield,	McKeever,	Stimmel,
Cioffi,	Heavey,	McNally,	Stiteler,
Clarke,	Heffner,	Meholchick,	Stone,
Cooley,	Helm,	Merry,	Strausser,
Crossin,	Henzel,	Miller,	Taylor,
Curwood,	Hocker,	Mills,	Thompson,
Davis,	Holl,	Monroe,	Tomascik,
Dengler,	Holliday,	Morley,	Tompkins,
Dennison,	Holman,	Mullen,	Trusio,
Donaldson,	Horst,	Munley,	Ujobai,
Dougherty,	Irvis,	Murphy,	Varner,
Doughten,	Isaacs,	Musto,	Verona,
Down,	Jim,	Needham,	Wall,
Edwards,	Johnson, A. W.,	O'Donnell, J. A.,	Wargo,
Eilberg,	Johnson, R. P.,	O'Donnell, J. P.,	Weidner,
Elvey,	Jones,	Odorisio,	Welsh,
Eshleman,	Kamyk,	Ogilvie,	Wescott,
Ewing,	Keiser,	Parlante,	Whittaker,
Farabaugh,	Kelly,	Pashley,	Willard,
Fetterolf,	Kernaghan,	Petrosky,	Williams, A. D.,
Filo,	Kessler,	Piper,	Williams, E. S.,
Fineman,	King,	Polaski,	Wilt,
Flynn,	Kistler,	Polen,	Wood,
Forester,	Klein,	Prendergast,	Worley,
Foor,	Knecht,	Price,	Wynd,
Fox,	Kooker,	Pursley,	Yetter,
Frascella,	Kornick,	Reibman,	Zember,
Fry,	Korns,	Reidenbach,	Zimmerman,
Fulmer,	Lamb,	Renwick,	Andrews, Speaker

NAYS—1

Sullivan, J. A.,

NOT VOTING—25

Ashton,	Gibbons,	Lutty,	Perry,
Breth,	Greenlee,	McInroy,	Schuster,
Buchanan,	Jenkins,	McLaughlin,	Snare,
Cauley,	Kramer,	Mihm,	Sullivan, T. F.,
Comer,	Lawson,	Murray,	Walsh,
Eshback,	Lippincott,	O'Dell,	Willaredt,
Esler,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 196, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing the extension of sabbatical leaves of absence because of sickness or physical disability.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mrs. REIBMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further study.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 662, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" qualifying the membership of county board of school directors.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—173

Adams,	Gallagher,	Korns,	Reidenbach,
Anderson, J. H.,	Gelfand,	Lamb,	Renwick,
Anderson, S. A.,	George,	Lee, A. M.,	Riley,
Arlene,	Gibb,	Lee, K. B.,	Rovansek,
Auker,	Goldstein, J. H.,	Leonard,	Rubin,
Bachman,	Goldstein, M. H.,	Limper,	Rudisill,
Backenstoe,	Goodrich,	Long, Wm. Jas.,	Sakulsky,
Blair,	Gramlich,	Long, Wm. Jos.,	Scarcelli,
Boles,	Gray,	Manbeck,	Seltzer,
Bonner,	Gremminger,	Markley,	Shelton,
Bossert,	Gross,	Marsh,	Sherman,
Bower,	Guesman,	Maxwell,	Shupnik,
Bowman,	Guthrie,	May,	Simmons,
Branca,	Hamilton,	McCandless,	Slack,
Bush,	Hankins,	McCann,	Snare,
Capano,	Hartley,	McCormack,	Stank,
Capitolo,	Haudenshield,	McDevitt,	Steckel,
Cioffi,	Heavey,	McDonald,	Stimmel,
Clarke,	Heffner,	McKeever,	Stiteler,
Cooley,	Helm,	McNally,	Stone,
Crossin,	Henzel,	Meholchick,	Strausser,
Curwood,	Hocker,	Merry,	Thompson,
Davis,	Holl,	Miller,	Tomascik,
Dengler,	Holliday,	Mills,	Tompkins,
Dennison,	Holman,	Monroe,	Trusio,
Donaldson,	Horst,	Morley,	Ujobai,
Dougherty,	Irvis,	Mullen,	Varner,
Doughten,	Isaacs,	Musto,	Verona,
Down,	Jim,	O'Dell,	Wall,
Edwards,	Johnson, A. W.,	O'Donnell, J. A.,	Weidner,
Eilberg,	Johnson, R. P.,	O'Donnell, J. P.,	Welsh,
Elvey,	Jones,	Odorisio,	Wescott,
Eshback,	Kamyk,	Ogilvie,	Whittaker,
Ewing,	Keiser,	Parlante,	Willard,
Farabaugh,	Kelly,	Pashley,	Williams, A. D.,
Fetterolf,	Kernaghan,	Petrosky,	Williams, E. S.,
Filo,	Kessler,	Piper,	Wilt,
Flynn,	King,	Polaski,	Worley,
Forester,	Kistler,	Polen,	Wynd,
Fox,	Klein,	Prendergast,	Yetter,
Frascella,	Knecht,	Price,	Zember,
Fry,	Kooker,	Pursley,	Zimmerman,
Fulmer,	Kornick,	Reibman,	Andrews, Speaker
Gailey,			

NAYS—14

Cianfrani,	Munley,	Rutherford,	Taylor,
Eshleman,	Murphy,	Schaaf,	Wargo,
Foor,	Needham,	Sullivan, J. A.,	Wood,
Magee,	Royer,		

NOT VOTING—23

Ashton,	Fineman,	Lippincott,	Perry,
Breth,	Gibbons,	Lutty,	Schuster,
Buchanan,	Greenlee,	McInroy,	Sullivan, T. F.,
Cauley,	Jenkins,	McLaughlin,	Walsh,
Comer,	Kramer,	Mihm,	Willaredt,
Esler,	Lawson,	Murray,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 823, entitled:

An Act amending the act of June 15, 1961 (Act No. 207), entitled "Inheritance and Estate Tax Act of 1961" making a continuing appropriation for the payment of re-

funds of taxes to which the Commonwealth is not rightfully or equitably entitled.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?
Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—187

Adams,	Gelfand,	Leonard,	Royer,
Anderson, J. H.,	George,	Limper,	Rubin,
Anderson, S. A.,	Gibb,	Long, Wm. Jas.,	Rudisill,
Arlene,	Goldstein, J. H.,	Long, Wm. Jos.,	Rutherford,
Auker,	Goldstein, M. H.,	Magee,	Sakulsky,
Bachman,	Goodrich,	Manbeck,	Scarcelli,
Backenstoe,	Gramlich,	Markley,	Schaaf,
Blair,	Gray,	Marsh,	Seltzer,
Boies,	Greenlee,	Maxwell,	Shelton,
Bonner,	Gremminger,	May,	Sherman,
Bossert,	Gross,	McCandless,	Shupnik,
Bower,	Guesman,	McCann,	Simmons,
Bowman,	Guthrie,	McCormack,	Slack,
Branca,	Hamilton,	McDevitt,	Snare,
Bush,	Hankins,	McDonald,	Stank,
Capano,	Hartley,	McKeever,	Steckel,
Capitolo,	Haudenshield,	McNally,	Stimmel,
Cianfrani,	Heavey,	Meholchick,	Stiteler,
Cioffi,	Heffner,	Merry,	Stone,
Clarke,	Helm,	Miller,	Strausser,
Crossin,	Henzel,	Mills,	Sullivan, J. A.,
Curwood,	Hocker,	Monroe,	Taylor,
Davis,	Holl,	Morley,	Thompson,
Dengler,	Holliday,	Mullen,	Tomascik,
Dennison,	Holman,	Munley,	Tompkins,
Donaldson,	Horst,	Murphy,	Trusio,
Dougherty,	Irvis,	Musto,	Ujobai,
Doughten,	Isaacs,	Needham,	Varner,
Down,	Jim,	O'Dell,	Verona,
Edwards,	Johnson, A. W.,	O'Donnell, J. A.,	Wall,
Eilberg,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Elvey,	Jones,	Odorisio,	Weidner,
Eshback,	Kamyk,	Ogilvie,	Welsh,
Eshleman,	Keiser,	Parlante,	Wescott,
Ewing,	Kelly,	Pashley,	Whittaker,
Farabaugh,	Kernaghan,	Petrosky,	Willard,
Fetterolf,	Kessler,	Piper,	Williams, A. D.,
Filo,	King,	Polaski,	Williams, E. S.,
Flynn,	Kistler,	Polen,	Wilt,
Forester,	Klein,	Prendergast,	Wood,
Foor,	Knecht,	Price,	Worley,
Fox,	Kooker,	Pursley,	Wynd,
Frascella,	Kornick,	Reibman,	Yetter,
Fry,	Korns,	Reidenbach,	Zember,
Fulmer,	Lamb,	Renwick,	Zimmerman,
Gailey,	Lee, A. M.,	Riley,	Andrews,
Gallagher,	Lee, K. B.,	Rovansek,	Speaker

NAYS—0

NOT VOTING—23

Ashton,	Esler,	Lippincott,	Perry,
Breth,	Fineman,	Lutty,	Schuster,
Buchanan,	Gibbons,	McInroy,	Sullivan, T. F.,
Cauley,	Jenkins,	McLaughlin,	Walsh,
Comer,	Kramer,	Mihm,	Willaredt,
Cooley,	Lawson,	Murray,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,
The House proceeded to the third reading and consideration of Senate bill No. 830, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for laboratory schools of State-owned colleges and providing for payments in connection therewith.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?
Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adams,	Gelfand,	Leonard,	Rovansek,
Anderson, J. H.	George,	Limper,	Royer,
Anderson, S. A.,	Gibb,	Long, Wm. Jas.,	Rubin,
Arlene,	Goldstein, J. H.,	Long, Wm. Jos.,	Rudisill,
Bachman	Goldstein, M. H.,	Magee,	Rutherford,
Backenstoe,	Goodrich,	Manbeck,	Sakulsky,
Blair,	Gramlich,	Markley,	Scarcelli,
Boies,	Gray,	Marsh,	Seltzer,
Bonner,	Greenlee,	Maxwell,	Shelton,
Bossert,	Gremminger,	May,	Sherman,
Bower,	Gross,	McCandless,	Shupnik,
Bowman,	Guesman,	McCann,	Simmons,
Branca,	Guthrie,	McCormack,	Slack,
Bush,	Hamilton,	McDevitt,	Stank,
Capano,	Hankins,	McDonald	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Cianfrani,	Haudenshield,	McNally,	Stiteler,
Cioffi,	Heavey,	Meholchick,	Stone,
Clarke,	Heffner,	Merry,	Strausser,
Cooley,	Helm,	Miller,	Sullivan, J. A.,
Crossin,	Henzel,	Mills,	Taylor,
Curwood,	Hocker,	Monroe,	Thompson,
Davis,	Holl,	Morley,	Tomascik,
Dengler,	Holliday,	Mullen,	Tompkins,
Dennison,	Holman,	Munley,	Trusio,
Donaldson,	Horst,	Murphy,	Ujobai,
Dougherty,	Irvis,	Musto,	Varner,
Down,	Isaacs,	Needham,	Verona,
Edwards,	Jim,	O'Dell,	Wall,
Eilberg,	Johnson, A. W.,	O'Donnell, J. A.,	Wargo,
Elvey,	Johnson, R. P.,	O'Donnell, J. P.,	Weidner,
Eshback,	Jones,	Odorisio,	Welsh,
Eshleman,	Kamyk,	Ogilvie,	Wescott,
Ewing,	Keiser,	Parlante,	Whittaker,
Farabaugh,	Kelly,	Pashley,	Willard,
Fetterolf,	Kernaghan,	Petrosky,	Williams, A. D.,
Filo,	Kessler,	Piper,	Williams, E. S.,
Fineman,	King,	Polaski,	Wilt,
Flynn,	Kistler,	Polen,	Wood,
Foerster,	Klein,	Prendergast,	Worley,
Foor,	Knecht,	Price,	Wynd,
Fox,	Kooker,	Pursley,	Yetter,
Frascella,	Kornick,	Reibman,	Zember,
Fry,	Korns,	Renwick,	Zimmerman,
Fulmer,	Lamb,	Riley,	Andrews,
Gailey,	Lee, A. M.,		Speaker
Gallagher,	Lee, K. B.,		

NAYS—2

Auker,	Doughten,

NOT VOTING—24

Ashton,	Gibbons,	McInroy,	Schaaf,
Breth,	Jenkins,	McLaughlin,	Schuster,
Buchanan,	Kramer,	Mihm,	Snare,
Cauley,	Lawson,	Murray,	Sullivan, T. F.,
Comer,	Lippincott,	Perry,	Walsh,
Esler,	Lutty,	Reidenbach,	Willaredt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,
The House proceeded to the third reading and consideration of Senate bill No. 875, entitled:

An Act authorizing the Department of Property and

Supplies with the approval of the Governor and the Adjutant General to sell and convey real property situate in the City of Lebanon Lebanon County to County Commissioners of Lebanon County.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adams,	Gallagher,	Limper,	Rovansek,
Anderson, J. H.,	Gelfand,	Long, Wm. Jas.,	Royer,
Anderson, S. A.,	George,	Long, Wm. Jos.,	Rubin,
Arlene,	Gibb,	Magee,	Rudisill,
Auker,	Goldstein, J. H.,	Manbeck,	Rutherford,
Bachman,	Goldstein, M. H.,	Markley,	Sakulsky,
Backenstoe,	Goodrich,	Marsh,	Scarcelli,
Blair,	Gramlich,	Maxwell,	Schaaf,
Boles,	Gray,	May,	Seltzer,
Bonner,	Greenlee,	McCandless,	Shelton,
Bossert,	Gremminger,	McCann,	Sherman,
Bower,	Gross,	McCormack,	Shupnik,
Bowman,	Guesman,	McDevitt,	Simmons,
Branca,	Guthrie,	McDonald,	Slack,
Bush,	Hamilton,	McKeever,	Snare,
Capano,	Hankins,	McNally,	Stank,
Capitolo,	Hartley,	Meholchick,	Steckel,
Cianfrani,	Haudenshield,	Merry,	Stimmel,
Cioffi,	Heavey,	Miller,	Stiteler,
Clarke,	Heffner,	Mills,	Stone,
Cooley,	Helm,	Monroe,	Strausser,
Crossin,	Henzel,	Morley,	Taylor,
Curwood,	Hocker,	Mullen,	Thompson,
Davis,	Holl,	Munley,	Tomascik,
Dengler,	Holliday,	Murphy,	Tompkins,
Dennison,	Holman,	Musto,	Trusio,
Donaldson,	Irvis,	Needham,	Ujobai,
Dougherty,	Jim,	O'Dell,	Varner,
Doughten,	Johnson, A. W.,	O'Donnell, J. A.,	Verona,
Down,	Johnson, R. P.,	O'Donnell, J. P.,	Wall,
Edwards,	Jones,	Odorisio,	Wargo,
Eilberg,	Kamyk,	Ogilvie,	Weidner,
Elvey,	Keiser,	Parlante,	Wescott,
Eshback,	Kelly,	Pashley,	Whittaker,
Eshleman,	Kernaghan,	Petrosky,	Willard,
Ewing,	Kessler,	Piper,	Williams, A. D.,
Fetterolf,	King,	Polaski,	Williams, E. S.,
Filo,	Kistler,	Polen,	Wilt,
Fineman,	Klein,	Prendergast,	Wood,
Flynn,	Knecht,	Price,	Worley,
Foerster,	Kooker,	Pursley,	Wynd,
Foor,	Kornick,	Reibman,	Yetter,
Fox,	Korns,	Reidenbach,	Zember,
Frascella,	Lamb,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews, Speaker
Fulmer,	Lee, K. B.,		
Gailey,	Leonard,		

NAYS—1

Isaacs,

NOT VOTING—25

Ashton,	Gibbons,	Lutty,	Schuster,
Breth,	Horst,	McInroy,	Sullivan, J. A.,
Buchanan,	Jenkins,	McLaughlin,	Sullivan, T. F.,
Cauley,	Kramer,	Mihm,	Walsh,
Comer,	Lawson,	Murray,	Welsh,
Esler,	Lippincott,	Perry,	Willaredt,
Farabaugh,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. McCANN asked permission for the Committee on Cities—Counties First Class to meet during the session of the House.

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I would like to interrogate the majority leader.

The SPEAKER pro tempore. Will the gentleman from Greene, Mr. McCann, permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. A. W. JOHNSON. Mr. Speaker, is the purpose of this committee meeting to consider the city-county consolidation bill for the city and county of Philadelphia?

Mr. McCANN. The committee chairman said to tell you that that is the business of the committee, that it will be before the committee and that they will discuss the bills that are being called up.

Mr. A. W. JOHNSON. Thank you. If they do, I would admonish them, they had better consider that bill.

The SPEAKER pro tempore. The Chair has not yet announced that if there is no objection there will be a meeting of the Committee of Cities and Counties First Class.

The Chair hears no objection.

COMMITTEE MEETINGS

APPROPRIATIONS, Mr. Polen, chairman, Room 245, Tuesday, August 22, at 11:30 a.m.

BANKING AND BUILDING AND LOAN ASSOCIATIONS, Mr. Parlante, chariman, Room 131-A, Tuesday, August 22, at 11:30 a.m.

ALL TIMES ARE DAYLIGHT SAVING TIME

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 670.

An Act establishing a Family Court division in the Court of Common Pleas of Allegheny County imposing certain jurisdiction over actions and other matters involving the family providing for a chief judge and board of judges clerks director and professional and other employes transferring certain duties of the Juvenile Court of Allegheny County and the domestic relations court of the county court to the family court division providing for additional law judges of the Court of Common Pleas in the fifth judicial district establishing procedures for reconciliation and providing for the investigation and report of relevant factual information.

Referred to the Committee on Cities—Counties Second Class and Second Class A.

SENATE BILL No. 865.

An Act authorizing the adoption of an alternative system for the government and management of county prisons and other county penal institutions in counties of the third class providing for the appointment of county prison boards in such counties and prescribing their powers and duties.

Referred to the Committee on Counties.

SENATE BILL No. 882.

An Act amending the act of December 3, 1959 (P. L. 1688), entitled "Housing Agency Law" clarifying and supplementing provisions of existing law relating to the financing of cooperatively-owned housing changing the

terms of housing loans for elderly persons modifying the reserve requirements for outstanding Agency bonds and placing the Agency's report to the Legislature on an annual basis.

Referred to the Committee on State Government.

SENATE RESOLUTION SERIAL No. 128.

Instructing the Joint State Government Commission with the cooperation of the Pennsylvania Historical and Museum Commission to resurvey and prepare certain historical data.

Referred to the Committee on Rules.

RESOLUTION

CONGRATULATIONS

Messrs. HAMILTON, STONE, KLEIN and FOERSTER offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted as follows:

In the House of Representatives, August 21, 1961.

The Armbridge Team from Beaver County, coached by Joe Zerilla, beat Scranton's Tripp Park by a score of 7-2, to capture the Pennsylvania American Legion Junior Baseball Championship, at Copley, near Allentown, on Sunday, August 20, 1961.

For Mr. Zerilla and his youngsters, it was a long battle all the way, first winning the Beaver County Legion Junior League title, the district and regional playoffs and then the elimination in Allentown.

Fred Klages pitched the Ambridge team to the championship, giving up only three hits and striking out eight.

The fine play of the Ambridge team, under the able teaching and guidance of Mr. Zerilla, is a commendable demonstration of team effort which deserves the plaudits and admiration of all followers of clean and spirited sports competition on the part of American youth; therefore be it

Resolved, That this House of Representatives hereby congratulates the Ambridge American Legion Junior Baseball team on its attainment of the State Championship and commends Mr. Joe Zerilla for his fine coaching and leadership of the young men constituting the team; and be it further

Resolved, That copies of this resolution be forwarded to the Commander, Cudahy Hall Ambridge American Legion Post, Fourth and Duss Avenue, Ambridge, Pennsylvania, and to Mr. Joe Zerilla, Ambridge Junior and Senior High School, Duss Avenue, Ambridge, Pennsylvania.

INQUIRY

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, I would like to check with the minority leader on the education reorganization bill, Senate bill 867. I now have amendments from Mr. Eshleman, Mrs. Henzel, Mr. Tompkins, Mr. Fetterolf and Mr. Fineman that have been offered at this time. Are there any others that you may have so that we can caucus on the amendments?

Mr. A. W. JOHNSON. Mr. Speaker, I do not seem to have any additional amendments.

Mr. McCANN. Mr. Speaker, may I ask the minority leader, on Senate bill 667, the amendments that were given to him, does he desire to check them out before we place them into this bill?

Mr. A. W. JOHNSON. Mr. Speaker, in answer to the question, we have not caucused on the amendments proposed to Senate 667. Therefore, we ask that this go over until tomorrow.

REPORT FROM COMMITTEE

Mr. PARLANTE from the Committee on Cities—Counties First Class, reported as committed, Senate bill No. 750, entitled:

An Act amending the act of July 27, 1955 (P. L. 288), entitled as amended "An act making it unlawful for owners of certain property in cities of the first class and in cities of the second class to sell or agree to sell such property without first delivering to the purchases a certification of the District classification . . ." requiring certification and disclosure of outstanding notices of fire building safety and housing ordinance violations.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 750, entitled:

An Act amending the act of July 27, 1955 (P. L. 288), entitled as amended "An act making it unlawful for owners of certain property in cities of the first class and in cities of the second class to sell or agree to sell such property without first delivering to the purchases a certification of the District classification . . ." requiring certification and disclosure of outstanding notices of fire building safety and housing ordinance violations.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

BILLS AND RESOLUTIONS PASSED OVER

Mr. McCANN. Mr. Speaker, I request that all other bills and resolutions on today's calendar not acted upon be passed over.

The SPEAKER pro tempore. The Chair hears no objection.

ADJOURNMENT

Mr. McCANN. Mr. Speaker, I move that this House do now adjourn until Tuesday, August 22, 1961, at 11 a.m., e.s.t.

The motion was agreed to, and (at 4:48 p.m., e.s.t.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1961. 145th of the General Assembly.

Vol. 38. HARRISBURG, PA., TUESDAY, AUGUST 22, 1961. No. 92.

SENATE

TUESDAY, AUGUST 22, 1961

The Senate met at 12:00 m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor John Morgan Davis) in the Chair.

PRAYER

The Chaplain, Rev. JAMES V. LEARY, Assistant Rector of St. Michael The Archangel Roman Catholic Church, Levittown, offered the following prayer:

In the Name of the Father, and of the Son, and of the Holy Ghost, Amen.

We pray Thee, O God of might, of wisdom, of justice, through Whom authority is rightly administered, laws enacted, and judgments decreed, assist, with Thy Holy Spirit of counsel and fortitude, the Senate of this State of Pennsylvania. Let the light of Thy divine wisdom shine forth in the laws and proceedings framed for our rule and guidance that they may tend to the preservation of peace, the promotion of national happiness, the increase of industry, sobriety, useful learning, and may perpetuate to us the blessings of equal liberty.

We pray for his Excellency, the Governor of this State, for the Members of the General Assembly, for all judges, magistrates, and other officials who guard our political welfare that they may be enabled by Thy powerful protection to discharge their respective duties with honesty and ability.

Therefore, direct all our actions, O Lord, we beseech Thee, by Thy continual help that every prayer and work of ours, especially of this Assembly, may always begin with Thee, and through Thee be likewise ended.

In the Name of the Father, and of the Son, and of the Holy Ghost, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WEINER and Mr. LANE, further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

ATTORNEY GENERAL

August 22, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate David Stahl, 2325 Beaufort Avenue, Pittsburgh, Allegheny County, for appointment as Attorney General, to serve until superseded, vice Hon. Anne X. Alpern, Pittsburgh, resigned.

DAVID L. LAWRENCE.

MEMBER OF THE JUVENILE COURT JUDGES' COMMISSION

August 21, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate David Harold Weiss, Judge of the Court of Common Pleas of the Tenth Judicial District, Greensburg, Westmoreland County, for appointment as a member of the Juvenile Court Judges' Commission, until June 7, 1962, and until his successor is appointed and qualified, vice Hon. Edward Dumbauld, Uniontown, resigned.

DAVID L. LAWRENCE.

JUSTICE OF THE PEACE

August 22, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Leopold C. Cibik, P.O. R.D. 2, Leechburg, for appointment as Justice of the Peace in and for the Township of Allegheny, Westmoreland County, until the first Monday of January 1962, vice Robert S. Gray, resigned.

DAVID L. LAWRENCE.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives being introduced, returned to the Senate, **SB 662, 823, 830** and **875,** with the information that the House has passed the same without amendments.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence **HB 298, 1539** and **1827,** which were referred to the Committee on State Government.

He also presented for concurrence **HB 1224,** which was referred to the Committee on Education.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

He also informed the Senate that the House has adopted Report of Committee of Conference on **SB 65.**

BILLS SIGNED

The President (Lieutenant Governor John Morgan Davis) in the presence of the Senate signed the following bills:

SB 65, 662, 823, 830 and **875.**

PERSONAL PRIVILEGE

Mr. STIEFEL. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Philadelphia, Mr. Stiefel, will state his question of personal privilege.

Mr. STIEFEL. Mr. President, whoever the genius was who conceived the idea of placing Petitions and Remonstrances at the end of the day's agenda was, indeed, clever because when people get hungry, thirsty, and they want to get out and go home, they have no time to listen to Petitions and Remonstrances. Maybe at the next Session, I will be one of those who will try to change again the position of this order of business.

However, Mr. President, in my District there exists a condition which I must bring to the attention of the Senate. Because of the mutual admiration between the authorities of New Jersey and Pennsylvania in enforcing penalties for traffic violations, whether or not they exist, many of the citizens in my District, which is the Fifth Senatorial District, need help and they need speedy help.

The great State of New Jersey, while known for its justice, has some minor members of the judiciary in forgotten places in the State of New Jersey who are trying to enrich themselves at the expense of helpless Pennsylvania motorists by drawing up charges of traffic violations, penalizing them by receiving exorbitant penalties and then, suddenly, sending a notice to Mr. Simonetta who immediately goes into action and deprives people of their licenses for long periods of time.

I feel it is high time for a proper Committee of the Senate to bring Mr. Simonetta in and convey to him the wishes of the Senate that he be more circumspect in accepting those verdicts from these forgotten places in New Jersey where State Policemen and lay policemen are waiting for Pennsylvanians—to entrap them and foist upon them certain traffic violations of which they are not guilty.

PERMISSION TO ADDRESS SENATE

Mr. WADE asked and obtained unanimous consent to address the Senate.

Mr. WADE. Mr. President, I would like to endorse wholeheartedly the statement just made by Senator Stiefel.

REPORTS FROM COMMITTEES

Mr. HALUSKA, from the Committee on Local Government, reported, as committed, **SB 916, HB 669, 1373, 1506, 1601, 1606, 1607** and **1829.**

Mr. BELL, from the Committee on Judiciary General, reported, as committed, **SB 710, 826, 855, 880, 881** and **893.**

Mr. SILVERT, from the Committee on Law and Order, reported, as committed, **SB 905, 921** and **924;** as amended, **HB 840.**

Mr. CAMIEL, from the Committee on Public Health and Welfare, reported, as committed, **HB 1339.**

Mr. HAYS, from the Committee on Education, reported, as committed, **SB 272, 914, 915, 920, HB 301** and **341.**

Mr. WEINER, from the Committee on Rules, reported, as committed, **HB 1317** and **1318.**

Mr. SEYLER, from the Committee on Judiciary General, reported, as committed, **HB 1457** and **1746;** as amended, **HB 1337** and **1338.**

Mr. YATRON, from the Committee on Agriculture, reported, as amended, **SB 901.**

Mr. KALMAN, from the Committee on Constitutional Changes and Federal Relations, reported, as committed, **SB 919** and, as amended, **SB 461.**

PERMISSION TO ADDRESS SENATE

Mr. MULLIN asked and obtained unanimous consent to address the Senate.

Mr. MULLIN. Mr. President, all over the Commonwealth of Pennsylvania, mass transportation is not fulfilling the needs of the people. It seems as though, especially in the big cities, large segments of the cities are without transportation. The buses run only on the main highways and there is no cross-town transportation at all. In order to go short distances, people have to travel for sometimes an hour and transfer to two or three buses in order to get anywhere.

I had the privilege of going to Atlantic City and watching and investigating the jitney buses that run in Atlantic City on Pacific Avenue and on certain other streets there. These jitney buses provide transportation. People hardly have to wait but a few minutes until a bus comes along. These jitney buses are only allowed to hold ten people. Most of the buses are held on permits from the city and give easy and cheap transportation. They are not run by some big corporation. They do not have buses holding forty and fifty people. No bus is allowed to hold more than ten people. In this way, they fulfill a great need at a cheap price, and at the same time they give employment to a large number of permit holders. Of course, they meet the needs of the people.

Mr. President, I am about to introduce a bill which I think will allow Philadelphia to experiment on such a proposition. I really think this is needed all over the State of Pennsylvania. However, I believe this bill would provide a pilot program for a start.

BILLS INTRODUCED AND REFERRED

Mr. MULLIN presented to the Chair **SB 927,** entitled:

An Act providing for the regulation of certain motor buses and motor omnibuses by cities of the first class.

Which was committed to the Committee on Local Government.

Messrs. SILVERT and WEINER presented to the Chair **SB 928,** entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," changing the

power and duties of the Department of Internal Affairs in relation to the minutes of the Canal Commissioners."

Which was committed to the Committee on State Government.

Messrs. SEYLER and WEINER presented to the Chair **SB 929,** entitled:

An Act amending the act of July 2, 1937 (P. L. 2797), entitled "An act requiring collectors of city, county, borough, town, township, school, and poor district taxes, to file certain reports with the quarter sessions court and the Department of Internal Affairs; . . . ," applying the provisions of the act to elected collectors and collectors appointed to fill the office of elected collectors; requiring the treasurer of each city, county, county institution district, borough, town, township and school district to file reports on taxes received from sources other than elected tax collectors, or their successors; and setting forth matters to be reported.

Which was committed to the Committee on Local Government.

HONORABLE MARCIANO D. ANSELMO, OF THE DEPARTMENT OF LABOR, MANILA, PRESENTED TO SENATE

The PRESIDENT. At this moment, gentlemen, may we take just a moment to honor the Honorable Marciano D. Anselmo, Assistant to the Secretary of Labor, of the Department of Labor, Manila, in the Philippine Islands? Mr. Anselmo, will you say just a word to the gentlemen?

Mr. ANSELMO. I am deeply honored at this opportunity to be a witness to this great assembly. Words fail me in expressing my sincere gratitude for this opportunity which the President of the Senate has afforded me.

I wish you could all come and see our beautiful islands and we would really be—as the Filipinos have been known throughout the Orient—a most hospitable people.

Thank you so much.

The PRESIDENT. Thank you. Mr. Anselmo. We are very happy to have you with us.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. DEVLIN, by unanimous consent, from the committee on Executive Nominations, reported the following nominations, made by his Excellency, the Governor, which were laid on the table:

ATTORNEY GENERAL

August 22, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate David Stahl, 2325 Beaufort Avenue, Pittsburgh, Allegheny County, for appointment as Attorney General, to serve until superseded, vice Hon. Anne X. Alpern, Pittsburgh, resigned.

DAVID L. LAWRENCE.

MEMBER OF THE PENNSYLVANIA TURNPIKE

June 5, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Patrick E. Kerwin, Lykens, Dauphin County, for appointment as a member of the Pennsylvania Turnpike Commission, until June 4, 1971, and until his successor is appointed and qualified, vice E. James Trimarchi, Jr., Indiana, resigned.

DAVID L. LAWRENCE.

MEMBER OF THE BOARD OF TRUSTEES OF EASTERN PENNSYLVANIA PSYCHIATRIC INSTITUTE

July 24, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William F. Kelly, 505 Rose Lane, Havertown, Delaware County, for appointment as a member of the Board of Trustees of Eastern Pennsylvania Psychiatric Institute, until May 13, 1964, and until his successor shall have been appointed and qualified, vice Percival E. Foerderer, Bryn Mawr, resigned.

DAVID L. LAWRENCE.

MEMBER OF THE JUVENILE COURT JUDGES' COMMISSION

July 31, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Alton A. McDonald, Judge of the Court of Common Pleas of the Forty-seventh Judicial District, Ebensburg, Cambria County, for reappointment as a member of the Juvenile Court Judges' Commission, until June 7, 1964, and until his successor is appointed and qualified.

DAVID L. LAWRENCE.

MEMBER OF THE JUVENILE COURT JUDGES' COMMISSION

August 21, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate David Harold Weiss, Judge of the Court of Common Pleas of the Tenth Judicial District, Greensburg, Westmoreland County, for appointment as a member of the Juvenile Court Judges' Commission, until June 7, 1962, and until his successor is appointed and qualified, vice Hon. Edward Dumbauld, Uniontown, resigned.

DAVID L. LAWRENCE.

MEMBER OF THE BOARD OF TRUSTEES OF ALLENTOWN STATE HOSPITAL

May 22, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Albert P. DelGrosso, 1159 East Fourth Street, Bethlehem, Northampton County, for reappointment as a member of the Board of Trustees of Allentown State Hospital, until the third Tuesday of January 1967, and until his successor is appointed and qualified.

DAVID L. LAWRENCE.

REPORTS FROM COMMITTEE

Mr. STROUP, by unanimous consent, from the Committee on Local Government, reported, as amended, **SB 895** and **896.**

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

A motion was made by Mr. DEVLIN and Mr. RIPP, that the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. DEVLIN asked and obtained unanimous consent for immediate consideration of the nominations made by his Excellency, the Governor, and reported from committee at today's Session.

NOMINATIONS TAKEN FROM THE TABLE

Mr. DEVLIN. Mr. President, I call from the table for consideration the nominations reported from committee today.

The PRESIDENT. The Clerk will read the nominations.

The nominations were read by the Clerk as follows:

ATTORNEY GENERAL

August 22, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate David Stahl, 2325 Beaufort Avenue, Pittsburgh, Allegheny County, for appointment as Attorney General, to serve until superseded, vice Hon. Anne X. Alpern, Pittsburgh, resigned.

DAVID L. LAWRENCE.

MEMBER OF THE PENNSYLVANIA TURNPIKE COMMISSION

June 5, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Patrick E. Kerwin, Lykens, Dauphin County, for appointment as a member of the Pennsylvania Turnpike Commission, until June 4, 1971, and until his successor is appointed and qualified, vice E. James Trimarchi, Jr., Indiana, resigned.

DAVID L. LAWRENCE.

MEMBER OF THE BOARD OF TRUSTEES OF EASTERN PENNSYLVANIA PSYCHIATRIC INSTITUTE

July 24, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William F. Kelly, 505 Rose Lane, Havertown, Delaware County, for appointment as a member of the Board of Trustees of Eastern Pennsylvania Psychiatric Institute, until May 13, 1964, and until his successor shall have been appointed and qualified, vice Percival E. Foerderer, Bryn Mawr, resigned.

DAVID L. LAWRENCE.

MEMBER OF THE JUVENILE COURT JUDGES' COMMISSION

July 31, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Alton A. McDonald, Judge of the Court of Common Pleas of the Forty-seventh Judicial District, Ebensburg, Cambria County, for reappointment as a member of the Juvenile Court Judges' Commission, until June 7, 1964, and until his successor is appointed and qualified.

DAVID L. LAWRENCE.

MEMBER OF THE JUVENILE COURT JUDGES' COMMISSION

August 21, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate David Harold Weiss, Judge of the Court of Common Pleas of the Tenth Judicial District, Greensburg, Westmoreland County, for appointment as a member of the Juvenile Court Judges' Commission, until June 7, 1962, and until his successor is appointed and qualified, vice Hon. Edward Dumbauld, Uniontown, resigned.

DAVID L. LAWRENCE.

MEMBER OF THE BOARD OF TRUSTEES OF ALLENTOWN STATE HOSPITAL

May 22, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Albert P. DelGrosso, 1159 East Fourth Street, Bethlehem, Northampton County, for reappointment as a member of the Board of Trustees of Allentown State Hospital, until the third Tuesday of January 1967, and until his successor is appointed and qualified.

DAVID L. LAWRENCE.

On the question,

Will the Senate advise and consent to the nominations?

Mr. BERGER. Mr. President, it will be noted by the Members of the Senate that among the nominations which are presently before us for confirmation is the nomination of Mr. Stahl for Attorney General of the Commonwealth of Pennsylvania.

We expect to confirm this nomination immediately. We believe the Governor is entitled to and should have—and it is also necessary for the proper conduct of the business of the Commonwealth—an Attorney General in office. Yesterday, Mr. President, we confirmed the then Attorney General as a Member of the Pennsylvania Supreme Court. At that time, the question was asked in this Body whether or not certain Members had voted for her to be Attorney General of the Commonwealth.

Mr. President, the answer, of course, was "yes." We expect to confirm this nomination for the same reason that we confirmed the nomination of Miss Alpern. The Governor is entitled to have his nominee for Attorney General, and the Commonwealth must have an Attorney General at all times.

Mr. WEINER. Mr. President, I want to thank the gentleman.

We also would like to point out that the gentleman we are confirming as Attorney General is not only an excellent lawyer, but an outstanding member of the Bar and an outstanding citizen of Pennsylvania. He is a man who has a background of which all of us can be proud. We can be proud to have him represent us as Attorney for the State of Pennsylvania.

We also thank the gentlemen for seeing their civic duty and acting on it.

Mr. DEVLIN. Mr. President, as Chairman of the Committee, I want to express my appreciation for the excellent cooperation I have received.

And the question recurring,

Will the Senate advise and consent to the nominations?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Staisey,
Berger,	Kalman,	Murray,	Stevenson,
Camiel,	Keller,	Pechan,	Stiefel,
Chapman,	Kessler,	Propert,	Stroup,
Confair,	Kromer,	Ripp,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,		

NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. DEVLIN. Mr. President, I move that the Executive Session do now rise.

Mr. RIPP. Mr. President, I second the motion.

The motion was agreed to.

RECESS

Mr. WEINER. Mr. President, I request a forty-five minute recess of the Senate for the purpose of holding a Democratic and a Republican Caucus, to be held in their respective Caucus Rooms.

Mr. BERGER. Mr. President, may I remind the Members of the Senate to take with them to Caucus the bills that are on their desks?

The PRESIDENT. Are there any objections to the recess? The Chair hears no objection, and declares a forty-five minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor, advising that the following Senate Bills had been approved and signed by the Governor:

SB 511, 637, 672, 708, 780, 788 and 842.

SENATE BILL RETURNED WITHOUT APPROVAL

He also presented communication in writing from His Excellency, the Governor, advising that the following Senate Bill had been returned without approval:

SB 298.

The PRESIDING OFFICER. The communication and bill will be laid on the table.

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

August 22, 1961.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Dean R. Fisher, 1 Cliffside Drive, Williamsport, Lycoming County, for appointment as a member of the Pennsylvania Liquor Control Board, until March 7, 1966, and until his successor shall have been appointed and qualified, vice Patrick E. Kerwin, Lykens, resigned.

DAVID L. LAWRENCE.

BILLS INTRODUCED AND REFERRED

Messrs. WADE, PROPERT, KESSLER and WAGNER, by unanimous consent, presented to the Chair **SB 930,** entitled:

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes' Retirement Code of 1959," permitting beneficiaries to elect an option in cases where a contributor who is entitled to a superannuation retirement allowance dies before electing an option.

Which was committed to the Committee on Education.

Messrs. FLEMING, WEINER, LANE and BERGER, by unanimous consent, presented to the Chair **SB 931,** entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," imposing powers and duties on the General Assembly relative to the allocation of space in the State Capitol Building.

Which was committed to the Committee on Rules.

ANNOUNCEMENT CONCERNING SUBMISSION OF AMENDMENTS TO HOUSE BILLS Nos. 1707 AND 1259

Mr. ROONEY. Mr. President, tomorrow will be the last and final opportunity for acceptance of any amendments to House Bill No. 1707. There were two more handed to me today, to include a couple of roads, and two Senators have roads which they want excluded from the bill. Tomorrow is the final day.

This bill is 155 pages long. It is a very expensive bill to print, and I hope that all the Senators will get their amendments to be before 9:00 a.m. tomorrow morning.

At 10:00 a.m. tomorrow morning, the subcommittee will meet with the Secretary of Highways on the Highway Code Bill, which is House Bill No. 1259. We hope to have those amendments by tomorrow also. Therefore, if there are any amendments to that bill, I would like to have them before 10:00 a.m. tomorrow morning.

CALENDAR

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SB 200 (Pr. No. 1192)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 200.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	**Kalman,**	**Murray,**	**Stevenson,**
Berger,	**Keller,**	**Pechan,**	**Stiefel,**
Camiel,	**Kessler,**	**Propert,**	**Stroup,**
Chapman,	**Kromer,**	**Ripp,**	**Taylor,**
Confair,	**Lane,**	**Rooney,**	**Van Sant,**
Devlin,	**Madigan,**	**Sarraf,**	**Wade,**
DiSilvestro,	**Mahady,**	**Scott,**	**Wagner,**
Ehrgood,	**Mallery,**	**Sesler,**	**Ware, III,**
Flack,	**McCreesh,**	**Seyler,**	**Weiner,**
Fleming,	**McGinnis,**	**Shafer,**	**Wolfe,**
Haluska,	**McMenamin,**	**Silvert,**	**Yatron,**
Hawbaker,	**Miller,**	**Staisey,**	**Donolow,**
Hays,	**Mullin,**		**Presiding Officer**

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 401 (Pr. No. 1213)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 401.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	**Kalman,**	**Murray,**	**Stevenson,**
Berger,	**Keller,**	**Pechan,**	**Stiefel,**
Camiel,	**Kessler,**	**Propert,**	**Stroup,**
Chapman,	**Kromer,**	**Ripp,**	**Taylor,**
Confair,	**Lane,**	**Rooney,**	**Van Sant,**
Devlin,	**Madigan,**	**Sarraf,**	**Wade,**
DiSilvestro,	**Mahady,**	**Scott,**	**Wagner,**
Ehrgood,	**Mallery,**	**Sesler,**	**Ware, III,**
Flack,	**McCreesh,**	**Seyler,**	**Weiner,**
Fleming,	**McGinnis,**	**Shafer,**	**Wolfe,**
Haluska,	**McMenamin,**	**Silvert,**	**Yatron,**
Hawbaker,	**Miller,**	**Staisey,**	**Donolow,**
Hays,	**Mullin,**		**Presiding Officer**

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 605 (Pr. No. 1215)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 605.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	**Kalman,**	**Murray,**	**Stevenson,**
Berger,	**Keller,**	**Pechan,**	**Stiefel,**
Camiel,	**Kessler,**	**Propert,**	**Stroup,**
Chapman,	**Kromer,**	**Ripp,**	**Taylor,**
Confair,	**Lane,**	**Rooney,**	**Van Sant,**
Devlin,	**Madigan,**	**Sarraf,**	**Wade,**
DiSilvestro,	**Mahady,**	**Scott,**	**Wagner,**
Ehrgood,	**Mallery,**	**Sesler,**	**Ware, III,**
Flack,	**McCreesh,**	**Seyler,**	**Weiner,**
Fleming,	**McGinnis,**	**Shafer,**	**Wolfe,**
Haluska,	**McMenamin,**	**Silvert,**	**Yatron,**
Hawbaker,	**Miller,**	**Staisey,**	**Donolow,**
Hays,	**Mullin,**		**Presiding Officer**

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 628 (Pr. No. 1197)—Mr. WEINER. Mr. President. I move that the Senate do concur in the amendments made by the House to Senate Bill No. 628.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	**Kalman,**	**Murray,**	**Stevenson,**
Berger,	**Keller,**	**Pechan,**	**Stiefel,**
Camiel,	**Kessler,**	**Propert,**	**Stroup,**
Chapman,	**Kromer,**	**Ripp,**	**Taylor,**
Confair,	**Lane,**	**Rooney,**	**Van Sant,**
Devlin,	**Madigan,**	**Sarraf,**	**Wade,**
DiSilvestro,	**Mahady,**	**Scott,**	**Wagner,**
Ehrgood,	**Mallery,**	**Sesler,**	**Ware, III,**
Flack,	**McCreesh,**	**Seyler,**	**Weiner,**
Fleming,	**McGinnis,**	**Shafer,**	**Wolfe,**
Haluska,	**McMenamin,**	**Silvert,**	**Yatron,**
Hawbaker,	**Miller,**	**Staisey,**	**Donolow,**
Hays,	**Mullin,**		**Presiding Officer**

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS, OVER IN ORDER

SB 852—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

REPORTS OF COMMITTEES OF CONFERENCE

SB 486 (Pr. No. 1232)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 486, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145), entitled as amended "Local Tax Enabling Act" prescribing the effective date of taxes levied for the first time by any political subdivision limiting appeals by taxpayers to such first tax levies.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HB 517 (Pr. No. 2625)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 517, entitled:

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58), prohibiting certain acts relating to registration plates and counterfeit registration plates numbers or markers.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

FINAL PASSAGE CALENDAR

BILL ON FINAL PASSAGE DEFEATED

SB 845 (Pr. No. 1049)—On the question,

Shall the bill pass finally?

Mr. SILVERT. Mr. President and Members of the Senate, I would just like to say a few words concerning this bill.

This is a very simple bill. It is intended to protect some 2,000,000 or more automobile owners in the State of Pennsylvania. It simply provides that where an automobile owner is insured and has paid his premium in full, and it so happens that the company decides to cancel his insurance, the company should give more notice.

We do not deny the right of the company to cancel the insurance. At the present time, the notice for cancellation is ten days. We feel this is too short a time, because an automobile owner during the summertime may be on vacation, he may be traveling, or he may be away for two or three weeks. A notice canceling his policy may have gone to his home. He may not even know about it and yet he becomes uninsured.

Also, where an automobile policy is canceled, the owner should have a reasonable length of time to replace the insurance. There is always sort of a bad mark placed on the owner when his policy is canceled, and it might take him a little longer to replace the policy.

The insurance company loses nothing by it, and I think we owe it to the two or three million automobile owners in the State of Pennsylvania to give them—when they have been accepted and paid for their insurance—a reasonable time upon cancellation to replace their insurance.

I ask the Members of the Senate to vote "aye" on this bill.

Mr. FLEMING. Mr. President, I listened with a great deal of interest to Senator Silvert's defense of this bill. I, too, have regard for the automobile policyholders, but I am not sure that Senator Silvert is completely conversant with the insurance field.

We have gone along for many years on the ten-day notice clause. I would like to draw the attention of the Members of the Senate to the fact that in practically every instance where a man is an agent for a casualty company, he can write an insurance policy for any person who comes into his office. His license as an agent for the company, in most instances,—I know there are some companies who do not follow this procedure, but the majority do—permits the agent himself to issue the policy.

Let us assume, Mr. President, that there has been some falsification on the part of the applicant to the agent when he wrote the policy. Every agent, I am sure, asks the question as to whether the person has been involved in any automobile accidents and various questions like that. If the applicant would answer those questions in the negative, then, in all good faith, the agent would write the policy. Let us assume, then, that the report which is subsequently run by the insurance company proves that this information was incorrect. Certainly, the company should have the right, under a ten-day notice, to cancel that particular risk.

This has proven satisfactory down through the years. I can see no reason to extend the time to thirty days, and I do not believe the bill is in the public interest at all.

Mr. WADE. Mr. President, I would like to endorse what Senator Fleming has so well said, and to add this. The enactment of Senate Bill No. 845 would set two new precedents. In the first place, it has never been required of a company to provide a policy provision on cancellations. That has been the practice. The ten-day provision mentioned by Senator Silvert is simply a practice in the business, and not a policy provision that is required to be printed in the policy.

The second precedent relates to the term "fully paid policy." In my judgment, if this were enacted, anyone who chooses to buy a policy for a year and wishes to pay the premium in four quarterly installments, after he has paid the first quarterly installment, or the second or the third, his policy is not fully paid until he has paid the fourth quarterly installment. The term "fully paid," to the best of my knowledge and belief, is used only in connec-

tion with life insurance where a policy may require a certain number of yearly payments. For example, with a twenty-payment life policy, such policy becomes fully paid only when the payments are completed after twenty years. This, therefore, is sort of an odd term to use in connection with liability and casualty insurance.

Mr. SILVERT. Mr. President, I do not think it would make much difference whether the policy is to be paid in quarterly installments and a quarter has been paid, or a half or three-quarters, or fully paid. The important thing is to give protection to the policyholder in case of cancellation.

As far as Senator Fleming's objection is concerned that an agent may place a policy on information that is incorrect, I am not in the insurance business but I do know there is such a thing as a "binder." An agent can issue a binder for ten days on a policy that he is not certain of. This binder expires in ten days, and there is no insurance after that if the company does not want to issue it. Therefore, the agent can protect himself.

After all, you are thinking of the rights of the agent. However, what about the rights of the 2,000,000 automobiles owners in the State of Pennsylvania?

Mr. LANE. Mr. President, I understand the intentions of Senator Silvert. They are very worthy, indeed. However, after reviewing this legislation, Senator Silvert, I do not think that we can possibly pass it whereby it would be of benefit to all of the people.

When you speak of binders, Mr. President, in some cases an insurance company will have a binder provision on the application. Sometimes the subagent has the right to use this binder provision under the provisions of his connection with the agency. The result would be that should I have a binder on an individual and he does have a bad driving record,—he probably gave wrong information—even under the provisions of a binder, which actually is the substitution of a policy until that policy is written by the company or by the agency itself, we would be stuck for a period of one month with this person who has a bad driving record.

Mr. President, those who have bad driving records are the persons who cost the other policyholders a considerable amount in the increase of premiums. In most cases where we have a number of bad drivers with bad driving records, in all probability, in that particular area, the cost of insurance would be increased.

I do not believe it is workable because of the binder feature. There is no limitation, Senator, as far as I know on binders. As a matter of fact, I have now a general liability policy which has been under a binder for about thirty-six days.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. RIPP. Mr. President, not having heard my name called, I wish to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. SILVERT. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—21

Camiel,	Kalman,	Murray,	Silvert,
Confair,	Mahady,	Ripp,	Stevenson,
Devlin,	Mallery,	Rooney,	Stiefel,
DiSilvestro,	McCreesh,	Sarraf,	Weiner,
Haluska,	Mullin,	Seyler,	Donolow,
Hays,			Presiding Officer

NAYS—27

Bell,	Keller,	Propert,	Van Sant,
Berger,	Kessler,	Scott,	Wade,
Chapman,	Kromer,	Sesler,	Wagner,
Ehrgood,	Lane,	Shafer,	Ware, III,
Flack,	McGinnis,	Staisey,	Wolfe,
Fleming,	McMenamin,	Stroup,	Yatron,
Hawbaker,	Pechan,	Taylor,	

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

THIRD READING CALENDAR

APPROPRIATION BILL ON THIRD READING AND FINAL PASSAGE

HB 1709 (Pr. No. 2656)—Read at length the third time and agreed to,

And the amendments made thereto having having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—1

Miller,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

EDUCATION BILLS OVER IN ORDER

SB 130, 646 and **688**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

EDUCATION BILL ON THIRD READING AMENDED

SB 690 (Pr. No. 1170)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. LANE, by unanimous consent offered the following amendments:

> Amend Sec. 1 (Sec. 2601-B), page 4, line 19, by striking out "(P. L. 274)" and inserting: (P. L. 1004)

Amend Sec. 1 (Sec. 2601-B), page 4, line 19, by striking out ""Concerning" and inserting: "An act concerning

Amend Sec. 1 (Sec. 2601-B), page 5, line 6, by striking out ""Providing" and inserting: "An act providing

Amend Sec. 1 (Sec. 2601-B), page 5, line 11, by inserting after "rehabilitation": funds prohibiting misuse of vocational rehabilitation

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. LANE.

EDUCATION BILLS OVER IN ORDER

SB 734 and 769—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 206 (Pr. No. 208)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING AMENDED

HB 216 (Pr. No. 1861)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. ROONEY, by unanimous consent, offered the following amendments:

Amend Title, page 1, third and fourth lines of Title, by striking out "crating the State Auctioneers' Commission".

Amend Title, page 1, fifth line of Title, by striking out "commission" and inserting: Secretary of the Commonwealth

Amend Sec. 2, page 3, line 9, by striking out "commission" and inserting: department

Amend Sec. 2, page 4, lines 1 to 3, by striking out all of said lines and inserting: (6) "Department" shall mean the Department of State who shall administer the provisions of this act

Amend Sec. 3, page 4, lines 4 and 5, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 3, page 4, lines 6 and 7, by striking out "commission" and inserting: department

Amend Sec. 4, page 4, line 11, by striking out "Public Instruction" and inserting: State

Amend Sec. 4, page 4, line 12, by striking out "commission with the commission's" and inserting: Secretary of the Commonwealth or his duly appointed representative with the secretary's

Amend Sec. 4, page 4, line 14, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 4, page 5, lines 1 to 3, by striking out "Department of Public" in line 1, all of line 2 and "of Public Instruction" in line 3, and inserting: department in any proceedings before the Secretary of the Commonwealth the department

Amend Sec. 5, page 5, lines 6 and 7, by striking out "Superintendent of Public Instruction any member of the commission" and inserting: Secretary of the Commonwealth

Amend Sec. 5, page 5, lines 8 and 9, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 5, page 5, line 14, by striking out "commission" and inserting: department

Amend Sec. 5, page 6, line 4, by striking out "commission" and inserting: Secretary of State

Amend Sec. 5, page 6, line 8, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 6, page 6, line 16, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 6, page 7, line 4, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 6, page 7, line 16, by striking out "commission" and inserting: department

Amend Sec. 6, page 8, line 5, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 7, page 8, line 11, by striking out "Public Instruction" and inserting: State

Amend Sec. 8, page 8, lines 17 and 18, by striking out "commission" and inserting: department

Amend Sec. 8, page 8, lines 18 and 19, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 8, page 9, line 1, by striking out "commission" and inserting: department

Amend Sec. 8, page 10, line 7, by striking out "commission" and inserting: department

Amend Sec. 8, page 10, line 15, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 8, page 11, line 2, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 8, page 11, line 4, by striking out "commission" and inserting: department

Amend Sec. 8, page 11, line 9, by striking out "commission" and inserting: department

Amend Sec. 8, page 11, line 13, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 8, page 11, line 18, by inserting after "examination": prepared and

Amend Sec. 8, page 11, lines 18 and 19, by striking out "commission and prepared by the commission The commission" and inserting: department. The Department

Amend Sec. 8, page 12, line 3, by striking out "commission" and inserting: department

Amend Sec. 8, page 12, line 4, by striking out "commission" and inserting: department

Amend Sec. 8, page 12, line 14, by striking out "commission" and inserting: department

Amend Sec. 9, page 12, line 19, by striking out

"Department of Public Instruction" and inserting: department

Amend Sec. 10, page 13, line 8, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 12, page 14, line 11, by striking out "commission" and inserting: department

Amend Sec. 12, page 14, line 16, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 12, page 15, lines 5 and 6, by striking out "chairmen of the commission" and inserting: Secretary of the Commonwealth

Amend Sec. 12, page 15, line 7, by striking out "chairman of the commission" and inserting: Secretary of the Commonwealth

Amend Sec. 12, page 15, line 16, by striking out "secretary of the commission" and niserting: Secretary of the Commonwealth

Amend Sec. 12, page 15, lines 17 and 18, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 13, page 16, line 1, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 13, page 16, lines 12 and 13, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 13, page 16, line 17, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 14, page 16, line 19, by striking out "commission" and inserting: department

Amend Sec. 15, page 17, line 6, by striking out "commission" and inserting: department

Amend Sec. 15, page 17, line 13, by striking out "commission" and inserting: department

Amend Sec. 16, page 18, line 16, by striking out "commission or the Department of Public Instruction" and inserting: department

Amend Sec. 16, page 18, line 18, by striking out "commission or":

Amend Sec. 18, page 20, line 14, by striking out "commission or the Department of Public Instruction" and inserting: department

Amend Sec. 19, page 21, lines 10 and 11, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 19, page 21, lines 14 and 15, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 19, page 21, line 18, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 19, page 22, lines 1 and 2, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 19, page 22, line 5, by striking out "commission" and inserting: department

Amend Sec. 20, page 22, line 7, by striking out "commission" and inserting: department

Amend Sec. 20, page 22, line 13, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 20, page 24, lines 1 and 2, by striking out "commission" and inserting: department

Amend Sec. 20, page 24, line 4, by striking out "commission" and inserting: department

Amend Sec. 20, page 24, line 6, by striking out "commission" and inserting: department

Amend Sec. 20, page 24, lines 10 and 11, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 20, page 24, line 17, by striking out "commission or any member thereof" and insert ing: department

Amend Sec. 20, page 24, line 19, by striking out "commission" and inserting: Secretary of State

Amend Sec. 20, page 25, lines 5 and 6, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 21, page 25, lines 9 and 10, by striking out "commission to authorize the Department of Public Instruction" and inserting: Secretary of the Commonwealth or the department

Amend Sec. 21, page 25, line 16, by striking out "commission" and inserting: department

Amend Sec. 21, page 25, line 19, by striking out "commission" and inserting: department

Amend Sec. 21, page 25, line 20, by striking out "It" and inserting: If

Amend Sec. 21, page 26, line 2, by striking out "commission" and inserting: department

Amend Sec. 22, page 26, line 6, by striking out "Commission" and inserting: Secretary

Amend Sec. 22, page 26, line 8, by striking out "commission" and inserting: Secretary of the Commonwealth

Amend Sec. 22, page 26, lines 10 and 11, by striking out "Public Instruction" and inserting: State

Amend Sec. 22, page 26, lines 11 and 12, by striking out "commission" and inserting: department

Amend Sec. 22, page 26, line 13, by striking out "the commission" and inserting: it

Amend Sec. 22, page 26, lines 15 and 16, by striking out "commission" and inserting: department

Amend Sec. 22, page 26, line 17, by strkiing out "commission" and inserting: department

Amend Sec. 23, page 27, line 5, by striking out "commission" and inserting: department

Amend Sec. 23, page 27, line 11, by striking out "commission" and inserting: department

Amend Sec. 23, page 27, lines 19 and 20, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 23, page 28, lines 4 and 5, by striking out "commission the commission" and inserting: department and the department

Amend Sec. 23, page 28, line 11, by striking out "commission" where it appears the first time, and inserting: department

Amend Sec. 23, page 28, line 11, by striking out "commission" where it appears the second time, and inserting: department

Amend Sec. 23, page 28, line 17, by striking out "commission" and inserting: department

Amend Sec. 23, page 28, line 18, by striking out "commission" and inserting: department

Amend Sec. 23, page 29, line 4, by striking out "commission" and inserting: department

Amend Sec. 23, page 29, line 6, by striking out "commission" and inserting: department

Amend Sec. 23, page 29, line 10, by striking out "commission" and inserting: department

Amend Sec. 24, page 29, line 15, by striking out "commission" and inserting: department

Amend Sec. 24, page 29, lines 16 and 17, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 26, page 31, lines 11 to 13, by striking out "Commission (a) The commission and each of its duly" in line 11, all of line 12 and "by it" in line 13, and inserting: Secretary and the Department—(a) The secretary and each of his duly authorized representatives and any special representative appointed by him

Amend Sec. 26, page 31, line 15, by striking out "commission" and inserting: department

Amend Sec. 26, page 31, line 18, by striking out "commission" and inserting: department

Amend Sec. 26, page 31, line 19, by striking out "commission" and inserting: department

Amend Sec. 26, page 32, line 3, by striking out "commission" and inserting: department

Amend Sec. 26, page 32, line 4, by striking out "commission" and inserting: department

Amend Sec. 26, page 32, lines 9 and 10, by striking out "commission or its representatives" and inserting: department

Amend Sec. 26, page 32, lines 11 and 12, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 26, page 32, line 14, by striking out "commission" and inserting: department

Amend Sec. 26, page 32, line 15, by striking out "commission" and inserting: department

Amend Sec. 26, page 33, line 7, by striking out "commission" and inserting: Secretary of the Commonwealth

Amend Sec. 26, page 33, line 9, by striking out "commission The commission" and inserting: department The Department

Amend Sec. 26, page 33, lines 10 and 11, by striking out "the opinion of the commission" and inserting: its opinion

Amend Sec. 26, page 33, line 13, by striking out "commsision" and inserting: department

Amend Sec. 28, page 34, line 17, by striking out "commission" and inserting: department

Amend Sec. 30, page 35, lines 6 to 11, by striking out "commission may act by a" in line 6, all of lines 7 to 11, and inserting: Department of State is hereby authorized and empowered to adopt fix and establish all rules and regulations necessary for the proper administration of the provisions of this act

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. ROONEY.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

SB 233 (Pr. No. 244)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. CAMIEL. Mr. President, I desire to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Camiel,	Lane,	Murray,	Silvert,
Devlin,	Mahady,	Ripp,	Staisey,
DiSilvestro,	McCreesh,	Rooney,	Stiefel,
Haluska,	McGinnis,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow, Presiding Officer

NAYS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Mallery,	Stevenson,	Ware, III,
Flack,	McMenamin,	Stroup,	Wolfe,
Fleming,			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILL OVER IN ORDER ON FINAL PASSAGE

HB 283 (Pr. No. 2628)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. HAYS. Mr. President, I regard this bill as one of the most important on today's Calendar. I was hoping I could vote for it in the original form as it came over from the House. I had thought of offering amendments to restore it to that order. However, as the insurance men would say, my experience rating on amendments recently has not been very good. Therefore, I shall not take that step, but instead register a loud "no" when my name is called.

Mr. KESSLER. Mr. President, I would like to request that the bill go over in its order on Final Passage. I understand that it has passed Third Reading. Is that correct?

The PRESIDING OFFICER. That is correct, sir.

Mr. WEINER. Mr. President, I desire to interrogate the gentleman from Lancaster, Senator Kessler.

The PRESIDING OFFICER. Will the gentleman from Lancaster, Mr. Kessler, permit himself to be interrogated?

Mr. KESSLER. I will, Mr. President.

Mr. WEINER. Mr. President, I have no objection to the bill going over in order. I wonder if the gentleman will advise when we might act on this measure.

Mr. KESSLER. Mr. President, happen to have—

The PRESIDING OFFICER. Will the Senate be in order? The Senators cannot hear themselves speaking to each other. Let us have order in the Chamber. Please proceed, Senator Kessler.

Mr. KESSLER. Mr. President, I happen to have some amendments—three, in fact—which I just received before we went into Session, or more recently here, and I have not had a chance to look them over. I do not know whether they are of interest or whether I want to offer them. However, I would like to have the opportunity to review them. I assure you that if they seem reasonable, I will either offer them or not offer them tomorrow.

Mr. WEINER. Mr. President, I have no objection to the gentleman offering amendments or the bill going over in order. I would just like to respectfully suggest that this bill, I think, would not stand any more amendments and remain the bill that it is.

I hope that we can do this tomorrow and dispose of this measure finally.

The PRESIDING OFFICER. There being no objection, at the request of the gentleman from Lancaster, Senator Kessler, House Bill No. 283 will go over in its order and appear on tomorrow's Final Passage Calendar.

BILL ON THIRD READING AND FINAL PASSAGE

SB 354 (Pr. No. 1186)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,

Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

HB 522—Mr. LANE. Mr. President, I request that House Bill No. 522 go over in its order. The reason I am making this request is because we will probably have some amendments tomorrow. We are trying to clean up this Calendar but, of course, we want the legislation in proper order. Therefore, I reluctantly request that the bill go over in its order.

The PRESIDING OFFICER. There being no objection, the bill will go over in its order.

BILLS ON THIRD READING AND FINAL PASSAGE

SB 574 (Pr. No. 1216)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Mullin,	Staisey,
Berger,	Keller,	Murray,	Stevenson,
Camiel,	Kessler,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wagner,
Ehrgood,	Mallery,	Scott,	Ware, III,
Flack,	McCreesh,	Sesler,	Weiner,
Fleming,	McGinnis,	Seyler,	Wolfe,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,	Miller,	Silvert,	Donolow,
Hays,			Presiding Officer

NAYS—1

Wade,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 598 (Pr. No. 1230)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 720 (Pr. No. 2510)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. WEINER. Mr. President, I want to urge my colleagues to vote for this measure.

This bill changes the definition of an employer from one who employs twelve people to one who employs six people. It also removes one of the principal problems that we are having today in the State of Pennsylvania and the Country, generally, where people over a certain age cannot get a job.

You may find a man who is in his early forties, or you might find a young woman in her early forties, who is interested in doing a job and capable of doing it, but he or she is unable to qualify for the reason that the employer will discriminate because of age. We are asking that the age be removed so that when a job is advertised or when there is an application blank to be filled out, age will not enter into it. The only consideration should be the person's ability to do the job and to do it well. We are finding more and more, as time moves on and as automation moves in, that there are many able-bodied people who have ability to do a job who are not being hired because of their age group.

I respectfully ask my colleagues to vote "aye" on this measure.

Mr. BERGER. Mr. President, I listened carefully to the explanation made by the Majority Leader, but I fail to read the bill in the manner in which he explained it.

It would appear to me that one of the principal considerations that was given to the then so-called F.E.P.C. bill was that age should be included as an element against which an employer could not discriminate in hiring employees.

On page 4 of this bill, it appears to me that an individual who seeks employment may not express his race, color, religious creed, ancestry or age in any manner when he seeks employment. I fail to go along with the explanation given this bill. I feel it is a discriminatory bill, and, therefore, ask my colleagues to vote "no."

Mr. WEINER. Mr. President, I would like to point out to the gentleman that in this bill there is a clarifying amendment as to age and, on page 3, it specifically deals

with the ages between forty and sixty-two, inclusive, because these are the age groups that have difficulty.

The other things that is clarified is the problem of the employer. It reduces that to an employer employing six employees or over.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Camiel,	Lane,	Murray,	Silvert,
Devlin,	Mahady,	Ripp,	Staisey,
DiSilvestro,	McCreesh,	Rooney,	Stiefel,
Haluska,	McGinnis,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow, Presiding Officer

NAYS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Mallery,	Stevenson,	Ware, III,
Flack,	McMenamin,	Stroup,	Wolfe,
Fleming,			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 727 (Pr. No. 1442)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow, Presiding Officer
Hays,			

NAYS—1

Miller,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SB 779 (Pr. No. 935)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bell,	Keller,	Murray,	Stevenson,
Berger,	Kessler,	Pechan,	Stiefel,
Camiel,	Kromer,	Propert,	Stroup,
Chapman,	Lane,	Ripp,	Taylor,
Confair,	Madigan,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow, Presiding Officer
Kalman,			

NAYS—5

DiSilvestro,	Miller,	Seyler,	Weiner,
Hays,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

SB 801 and **HB 1028**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 1162 (Pr. No. 2070)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. McMENAMIN. Mr. President, I ask unanimous consent to offer an amendment to House Bill No. 1162.

The PRESIDING OFFICER. There being no objection, the gentleman may proceed.

Mr. McMENAMIN. Mr. President, I am about to offer an amendment to House Bill No. 1162 which, in effect, would remove from the bill that portion of it which would give to an accountant the confidential communication privilege.

The PRESIDING OFFICER. The Clerk will read the amendment.

The amendment was read by the Clerk as follows:

> Amend Sec. 3 (Sec. 4), page 9, line 15, by inserting after "board":
> or
> (3) Satisfactory completion of a curriculum in accounting or business administration of not less than seventy-two semester hours content in which at least twelve semester credits have been earned in accounting taken in any post-secondary educational institution authorized to operate under the laws of the Commonwealth or accredited by a nationally recognized accrediting agency and at least four (4) years of public accounting experience of a caliber satisfactory to the board

On the question,

Will the Senate agree to the amendment?

Mr. McMENAMIN. Mr. President, the right to enjoy a privileged communication, it seems to me, is a very serious thing. It has evolved over a period of 1,000 years of Anglo-Saxon legal history, and it has been limited, basically, to three professions; the clergy, medicine and the law. In recent years, in some jurisdictions and to some extent, it has been extended to our brothers of the fourth estate—newspapermen. I can see no reason why it should be extended at this time to the field of a limited number of accountants.

Furthermore, as the bill is drawn, this privilege is

exempted in criminal and bankruptcy cases. It seems to me, therefore, that it is limited only to civil tax cases. I can see no justification—and I have heard none expressed in the halls of this Senate or in the mail that I have received both for and against this particular amendment—why a Certified Public Accountant should be given the privilege of having a confidential communication in civil tax matters.

It seems to me that this is wrought with danger and that we are opening the door to a great public injustice. I cannot, after searching my heart, find any reason why a limited group of accountants should be given this privilege in a limited number of cases. I would, therefore, urge the Senate to support this amendment.

Mr. EHRGOOD. Mr. President, normally I would agree with Senator McMenamin in such matters as this. We are both attorneys, but we have divergent viewpoints on this amendment.

The reason, I think fundamentally, why I cannot agree with Senator McMenamin is that the Certified Public Accountant profession has come a long way since its days of infancy. It is a recognized profession; recognized as being tremendously important in this day and age of tangled finances and the web of finance that has grown up. This section of the bill is primarily designed—and this is the thing that I believe should be emphasized—to protect the clients. This bill prohibits the Certified Public Accountant or his employees from divulging information which comes to him in connection with the performance of his professional services without the permission of his client.

The privilege is, of course, a limited one. It is limited, and the client may waive it. It does not extend to information given to the accountant in connection with the examination, audit or report on financial statements, books, records or accounts by the CPA, nor does it extend, as Senator McMenamin indicated, to cases in which the Certified Public Accountant is consulted in furtherance of a criminal or fraudulent scheme. It is also limited by the existing criminal and bankruptcy laws of Pennsylvania and the United States. The scope of the privilege and its limitations are similar to that which exist in the attorney-client relationship.

As the Senator has pointed out, this privileged communication has been extended to other fields, such as the fourth estate and, of course, to ministers, as well, by statute.

The earliest application of the rule under common law extended this privilege of confidential communications made by a client to his attorney and confidential communications between husband and wife. These have been made statutory since that time. In addition, confidential communications have been extended between a physician and his patient, and a clergyman and his communicant. A newspapers reporter and his source are also now protected.

In addition, it has long been recognized that public officers are privileged with regard to communications relating to affairs of State, and the courts have protected inventors and technicians from disclosure of trade secrets. In recent years, a great many States have extended this privilege to Certified Public Accountants.

In this connection, the rule of public policy is designed for the safety not of the Certified Public Accountant, but of his client, and as a means of maintaining the confidence between the Certified Public Accountant and his client which is so essential to the public interest. In this connection, it is interesting to note that the courts have regularly held that communications made to an attorney by his client in the presence of a third person are not privileged, and there is presently no privileged communication between a client and his accountant.

This is difficult for many attorneys who are practicing in conjunction with Certified Public Accountants and their clients. Many tangled cases arise where an attorney cannot possibly operate without a Certified Public Accountant there to guide him.

There are a few more things I would like to state regarding this bill, Mr. President. Mostly these are matters of policy.

The professional status of the Certified Public Accountant, based upon the professional disciplines to which he is subject, has long been recognized by the Federal Government. The Treasury Department, for example, established different standards for admission to practice before the Internal Revenue Service for attorneys and Certified Public Accountants and persons who are not attorneys or Certified Public Accountants. Those who are not attorneys or CPA's may be especially admitted to practice at the discretion of the Director of Practice only if they demonstrate special competence by a written examination and otherwise satisfy the Director of Practice as to their competence and reliability.

The attorney or CPA, on the other hand, has merely to show that he is admitted to practice by his State, and is subject to the discipline of his State licensing agency. Since he has already shown his competence and reliability to his State licensing agency, the Treasury Department is willing to rely upon his professional status.

To conclude, therefore, this section of the bill is intended to do the same thing which the rest of the bill is designed for; namely, to further raise the standards and the professional status of the Certified Public Accountant.

Certified Public Accountancy, like the law, medicine and the ministry, is a learned profession, dedicated to the service of the public and subject to professional disciplines. It should receive the dignity and status of those other professions. Therefore, I ask the Senators to vote "no" on this amendment.

Mr. McMENAMIN. Mr. President, let me say just a few more words to the Members of the Senate.

My colleague, Senator Ehrgood, pointed out something that I think needs further discussion and clarification. For instance, to bring in the analogy of the privileged communication between husband and wife, it seems to me, is totally irrelevant and totally different. I think that originates in the old Anglo-Saxon concept that after a marriage, neither spouse was an entity in itself but the marriage was a partnership where neither was an individual and it was considered as a group. We take title to property today in Pennsylvania as tenancy by the entirety, as lawyers well know. In that concept, it is a little bit different from the normal joint tenancy.

Further, of course, it would be supported on grounds of public policy to promote the harmony of the family and public morals in general.

It seems to me, basically, that what we are doing here is giving, as I say, a limited group of accountants this privilege in a limited number of cases. The clients certainly cannot be protected—if that is the reason assigned

for it—by reason of the fact that they are allowed to have this privilege only in civil cases, for if there is any fraud and a criminal case evolves out of it, then the privilege disappears. Therefore, I ask, where is the protection of the client in that instance?

Secondly, for the same reason, it seems to me that the basic privilege has been given over the years, as I said, to the three professions; the clergy, the medical and the law. Now there is a basic difference in the work or the study of these fields than in accounting, because in these three fields we are dealing largely with a philosophy, or a concept or an intangible. In accounting, you are nearer an exact science. The subject matter of the fields are entirely different.

I think this is a great departure from tradition, and, as I say, I think it is unwise and not prudent for us to vote for this bill at this time.

Mr. SEYLER. Mr. President, it is a very dangerous thing for a person not learned in the law to enter into this discussion, I presume. However, it strikes me that this is a very fascinating subject. I am fascinated by the historical development of this privilege, as it now relates to the present professions that enjoy it and as outlined by my two distinguished colleagues who have spoken previously.

It seems to me—and I do not pose as a philosopher of the law—from what I have read, due to my interest in this area, that the privilege extended to certain individuals, who minister to the needs of people, is really an extension of the right not to self-incriminate oneself. That is to say, if a man has a right to this essential privacy wherein he is not required to expose himself, then this right must extend to those individuals who are placed in such a position by the need of the individual and by the service they render so that they can withhold nothing if they would enjoy and need the aid that this professional person can offer them.

I think that is one criterion. I further think the other criterion is that it should only be extended to those persons who are in a profession which has a professional standard, and an ethical standard, adequate for the protection of this privilege.

I would suggest to you that there was a time when probably extending this to the ministry, to the physician and to the attorney was adequate. Certainly, those are three professions where if a person wants to enjoy the full ministrations of these professional people, he must hold nothing back. If he is to make peace with his soul, certainly he can withhold nothing from the confessor or the person to whom he reveals his personal matters. If he is to enjoy the real services of an attorney, it is axiomatic, I think, that he withhold nothing from that attorney. Certainly, if he is interested in his health, neither shame nor any other consideration should cause him to withhold from his physician full knowledge of his problem, holding nothing back.

I would suggest to you, Mr. President, that in this modern day, with the development of the complex nature of business affairs that we have, in order to conduct properly the business that a man wishes to engage in, it is necessary for him to use the skills of another person. Certainly, if he wishes to enjoy those skills in a manner that could do him the service he wants rendered, he again can withhold nothing. It seems to me, therefore, that he is entitled, basically and philosophically, to the same kind of protection under the privilege that he enjoyed in these other categories to which we have long extended it.

I would say further on my second criterion that this must be extended only to such groups as have a professional standard and an ethical standard which is capable of extending this protection and of observing this privilege, and of not making an abuse of it.

I believe the profession about which we are talking today—the Certified Public Accountant—has come a long way and has established itself as a profession in this category of having a high ethical standard and of having a strong professional set of standards so that they are to be trusted with this.

Therefore, while I do not think this privilege should be given lightly,—and there I would agree basically with my colleague, Senator McMenamin,—I do think that on the basis of the nature of the services that are performed and, secondly, on the criterion of ethical standards, we should extend this privilege, as this bill would do. For that reason, I would join Senator Ehrgood in asking my colleagues to vote against this amendment.

And the question recurring,

Will the Senate agree to the amendment?

Mr. McMENAMIN. Mr. President, I ask for a roll call vote on this amendment.

The yeas and nays were required by Mr. McMENAMIN and were as follows, viz:

YEAS—17

Camiel,	Lane,	Pechan,	Stroup,
Devlin,	Mahady,	Sarraf,	Wade,
Hawbaker,	McCreesh,	Sesler,	Yatron,
Hays,	McGinnis,	Shafer,	Donolow,
Kalman,	McMenamin,		Presiding Officer

NAYS—30

Bell,	Haluska,	Murray,	Stalsey,
Berger,	Keller,	Propert,	Stevenson,
Chapman,	Kessler,	Ripp,	Stiefel,
Confair,	Kromer,	Rooney,	Van Sant,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	Miller,	Seyler,	Ware, III,
Flack,	Mullin,	Silvert,	Weiner,
Fleming,			

So the question was determined in the negative, and the amendment was defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. McMENAMIN. Mr. President, I ask unanimous consent to offer further amendments to this bill.

The PRESIDING OFFICER. The Chair hears no objection and the gentleman may proceed.

Mr. McMENAMIN. Mr. President, the amendments I am offering would, in effect, allow graduates of the two-year business schools to qualify for the CPA examination.

The PRESIDING OFFICER. The Clerk will read the amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 8 (Sec. 11.1), page 17, lines 2 to 18 by striking out "The act is amended by adding after Section 11 a new," in line 2, and all of lines 3 to 18.

Amend Sec. 9 (Sec. 12), page 18, line 1 by striking out "Section 9."

Amend Sec. 10 (Sec. 13), page 22, line 19 by striking out "10" and inserting: 9

Amend Sec. 11 (Sec. 16.1), page 24, line 14 by striking out "11" and inserting: 10

On the question,

Will the Senate agree to the amendments?

A voice vote having been taken, the question was determined in the negative and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. MULLIN. Mr. President, having voted under a misapprehension, I wish to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bell,	Keller,	Propert,	Stevenson,
Berger,	Kessler,	Ripp,	Stiefel,
Chapman,	Kromer,	Rooney,	Stroup,
Confair,	Mahady,	Sarraf,	Van Sant,
DiSilvestro,	Mallery,	Scott,	Wade,
Ehrgood,	McGinnis,	Sesler,	Wagner,
Flack,	Miller,	Shafer,	Ware, III,
Fleming,	Mullin,	Silvert,	Weiner,
Haluska,	Murray,	Staisey,	Donolow,
Hays,	Pechan,		Presiding Officer

NAYS—9

Camiel,	Kalman,	McCreesh,	Seyler,
Devlin,	Lane,	McMenamin,	Yatron,
Hawbaker,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, that the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1221 (Pr. No. 2651)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. McMENAMIN. Mr. President, I sense we are approaching the end of what has been a long period of hard work and chagrin and disappointment for a number of Senators.

I am reminded of one of the first times I went into court as a young lawyer. I happened to go before a Judge who had been on the Bench for more than thirty years. He was well up in years and had acquired the wisdom and experience of those years, and he used it judiciously. We had a very serious, and a very complicated and intricate case. It was the type of case that might have been litigated for a long time at great cost to everybody. After a day or so of trial, the Judge took us into chambers and tried to work out a settlement of the case.

The case was ultimately settled and when settlement was completed, everybody was disappointed. That sage old Judge said: "I can tell it is a good settlement because everybody is disappointed." That meant that everybody had to give a little bit.

I think that what we are getting here is not the best bill on anthracite strip mining that a lot of us from that region would like to have. I am sure that others are disappointed. Perhaps industry is disappointed. I am sure the Administration and the Department of Mines are disappointed. However, maybe that means it is a good settlement.

I believe this is a step forward for the people of the hard coal counties. It is perhaps only half a loaf, but there are times in life when none of us can get 100 per cent of everything we ever want.

We are getting a good many things in this bill that are going to help the communities in the hard coal region. In the first place, the bond that the stripping operators are going to have to post in the future on each acre is being raised. That will provide more money for backfilling by the State, if the bonds are forfeited.

Secondly, we are extending the distance from a highway, which must be completely backfilled, all the way from fifteen feet to seventy-five feet from the highway.

We are extending the distance from a house or a public building or a community hall—the distance to which we must have 100 per cent backfilling—to 225 feet.

Then I think even more importantly, we are going another 700 feet in requiring backfilling to a forty-five degree angle, which is what the department wanted originally.

Left out are those deep pits in the remote areas. However, I think if we can improve the outlook of our communities and require backfilling and restore land to useful purposes in the built-up areas, we are making a great step forward. We will provide more possible sites for factories and homes and remove in the future the scars that are left close to the view of everyone traveling through or living in the hard coal communities.

Therefore, although I am disappointed and not completely satisfied with the final form of this bill, I am going to vote for it. I would also urge my colleagues to vote for it.

Let me say, lastly, that I am assured by the Department of Mines that on the basis of experience in the past, this bill will apply to two-thirds of all of the strippings in the northern part, at least, of the hard coal fields. I am sure that we in Lackawanna County can be satisfied if two-thirds of our problem is going to be resolved, as far as stripping is concerned, during this Session of the Legislature.

There will be other Sessions of the Legislature. We will come back on the other one-third later on.

Mr. MURRAY. Mr. President and Members of the Senate, House Bill No. 1221 represents many hours of work, negotiation and conference by all of the Members from the anthracite area. There are many safety provisions in this bill. It will be an improvement over the present strip mining law.

Personally, I would like to have a much stronger bill. However, I am voting for House Bill No. 1221.

Mr. SCOTT. Mr. President, I merely want to add that I agree wholeheartedly with the previous speaker. I also want to say that most important is the fact that this is now a bill that industry can live with, and it does not mean that any one strip miner will lose his employment or his job.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kromer,	Propert,	Stroup,
Chapman,	Lane,	Ripp,	Taylor,
Confair,	Madigan,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow, Presiding Officer
Hays,			

NAYS—1

Kessler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, that the clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

HB 1438 CALLED UP OUT OF ORDER

HB 1438 (Pr. No. 2652)—Without objection, the bill was called up out of order, from page 9 of the Third Reading Calendar, by Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1438 (Pr. No. 2652)—Read at length the third time and agree to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. HALUSKA. Mr. President, House Bill No. 1438 appears on the Calendar today as the result of a lot of hard work.

No man who has ever served in this Body, I dare say, has ever taken a greater punishment personally than I have, which is all because I believe in the philosophy that laws are made to protect and not to destroy.

I have been accused of many, many things. My family has been attacked, mention has been made of the way I wear my clothes, my carnation, and a free ride in a car. They said I was a friend of the strippers. I am now serving my twenty-third year in this Chamber and, throughout those many years, I have defended many a cause, but never have I been so attacked.

If House Bill No. 1438 is passed, as it appears upon the Calendar, it will be the most stringent strip mining law in the United States. I dare anyone to say differently. I have checked the laws of Ohio, West Virginia, Kentucky and Illinois, and none of them compare with the bill we are about to pass. Yet, I am told at this moment that after it passes, it will not be satisfactory and that the House will not concur. The Secretary of Mines will have no part of it. Again, in the near future, before we adjourn, there will be a conference to try to amend the bill again. As far as I am concerned, personally, I will not stand for one change, and I hope my colleagues on both sides agree with me.

This bill that I have before me is such, gentlemen, that industry cannot live with it. If you are out to destroy and not protect, well and good. If such is the case, then you should try and pass this bill.

This is a big industry. Yet the papers, for some unknown reason, have picked upon this one industry. What about our highways with ninety-degree angles? What about our limestone strippings? What about cement, ore and railroads? Nothing is being said about any of them. However, for some unknown reason, they have picked this one industry.

I trust we will support House Bill No. 1438, pass it, and stand for no further amendments.

If there is any further amending, you will definitely put these people out of business, and immediately they will say that there shall be no more stripping in Pennsylvania. That is what it means. Is one man in this Commonwealth to dictate our policy or is the Senate going to vote its conscience as it wishes?

True, they want more, but with every step in life we try to gain as we go along. If, in 1963, this Body finds that further amendments are in order, certainly we will endeavor to pass them. As time goes on, we amend many laws to try and make them what we can live with.

I say again that this bill now, as amended, gentlemen, will be the most stringent law, and many of the operators will not be able to live with it. Many of them will be compelled within a year's time to go out of business. Any more penalties will put the rest of them out of business, as well.

Mr. STAISEY. Mr. President, I agree with my colleague from Cambria County that no one man should run the State. By the same token, no one Senator should run the Senate.

This bill that we are about to vote on, Mr. President, has a long history not only in this Session, but also in previous Sessions. A good bill, in my mind, just like a good map ought to accurately represent and describe the ground it purports to cover. I do not think this bill does this. I think it flirts with some of the problems in the strip mining industry, and I think it fluffs others.

Nevertheless, Mr. President, in view of the fact that this legislation has been so notoriously unsuccessful in previous Sessions, and since there has been great difficulty in arriving at some basis on which the public interest can be preserved, and since there will be subsequent Sessions, I am going to vote "aye" in favor of this bill. However, Mr. President, my voting affirmatively on this bill ought not, and will not, be taken as a concession or a withdrawal from the position the conservationists in the State and others have taken as far as this industry is concerned.

The only thing we have ever sought, Mr. President, is that the strip mining industry take its place along with other industries in the State, and become a responsible industry and responsive to the public interest. Also, Mr. President, that they bear their fair share of regulations like all of the other industries do, which many of the bills that we have passed reflect.

Therefore, Mr. President, in conclusion, I simply want to say that I cannot predict what is likely to happen to this bill after it leaves here. After a short six months here, I have learned this: With each passing day, we have a new crisis. We had our day with this bill yesterday, and we failed.

Mr. President, we will be back in 1963, and by that

time perhaps the experience of this bill, and the experience that we have all gained in the meantime, may put us in a position to better provide for the public interest. The confusion that has arisen here on this bill has been primarily a decision which each of us has had to make, Mr. President. That decision is whether, on the one hand, to protect a narrow private interest or, on the other hand, to provide for a broad and continuing public interest.

Mr. LANE. Mr. President, since we are now on the threshold of ultimately, I hope, passing some strip mining legislation, about all I can say for House Bill No. 1438 is that it is a better piece of legislation than we passed in 1945, it is a better piece of legislation than the amendments of 1949, and probably we have made some steps forward.

I might say, Mr. President, that over the many years that I have served in the House of Representatives and Senate of Pennsylvania, I have always felt that I had both feet on the ground when I was handling legislation. However, since I got into House Bill No. 1438 and its problems, I was never sure how I stood—whether on the road inspecting these mines or on the floor of this Senate—because there was always a lot of confusion.

I feel, Mr. President, that the handling of this particular piece of legislation has aroused the population of western Pennsylvania. I believe it has made them cognizant of the problems which they have been confronted with over the years.

Mr. President, although I am going to vote for this legislation, because it is the best that I can see we can get, I must say that it still does not go far enough.

I am going to digress just a moment and talk to the Members of the Senate as to the ramifications of this legislation.

Mr. President, as you know, when a stripper makes a contract with a real estate owner, they generally do it on a realty basis. Where there is no provision between the owner and the stripper, all the stripper does is comply with the regulations as set forth in the strip mining act. So, he proceeds along that particular line. He tears up the earth, he removes the coal, and in a great number of cases there are gob piles all over the country. As has been said quite often, Penn's Woods are torn up throughout western Pennsylvania and the east, also.

I think this is because of neglect in the past. However, here is what it costs the taxpayers. Once the coal has been removed, Mr. President, there is no real estate on the coal because it has been depleted. Since the coal has been removed by stripping, the valuation of the land decreases. Therefore, the result is since the valuation of the land is decreased, the assessment is decreased, naturally. The owner of that land will go into the County Commissioner's Office, talk to the Chief Assessor and say: "Well, this land was formerly worth $500 or $1,000 an acre, and now since it has been stripped, there are gob piles here and there are holes here. The land is not of any value. So, I want a reduction in my assessment."

Actually, there is a decrease in value. Therefore, the chief assessor must acquiesce and reduce the assessed valuation of the land. They have lost the tax on the coal, which of course is proper, and they are also losing tax on the land itself unless it is properly backfilled or properly contoured. The ultimate result is, Mr. President, that the taxpayers are in part—a great part—subsidizing strip mining operations.

I also wish to point out this salient point. Once there is a reduction in assessment from a duplicate, there has to be an increase from some other source. The result is the small homeowner, who probably might live right next door to a gob pile, has an increase in his assessment because it takes just so much money to operate government, and when they adopt a budget, they must have the money. The result is that the average taxpayer—the average homeowner—is helping to subsidize strip mining operations. There is nothing we can do about it except to require the mine operators to refill these holes and demand that they refill them according to contour so that they can be replanted. Then, of course, it again becomes productive land. Unless we have legislation to that effect, Mr. President, we are not being fair to the real estate owners of Pennsylvania.

Mr. FLEMING. Mr. President, I certainly want to say at the outset that I intend to vote for this bill. Like Senator Staisey and like Senator Lane, I am not happy with the bill as it now appears. I was hoping against hope, I guess, that we would enact a bill that would be much more stringent and would put more rigid controls on strip mining, which certainly would be in the public interest.

However, if this is the best we can do, I would agree with those two gentlemen that this is a step in the right direction. Possibly, in a later Session, we can get in the rest of the measures which will fully protect the natural resources of this Commonwealth.

I would say to you, Mr. President, that every Member of the Senate, and every Member of the General Assembly, should be concerned with the preservation of our natural resources and the problem of taking away any possibility of the pollution of our water supply in Pennsylvania. These are serious matters, Mr. President, and we cannot move forward, and not try to protect them, not only for this generation but for future generations to come.

Mr. MULLIN. Mr. President, I think all sides—both the proponents and opponents of this legislation—recognize this is a progressive step in Pennsylvania. The two sides that were either in favor of or opposed to this bill in the past found it impossible to even, I would say, stay in the same room together because the antagonism was so great.

The men who worked on this bill deserve a lot of credit for what I consider statesmenlike action in handling this legislation and solving the problem of this situation.

I can see that times are changing, and we can make requirements. When I went to law school, we were told that a landowner owned from the center of the earth up to the end of the sky. This bill says he does not because he cannot dig too deep without filling up the holes.

When I traveled around the coal regions with the committee, I saw some holes in which you could put this Capitol, including the North and South Office Buildings, and probably some of the steps out in front. I knew that asking too much would have been impossible and in vain. It took the action of this committee to bring these people together. I feel very grateful for having been associated with them, and I think they deserve a lot of credit.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kromer,	Propert,	Stroup,
Chapman,	Lane,	Ripp,	Taylor,
Confair,	Madigan,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—1

Kessler,

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

HB 1259—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 1275 (Pr. No. 2644)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Ripp,	Van Sant,
Devlin,	Lane,	Rooney,	Wade,
DiSilvestro,	Madigan,	Sarraf,	Wagner,
Ehrgood,	Mallery,	Scott,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Stalsey,	Donolow,
			Presiding Officer

NAYS—2

Mahady, Sesler,

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1276 (Pr. No. 2645)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bell,	Hays,	Mullin,	Stiefel,
Berger,	Kalman,	Murray,	Stroup,
Camiel,	Keller,	Pechan,	Taylor,
Chapman,	Kessler,	Propert,	Van Sant,
Confair,	Kromer,	Ripp,	Wade,
Devlin,	Lane,	Rooney,	Wagner,
DiSilvestro,	Madigan,	Sarraf,	Ware, III,
Ehrgood,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Stalsey,	Donolow,
Hawbaker,	Miller,	Stevenson,	Presiding Officer

NAYS—3

Mahady, Sesler, Seyler,

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1277 (Pr. No. 2646)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Ripp,	Van Sant,
Devlin,	Lane,	Rooney,	Wade,
DiSilvestro,	Madigan,	Sarraf,	Wagner,
Ehrgood,	Mallery,	Scott,	Ware, III,
Flack,	McCreesh,	Shafer,	Weiner,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,	McMenamin,	Stalsey,	Yatron,
Hawbaker,	Miller,	Stevenson,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—4

Bell, Mahady, Sesler, Seyler,

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1278 (Pr. No. 2647)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bell,	Hays,	Mullin,	Stiefel,
Berger,	Kalman,	Murray,	Stroup,
Camiel,	Keller,	Pechan,	Taylor,
Chapman,	Kessler,	Propert,	Van Sant,
Confair,	Kromer,	Ripp,	Wade,
Devlin,	Lane,	Rooney,	Wagner,
DiSilvestro,	Madigan,	Sarraf,	Ware, III,
Ehrgood,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Donolow,
Hawbaker,	Miller,	Stevenson,	Presiding Officer

NAYS—3

Mahady	Sesler,	Seyler,

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1279 (Pr. No. 1778)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bell,	Hays,	Murray,	Stiefel,
Berger,	Kalman,	Pechan,	Stroup,
Camiel,	Keller,	Propert,	Taylor,
Chapman,	Kessler,	Ripp,	Van Sant,
Confair,	Kromer,	Rooney,	Wade,
Devlin,	Lane,	Sarraf,	Wagner,
DiSilvestro,	Madigan,	Scott,	Ware, III,
Ehrgood,	Mallery,	Shafer,	Weiner,
Flack,	McCreesh,	Silvert,	Wolfe,
Fleming,	McGinnis,	Staisey,	Yatron,
Haluska,	Miller,	Stevenson,	Donolow,
Hawbaker,	Mullin,		Presiding Officer

NAYS—4

Mahady,	McMenamin,	Sesler,	Seyler,

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1280 (Pr. No. 1477)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bell,	Hays,	Mullin,	Stiefel,
Berger,	Kalman,	Murray,	Stroup,
Camiel,	Keller,	Pechan,	Taylor,
Chapman,	Kessler,	Propert,	Van Sant,
Confair,	Kromer,	Ripp,	Wade,
Devlin,	Lane,	Rooney,	Wagner,
DiSilvestro,	Madigan,	Sarraf,	Ware, III,
Ehrgood,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Donolow,
Hawbaker,	Miller,	Stevenson,	Presiding Officer

NAYS—3

Mahady,	Sesler,	Seyler,

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1281 (Pr. No. 1922)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bell,	Hays,	Mullin,	Stiefel,
Berger,	Kalman,	Murray,	Stroup,
Camiel,	Keller,	Pechan,	Taylor,
Chapman,	Kessler,	Propert,	Van Sant,
Confair,	Kromer,	Ripp,	Wade,
Devlin,	Lane,	Rooney,	Wagner,
DiSilvestro,	Madigan,	Sarraf,	Ware, III,
Ehrgood,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	McMenamin,	Staisey,	Donolow,
Hawbaker,	Miller,	Stevenson,	Presiding Officer

NAYS—3

Mahady,	Sesler,	Seyler,

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

HB 1335—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1415 (Pr. No. 1705)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Wolfe,
Hawbaker,	Miller,	Silvert,	Yatron,
Hays,	Mullin,	Staisey,	Donolow, Presiding Officer

NAYS—2

Chapman,	Kessler,

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

HB 1422—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILL ON THIRD READING AMENDED

HB 1484 (Pr. No. 1817)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. LANE. Mr. President, in view of the fact that we have amendments, I move to reconsider the vote by which this bill passed third reading.

The PRESIDING OFFICER. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

Mr. RIPP. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. RIPP: Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. LANE, by unanimous consent, offered the following amendments:

Amend Section 1 (Section 1.1), page 2, line 3, by striking out "serves" and inserting: is required to be present

Amend Section 1 (Section 1.1), page 2, line 4, by striking out "juror" and inserting: member of the jury panel

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. LANE.

BILLS OVER IN ORDER

HB 1486 and **1487**—Without objection, the bills were passed over in their order at the request of Mr. BERGER.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 1531 (Pr. No. 2546)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Mullin,	Stevenson,
Berger,	Keller,	Murray,	Stiefel,
Camiel,	Kessler,	Pechan,	Stroup,
Chapman,	Kromer,	Propert,	Taylor,
Confair,	Lane,	Ripp,	Van Sant,
Devlin,	Madigan,	Rooney,	Wade,
DiSilvestro,	Mahady,	Sarraf,	Wagner,
Ehrgood,	Mallery,	Scott,	Ware, III,
Flack,	McCreesh,	Sesler,	Weiner,
Fleming,	McGinnis,	Seyler,	Wolfe,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,	Miller,	Silvert,	Donolow,
Hays,		Stalsey,	Presiding Officer

NAYS—1

Sesler,

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1549 (Pr. No. 1932)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Stalsey,	Donolow,
Hays,			Presiding Officer

NAYS—1

Mahady,

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

HB 1599—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1604 (Pr. No. 2649)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Stalsey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS OVER IN ORDER

HB 1678—Without objection, the bill was passed over in its order at the request of Mr. LANE.

HB 1683—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

HB 1771—Without objection, the bill was passed over in its order at the request of Mr. SEYLER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1793 (Pr. No. 2658)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Sesler,	Wagner,
Ehrgood,	Mallery,	Seyler,	Ware, III,
Flack,	McCreesh,	Scott,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

HB 1811—Without objection, the bill was passed over in its order at the request of Mr. ROONEY.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1830 (Pr. No. 2491)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING POSTPONED

HB 1139 (Pr. No. 1271)—Without objection, the bill was called up from the Postponed Calendar by Mr. LANE.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1139 (Pr. No. 1271)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS— 0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SENATE CONCURRENT RESOLUTION

ADJOURNMENT SINE DIE

Messrs. WEINER, BERGER and LANE, by unanimous consent, offered the following resolution (Serial No. 129), which was read, considered and adopted:

In the Senate, August 22, 1961.

RESOLVED (the House of Representatives concurring), That this regular session of the General Assembly adjourn sine die on Thursday, August 31, 1961 at 9:00 p.m., Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

Mr. LANE. Mr. President, I just want to apprise you that this is one time the Democrats offered a resolution which met with the approval of the Republicans.

Mr. BERGER. Mr. President, I want to correct the gentleman's statement. That was a bipartisan resolution.

REPORTS FROM COMMITTEES

Mr. MULLIN, by unanimous consent, from the Committee on Local Government, reported, as committed, **HB 1306.**

He also, by unanimous consent, from the Committee on State Government, reported, as committed, **HB 298.**

RECONSIDERATION OF HB 518

Mr. DEVLIN. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 518,

Printer's No. 2355, failed of final passage on August 15, 1961.

The PRESIDING OFFICER. How did the Senator vote?

Mr. DEVLIN. Mr. President, I voted with the prevailing side.

Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. DEVLIN. Mr. President, I request that House Bill No. 518 go over in its order and appear on tomorrow's Final Passage Calendar.

The PRESIDING OFFICER. There being no objection, the bill will be placed on tomorrow's Final Passage Calendar.

RECONSIDERATION OF HB 1427

Mr. DEVLIN. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1427, Printer's No. 1721, failed of final passage on August 14, 1961.

The PRESIDING OFFICER. How did the Senator vote?

Mr. DEVLIN. Mr. President, I voted with the prevailing side.

Mr. LANE. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

On the question,

Will the Senate agree to the motion?

Mr. BERGER. Mr. President, I oppose this motion and request a roll call.

Mr. DEVLIN. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. BERGER. Mr. President, I now wish to withdraw my request for a roll call.

And the question recurring,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative and the motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. DEVLIN. Mr. President, I request that House Bill No. 1427 go over in its order and appear on tomorrow's Final Passage Calendar.

The PRESIDING OFFICER. There being no objection, the bill will be placed on tomorrow's Final Passage Calendar.

SECOND READING CALENDAR

EDUCATION BILLS OVER IN ORDER

SB 611 and **613**—Without objection, the bills were passed over in their order at the request of Mr. HAYS.

EDUCATION BILL ON SECOND READING

SB 640 (Pr. No. 738)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

EDUCATION BILL REREFERRED

SB 640 (Pr. No. 738)—Mr. LANE. Mr. President, I move that Senate Bill No. 640, the bill just read, be rereferred to the Committee on Appropriations.

Mr. DiSILVESTRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. MULLIN. Mr. President, it is my understanding this bill was in the Appropriations Committee once.

Mr. LANE. Mr. President, it was my thought that it had been also. After checking, however, I find this is not the case. It had not been rereferred to the Committee on Appropriations.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the bill was rereferred.

EDUCATION BILL ON SECOND READING

SB 658 (Pr. No. 760)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

EDUCATION BILL REREFERRED

SB 658 (Pr. No. 760)—Upon motion of Mr. LANE, seconded by Mr. McGINNIS, and agreed to, the bill just read was rereferred to the Committee on Appropriations.

EDUCATION BILLS ON SECOND READING

SB 870 (Pr. No. 1107), HB 944 (Pr. No. 2180) and HB 1619 (Pr. No. 2033)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

EDUCATION BILL ON SECOND READING AMENDED

HB 1720 (Pr. No. 2657)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. SILVERT offered the following amendment:

> Amend Sec. 1, page 3, line 6, by inserting after the word employed, the following: provided that there shall not be any forfeiture for any uncertificated person who is employed in a supervisory capacity if such person was in the employ of any school district on or before July 1 1962 Forfeiture shall apply only to uncertificated persons who are hired in a supervisory capacity after July 1 1962

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. SILVERT.

BILLS ON SECOND READING

HB 36 (Pr. No. 2560) and **SB 320 (Pr. No. 337)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL REREFERRED

SB 320 (Pr. No. 337)—Upon motion of Mr. BERGER, seconded by Mr. LANE, and agreed to, the bill just read was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 337 and **382**—Without objection, the bills were passed over in their order at the request of Mr. BERGER.

BILL ON SECOND READING

SB 418 (Pr. No. 450)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL REREFERRED

SB 418 (Pr. No. 450)—Upon motion of Mr. LANE, seconded by Mr. BERGER, and agreed to, the bill just read was rereferred to the Committee on Appropriations.

BILL ON SECOND READING

SB 440 (Pr. No. 475)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL REREFERRED

SB 440 (Pr. No. 475)—Upon motion of Mr. LANE, seconded by Mr. BERGER, and agreed to, the bill just read was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 473—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

HB 527 and **626**—Without objection, the bills were passed over in their order at the request of Mr. LANE.

BILL ON SECOND READING

SB 651 (Pr. No. 1218)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

SB 761—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILL DROPPED FROM CALENDAR

SB 785 (Pr. No. 941)—Upon motion of Mr. LANE, seconded by Mr. DEVLIN, and agreed to, the bill was dropped from the Calendar.

BILL RECOMMITTED

SB 786 (Pr. No. 942)—Upon motion of Mr. LANE, seconded by Mr. DEVLIN, and agreed to, the bill was recommitted to the Committee on State Government.

BILL ON SECOND READING

SB 791 (Pr. No. 1231)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

SB 806 and **828**—Without objection, the bills were passed over in their order at the request of Mr. BERGER.

BILL ON SECOND READING AMENDED

SB 869 (Pr. No. 1106)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. LANE offered the following amendments:

Amend Title, page 2, first line of Title, by inserting after "providing": that one postmaster shall be employed on an annual basis and providing

Amend Sec. 1, page 2, line 1, by striking out "Clause" and inserting: Clauses (10) and

Amend Sec. 1, page 2, line 8, by striking out "is" and inserting: are

Amend Sec. 1 (Sec. 3), page 2, by inserting between lines 12 and 13:

* * *

(10) One postmaster at [a per diem compensation of twelve dollars ($12)] an annual salary of four thousand six hundred eighty dollars ($4680);

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

It was agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

SB 872 (Pr. No. 1112) and **SB 885 (Pr. No. 1202)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

SB 897 (Pr. No. 1175)—Upon motion of Mr. LANE, seconded by Mr. RIPP, and agreed to, the bill was recommitted to the Committee on State Government.

BILL OVER IN ORDER TEMPORARILY

HB 911—Mr. LANE. Mr. President, in order to expedite the work of the Senate, I request that House Bill No. 911 go over in its order temporarily.

The PRESIDING OFFICER. There being no objection, the bill will go over in its order temporarily.

BILLS ON SECOND READING

SB 923 (Pr. No. 1233), SB 925 (Pr. No. 1235), HB 1085 (Pr. No. 1202), HB 1219 (Pr. No. 2541), HB 1421 (Pr. No. 1711) and **HB 1469 (Pr. No. 2218)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING AMENDED

HB 1473 (Pr. No. 2558)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. VAN SANT offered the following amendment:

Amend Sec. 1 (Sec. 1808), page 3, lines 6 and 7, by striking out "the forebay of," and inserting in lieu thereof: pools created by

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

It was agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

HB 1541 (Pr. No. 2631)—Upon motion of Mr. LANE, seconded by Mr. SARRAF, and agreed to, the bill was recommitted to the Committee on Public Health and Welfare.

BILLS ON SECOND READING

HB 1572 (Pr. No. 1973), HB 1622 (Pr. No. 2654) and **HB 1638 (Pr. No. 2655)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

HB 1707—Without objection, the bill was passed over in its order at the request of Mr. LANE.

BILL ON SECOND READING

HB 1768 (Pr. No. 2611)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

HB 1769 (Pr. No. 2301)—Upon motion of Mr. LANE, seconded by Mr. DEVLIN, and agreed to, the bill was recommitted to the Committee on State Government.

BILLS ON SECOND READING

HB 1774 (Pr. No. 2318) and **HB 1796 (Pr. No. 2377)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF **HB 1796**

Mr. McMENAMIN. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1796, Printer's No. 2377, just passed second reading.

The PRESIDING OFFICER. How did the Senator vote?

Mr. McMENAMIN. Mr. President, I voted with the prevailing side.

Mr. LANE. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Without objection, the bill was passed over in its order at the request of Mr. McMENAMIN.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in amendments made by the Senate to **HB 1663** and **1664**.

The PRESIDENT pro tempore (Anthony J. DiSilvestro) in the Chair.

BILLS SIGNED

The President pro tempore (Anthony J. DiSilvestro) in the presence of the Senate signed the following bills:

HB 719, 810, 1217, 1220, 1377, 1578, 1663, 1664, 1666 and **1667.**

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

HB 911 CALLED UP

HB 911 (Pr. No. 2608)—Without objection, the bill, which previously went over in its order temporarily was called up from page 17 of the Second Reading Calendar by Mr. LANE.

BILL ON SECOND READING AMENDED

HB 911 (Pr. No. 2608)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. SESLER. Mr. President, I desire to offer an amendment to House Bill No. 911 and if the amendment is adopted, I request that the bill be read for the second time.

The PRESIDING OFFICER. The Clerk will read the amendment.

The amendment was read by the Clerk as follows:

> Amend Sec. 3, page 6, by inserting between lines 3 and 4: (k) Employed in a hotel or restaurant except in cities of the first and second class

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

Mr. RIPP offered the following amendments:

> Amend Sec. 3, page 5, line 15, by striking out "AS A COUNSELLOR".
>
> Amend Sec. 3, page 5, lines 17 and 18, by striking out "AS A COUNSELLOR."

On the question,

Will the Senate agree to the amendments?

They were agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading, as amended?

Mr. WADE. Mr. President, the amendment which I am about to offer is to page 6, line 3, of this bill and reads, in part, as follows: "A religious or charitable organization or an institution engaged in the care of the mentally deficient . . .

If this amendment is adopted, I think the bill should go over in its order, rather than the previous request that it be read for the second time.

The PRESIDING OFFICER. The Clerk will read the amendment.

The amendment was read by the Clerk as follows:

> Amend Section 2, page 6, line 3, after the word, "home", by inserting the following: A religious or charitable organization or an institution engaged in the care of the mentally defficient the aged or infirm

On the question,

Will the Senate agree to the amendment?

Mr. WEINER. Mr. President, in talking about minimum wages, there is no reason why any person who works for a charitable institution or any kind of an organization

should not receive a decent salary and wage. I think the people who work for these organizations certainly have to pay the same amount of money to live and to pay the same amount of money for clothes as you and I and everyone else. To exempt them, or take them out of this measure, is putting an undue burden on them. They work for a charitable organization and they are trying to do charitable work and trying to help the people who are ill and cannot afford to pay the full amount, and you are denying them the same opportunity which every other individual has.

How long do you think these people will continue to be employed? How long do you think these people will be interested in working for these organizations?

Mr. MAHADY. Mr. President, I rise in support of the amendment, as one familiar with religious organizations and their activities in many fields. Many times when you go into a church you see someone working there, cleaning up the nave or the altar, and you will find that he is an older person; a person who is crippled or infirm or someone they are taking care of.

To make an across-the-board ruling of this type presents hardship cases which you would like to take care of, but are not able to take care of.

Religious institutions are not hardhearted like corporations are or individuals, such as you and I. We have to be very businesslike. They should be given some latitude to take care of the people who just do not fit into a community and make sure that they have gainful occupations. Therefore, I will vote in support of the amendment.

Mr. WADE. Mr. President, I was rather astounded at the statements of the Majority Leader in opposing this amendment.

I heard not long ago a statement by a former Secretary of Welfare, who stated that in the mental hospitals of Pennsylvania, volunteer workers had contributed some 86,000 hours in one short period of six months. In my judgment, this bill would include those folks, and they did it entirely on a voluntary basis.

I think this amendment is a good one, and should be adopted by this Body.

I also oppose the request of the Member, who offered a previous amendment, that the bill be read for the second time. I suggest to my fellow Members of this Body that if we do anything today of real value, we will adopt this amendment.

And the question recurring,

Will the Senate agree to the amendment?

A voice vote having been taken, the question was determined in the affirmative and the amendment was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WADE.

BILLS ON FIRST READING

Mr. LANE. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. KALMAN. Mr. President, I second the motion.

The motion was agreed to.

The bills were as follows:

SB 272, 461, 710, 826, 855, 880, 881, 893, 895, 896, 901, 905, 914, 915, 916, 919, 920, 921, 924, HB 298, 301, 341, 669, 840, 1306, 1317, 1318, 1337, 1338, 1339, 1373, 1457, 1506, 1601, 1606, 1607, 1746 and **1829.**

And said bills having been read at length for the first time,

Ordered, To be laid aside for second reading.

BILLS INTRODUCED AND REFERRED

Mr. WEINER, by unanimous consent, presented to the Chair **SB 932,** entitled:

An Act amending the act of December 22, 1959 (P. L. 1978), entitled "An act providing for and regulating harness racing with pari-mutuel wagering on the results thereof; . . ." changing the commission to an independent administrative commission; permitting corporations organized to hold race meetings to have a perpetual duration; permitting the renewal of licenses and authorizing elections to determine if a racing plant is to be located within the county once every four years.

Which was committed to the Committee on Rules.

He also, by unanimous consent, presented to the Chair **SB 933,** entitled:

An Act requiring common carriers by railroad to furnish flag protection to all trains occupying the main tracks; imposing duties on the Public Utility Commission and providing penalties.

Which was committed to the Committee on State Government.

SENATE RESOLUTION

COMMENDING THE AMBRIDGE AMERICAN LEGION BASEBALL TEAM FOR ITS FINE EFFORTS IN WINNING THE STATE CHAMPIONSHIP

Mr. MILLER, by unanimous consent, offered the following resolution **(Serial No. 2a),** which was read, considered and adopted:

In the Senate, August 22, 1961.

The Ambridge Team, coached by Joe Zerilla, won its first State American Legion Junior Baseball Title by defeating Scranton's Tripp Park, 7-2, on Sunday, August 20, 1961.

Fred Klages pitched the Ambridge team from Beaver County to the championship, giving up only three hits and striking out eight.

The team first won the Beaver County Legion Junior League Title, the district and regional play-offs, and then the eliminations at Allentown. Its efforts, which culminated in winning the State Championship, were a long and continuous battle, and served to demonstrate the best in youthful sportsmanship, desire to win, and team effort; therefore be it

RESOLVED, That the Senate of Pennsylvania hereby commends the Ambridge American Legion Junior Baseball Team for its fine efforts in winning the State Championship and its capable coach, Mr. Joe Zerilla, for his excellent coaching and leadership of the team; and be it further

RESOLVED, That copies of this resolution be forwarded to the Commander, Cudahy Hall Ambridge American Legion Post, Fourth and Duss Streets, Ambridge, Pennsylvania, and to Mr. Joe Zerilla, Ambridge Junior and Senior High School, Duss Avenue, Ambridge, Pennsylvania.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

COMMITTEE MEETINGS
WEDNESDAY, AUGUST 23, 1961

Eastern Daylight Saving Time	COMMITTEE	ROOM
10:00 A. M.	CORPORATIONS	301
10:30 A. M.	FORESTS AND WATERS, GAME AND FISH	539A

ADJOURNMENT

Mr. LANE. Mr. President, I move that the Senate do now adjourn until Wednesday, August 23, 1961, at 10:00 a.m., Eastern Standard Time.

Mr. RIPP. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:12 p.m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, August 22, 1961.

The House met at 11 a. m., e. s. t.

The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

The Chaplain, Reverend David R. Hoover, offered the following prayer:

Eternal God and Father of us all, it is with heartfelt thanks and dependent gratitude that we come before Thee in this day. We realize that Thou dost grant to us the strength and stamina for each day's activities; and it is to Thee that we look for the guide posts upon life's pathway. So, O Father, we ask that Thou wilt be with these legislators in their deliberations and discussions, show them the truths of Thy way, and cause them to continually seek Thy counsel; through Jesus Christ, our Lord. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Monday, August 21, 1961, will be postponed until printed.

The Chair hears none.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 197 and 1083.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, August 21, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 197, printer's No. 2473, entitled "An Act relative to Commonwealth printing establishing conditions upon which contracts will be awarded and prescribing remedies and penalties for noncompliance with such conditions."

DAVID L. LAWRENCE.

August 21, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1083, printer's No. 2488, entitled "An Act amending the act of April 12, 1951 (P. L. 90), entitled 'Liquor Code' providing for the issuance by the board of identification cards and changing penalties."

DAVID L. LAWRENCE.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. J. H. ANDERSON and WOOD.

(Concurrent) RESOLUTION No. 101.

In the House of Representatives, August 21, 1961.

The Federal Highway Law presently prohibits the construction or location of commercial establishments or facilities of any nature on the rights-of-way of the Interstate Highway System.

The purpose of this prohibition is highly commendable, as it is intended to protect the traveling public from dangers and distractions caused by such establishments and also to protect the scenic beauty of the countryside.

A minor exception to this provision in the Federal law, however, appears both desirable and necessary; that exception being authorization for the erection, at certain intervals, of public telephones.

The ready availability of public telephones along these highways would make possible the immediate reporting of any accident or other emergency. Such telephones would also add greatly to the convenience of travelers and would not be unsightly; therefore be it

Resolved (The Senate concurring) That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to make necessary amendments to the Federal Highway Law in order to permit the erection of public telephones within the rights-of-way of the Interstate Highway System; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of the Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.

Referred to the Committee on Rules.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE RESOLUTION No. 62

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House Resolution numbered and entitled as follows:

HOUSE RESOLUTION No. 62.

Congress memorialized to adopt the equal rights for women amendment.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 65

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on Senate bill numbered and entitled as follows:

SENATE BILL No. 65.

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code" making the sale of regrooved tires without notice thereof a crime.

SENATE MESSAGES

The clerk of the Senate being introduced, presented extracts from the Journal of the Senate:

Appointment of Conference Committee on Senate bill No. 601.

REPORTS FROM COMMITTEE

Mr. BOWER from the Committee on Appropriations, re-reported as committed, Senate bill No. 345, entitled:

An Act regulating sewage disposal systems in the interest of preserving the health of the people of the Commonwealth requiring permits to be issued to persons installing sewage disposal systems imposing certain duties on the Department of Health and on municipalities and providing penalties.

Mr. BOWER from the Committee on Appropriations, reported as committed, Senate bill No. 225, entitled:

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes' Retirement Code of 1959" further defining contributory service and further regulating contributions on account of past service.

Mr. BOWER from the Committee on Appropriations, reported as committed, Senate bill No. 238, entitled:

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes' Retirement Code of 1959" providing credit for school service for certain contributors who make additional contributions into the fund.

Mr. BOWER from the Committee on Appropriations, re-reported as committed, Senate bill No. 603, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for payment of contributions to the school employes retirement fund on account of school employes on leave of absence for professional study.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 225, entitled:

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes' Retirement Code of 1959" further defining contributory service and further regulating contributions on account of past service.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 238, entitled:

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes' Retirement Code of 1959" providing credit for school service for certain contributors who make additional contributions into the fund.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 853

Mr. McCANN. Mr. Speaker, I present the report of the Committee of Conference on House bill No. 853.

The SPEAKER. The report will lie over for printing under the Rules.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 486

Mr. McCANN. Mr. Speaker, I present the report of the Committee of Conference on Senate bill No. 486.

The SPEAKER. The report will lie over for printing under the rules.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 750, entitled:

An Act amending the act of July 27, 1955 (P. L. 288), entitled as amended "An act making it unlawful for owners of certain property in cities of the first class and in cities of the second class to sell or agree to sell such property without first delivering to the purchasers a certification of the District classification . . ." requiring certification and disclosure of outstanding notices of fire building safety and housing ordinance violations.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Tompkins for Mr. GIBBONS for today.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1824, entitled:

An Act making an appropriation to the Department of Property and Supplies for the publication of the History and Roster of the Tenth Pennsylvania Volunteer Infantry.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—170

Adams,	Gelfand,	Leonard,	Rudisill,
Anderson, S. A.,	George,	Limper,	Sakulsky,
Arlene,	Gibb,	Long, Wm. Jas.,	Scarcelli,
Bachman,	Goldstein, J. H.,	Long, Wm. Jos.,	Schaaf,
Backenstoe,	Goldstein, M. H.,	Magee,	Seltzer,
Blair,	Goodrich,	Manbeck,	Shelton,
Boles,	Gramlich,	Markley,	Sherman,
Bonner,	Gray,	Marsh,	Shupnik,
Bossert,	Gremminger,	May,	Simmons,
Bower,	Guesman,	McCandless,	Slack,
Bowman,	Guthrie,	McCann,	Snare,
Buchanan,	Hamilton,	McDevitt,	Stank,
Bush,	Hankins,	McDonald,	Steckel,
Capano,	Hartley,	McKeever,	Stitelet,
Capitolo,	Haudenshield,	McNally,	Stone,
Cianfrani,	Heavey,	Meholchick,	Strausser,
Cioffi,	Helm,	Merry,	Sullivan, J. A.,
Clarke,	Henzel,	Miller,	Taylor,
Comer,	Holl,	Monroe,	Thompson,
Cooley,	Holliday,	Morley,	Tomascik,
Crossin,	Holman,	Munley,	Tompkins,
Davis,	Horst,	Murphy,	Trusio,
Dengler,	Irvis,	Musto,	Ujobai,
Dennison,	Isaacs,	Needham,	Varner,
Donaldson,	Jim,	O'Dell,	Verona,
Dougherty,	Johnson, A. W.,	O'Donnell, J. A.,	Wall,
Doughten,	Johnson, R. P.,	Odorisio,	Wargo,
Down,	Jones,	Ogilvie,	Weidner,
Edwards,	Kamyk,	Parlante,	Welsh,
Eilberg,	Keiser,	Pashley,	Wescott,
Elvey,	Kelly,	Petrosky,	Whittaker,
Eshback,	Kernaghan,	Piper,	Willard,
Ewing,	Kessler,	Polaski,	Williams, A. D.,
Fetterolf,	King,	Polen,	Williams, E. S.,
Filo,	Kistler,	Prendergast,	Wilt,
Flynn,	Klein,	Pursley,	Wood,
Foerster,	Kooker,	Reibman,	Worley,
Fox,	Kornick,	Reidenbach,	Wynd,
Frascella,	Korns,	Renwick,	Yetter,
Fry,	Lamb,	Riley,	Zember,
Fulmer,	Lawson,	Rovansek,	Zimmerman,
Gailey,	Lee, A. M.,	Rubin,	Andrews,
Gallagher,	Lee, K. B.,		Speaker

NAYS—5

Auker,	Foor,	Hocker,	Stimmel,
Farabaugh,			

NOT VOTING—35

Anderson, J. H.,	Gibbons,	Maxwell,	Perry,
Ashton,	Greenlee,	McCormack,	Price,
Branca,	Gross,	McInroy,	Royer,
Breth,	Heffner,	McLaughlin,	Rutherford,
Cauley,	Jenkins,	Mihm,	Schuster,
Curwood,	Knecht,	Mills,	Sullivan, T. F.,
Eshleman,	Kramer,	Mullen,	Walsh,
Esler,	Lippincott,	Murray,	Willaredt,
Fineman,	Lutty,	O'Donnell, J. P.,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, presented for concurrence blil numbered and entitled as follows:

SENATE BILL No. 735.

An Act amending the act of December 22, 1951 (P. L. 1726), entitled "An act relating to the loyalty to the United States and the Commonwealth of Pennsylvania of public officers and employes including teachers and other employes of the public school system and officers and employes of State-aided institutions of learning requiring oaths or affirmations by applicants for public office or employment and by present appointed officers and employes prohibiting appointment or employment and requiring discharge after hearing in certain cases imposing conditions on the payment of appropriations to State-aided institutions of learning requiring statements under oath or affirmation of candidates for elective public offices and imposing duties on State and local appointing authorities and certain other State officers" excluding from the provisions of the act certain teachers who are citizens or subjects of foreign countries

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend bill, page 2, by inserting after line 9, the following:

Section 2 This act shall take effect September 1, 1961.

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—159

Adams,	Galley,	Lamb,	Rovansek,
Anderson, S. A.,	Gallagher,	Lawson,	Rubin,
Arlene,	Gelfand,	Lee, A. M.,	Rudisill,
Auker,	George,	Lee, K. B.,	Sakulsky,
Bachman,	Gibb,	Leonard,	Scarcelli,
Backenstoe,	Goldstein, M. H.,	Limper,	Seltzer,
Blair,	Goldstein, J. H.,	Long, Wm. Jas.,	Shelton,
Boies,	Goodrich,	Long, Wm. Jos.,	Sherman,
Bonner,	Gramlich,	Lutty,	Simmons,
Bower,	Gray,	Magee,	Slack,
Buchanan,	Greenlee,	Manbeck,	Snare,
Bush,	Gremminger,	Markley,	Stank,
Capano,	Guesman,	Marsh,	Steckel,
Capitolo,	Guthrie,	May,	Stimmel,
Cianfrani,	Hamilton,	McCandless,	Stone,
Cioffi,	Hankins,	McCann,	Sullivan, J. A.,
Clarke,	Hartley,	McDevitt,	Taylor,
Comer,	Haudenshield,	McDonald,	Thompson,
Crossin,	Heavey,	McKeever,	Tomascik,
Davis,	Helm,	McNally,	Tompkins,
Dengler,	Henzel,	Meholchick,	Ujobai,
Dennison,	Holl,	Merry,	Verona,
Donaldson,	Holliday,	Miller,	Wall,
Dougherty,	Holman,	Monroe,	Weidner,
Doughten,	Horst,	Morley,	Welsh,
Down,	Irvis,	Musto,	Wescott,
Edwards,	Isaacs,	O'Dell,	Whittaker,
Ellberg,	Jim,	Odorisio,	Willard,
Elvey,	Johnson, A. W.,	Parlante,	Williams, A. D.,
Eshback,	Johnson, R. P.,	Petrosky,	Williams, E. S.,
Ewing,	Kamyk,	Piper,	Wilt,
Farabaugh,	Keiser,	Polaski,	Wood,
Fetterolf,	Kelly,	Polen,	Worley,
Filo,	Kernaghan,	Prendergast,	Wynd,
Flynn,	Kessler,	Pursley,	Yetter,
Foerster,	King,	Reibman,	Zember,
Foor,	Kistler,	Reidenbach,	Zimmerman,
Fox,	Klein,	Renwick,	Andrews,
Frascella,	Kooker,	Riley,	Speaker
Fry,	Kornick,		
Fulmer,	Korns,		

NAYS—13

Bossert,	Murphy,	Ogilvie,	Strausser,
Cooley,	Needham,	Pashley,	Trusio,
Hocker,	O'Donnell, J. A.,	Stiteler,	Wargo,
Munley,			

NOT VOTING—38

Anderson, J. H.,	Fineman,	McInroy,	Price,
Ashton,	Gibbons,	Maxwell,	Royer,
Bowman,	Gross,	McCormack,	Rutherford,
Branca,	Heffner,	McLaughlin,	Schaaf,
Breth,	Jenkins,	Mihm,	Schuster,
Cauley,	Jones,	Mills,	Shupnik,
Curwood,	Knecht,	Murray,	Sullivan, T. F.,
Eshleman,	Kramer,	Mullen,	Varner,
Esler,	Lippincott,	O'Donnell, J. P.,	Walsh,
		Perry,	Willaredt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

REPORT FROM COMMITTEE

Mr. BOWER from the Committee on Appropriations, reported as amended, House Bill No. 1513, entitled:

An Act amending "The Realty Transfer Tax Act" approved December 27, 1951 (P. L. 1742), fixing minimum compensation for recorders of deeds acting as agents for the sale of stamps.

DEMOCRATIC CAUCUS

Mr. McCANN. Mr. Speaker, at this point I am going to ask that all the members take their calendars and I am going to make a motion for a recess of one and one-half hours for the purpose of a very, very important Democratic caucus and I ask that every Democratic member proceed to the new House caucus room and bring his calendar with him.

REPUBLICAN CAUCUS

Mr. A. W. JOHNSON. Mr. Speaker, with regard to the Republican caucus, we would like to go to lunch first for half an hour or so, and then we will caucus immediately following. I would say 45 minutes for lunch and 45 minutes for caucus.

Mr. McCANN. Mr. Speaker, so our members may get this clearly—we ask that you proceed to the caucus room first and bring your calendars with you.

RECESS

The SPEAKER. Without objection, the Chair now declares a recess of one hour and a half.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. HAMILTON asked and obtained permission for the Committee on Insurance to meet during the session of the House.

Mr. PARLANTE asked and obtained permission for the Committee on Banking and Building and Loan Associations to meet during the session of the House.

RESOLUTION

CONDOLENCE

Messrs. FOERSTER, KAMYK, MIHM and WALSH offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and unanimously adopted as follows:

In the House of Representatives, August 22, 1961.

Attorney Patrick J. Corr, a member of this House of Representatives during 1951 and 1952, suffered a fatal heart attack on Sunday, August 20, 1961, while visiting his summer home at Conneaut Lake Park.

Mr. Corr's interest in amateur sports was highlighted by his sixteen year tenure as swimming coach at the University of Pittsburgh. His success as a swimming coach was emphasized by the many fine teams he taught.

Mr. Corr was a practicing attorney in Pittsburgh from 1926 to the time of his death. His outstanding career in the law won him the respect of his colleagues in the legal profession, as well as the admiration and good will of the many other people who knew him. He was a candidate for a judge of the County Court of Allegheny County at the time of his death.

In addition to his many other activities, Mr. Corr was on the board of directors of St. John's Hospital, North Side, Pittsburgh, and belonged to the Pitt Varsity Letter Men's Club and to Bellevue Council, Knights of Columbus. He was a former President of the Eastern Intercollegiate Swimming Association.

Mr. Corr's many activities and interests made him an outstanding member of the Pittsburgh district, and his untimely passing will leave a void in many essential community activities; therefore be it

Resolved, That the members of this House of Representatives hereby express their individual sorrow and regret at the death of the Honorable Patrick J. Corr, and extend their condolences to his widow, Mrs. Mary Fisher Corr, his daughter Mrs. Howard Simon, and to his sons, William D., Robert J., Thomas P., and Patrick, Jr.; and be it further

Resolved, That a copy of this resolution be forwarded to Mrs. Mary Fisher Corr, at her home.

RESOLUTION

COMMENDATION

Mr. SCARCELLI and Mrs. MARKLEY asked and obtained unanimous consent to offer a resolution and for its immediate consideration.

The resolution was read, considered and adopted as follows:

In the House of Representatives, August 22, 1961.

During the past eleven years, Colonel Phillip F. Neuweiler has made the Pennsylvania Wing of the Civil Air Patrol of which he is commanding officer one of, if not, the outstanding Wings in the United States. He created and built up the Wing's Ranger Training School located near Hawk Mountain, north of Kempton. Here the Wing trains its male cadets in survival procedures. These cadets are members of the Wing's numerous Ranger Teams and are highly trained specialists in air and land rescue operations. This school has become a model for others throughout the country and, each winter and summer, camps are held to which other Wings from bordering States send in their personnel to obtain and receive this valuable training.

In addition, Colonel Neuweiler has created five airborne field hospitals, fully staffed with doctors and nurses, and all of them self-sufficient in the field.

Colonel Neuweiler also is the force behind an annual Cadet Officer Candidate School and an annual summer encampment, usually held at Olmstead Air Force Base at Middletown, Pennsylvania. Colonel Neuweiler, in these few activities, (and there are numerous others) always has shown devotion to duty far and above anything that might normally be required of him. He spends countless hours yearly traveling from one end of the State to the other in the interests of making "men out of boys before they are 21" to use his expression. His driving, consuming passion is to make better citizens out of our young people, male and female, through the medium of Civil Air Patrol. Needless to say, this activity is at a great personal expense because none of the costs are contributed by the Federal Government, since Civil Air Patrol is a volunteer organization, chartered by an act of Congress as the official civilian auxiliary of the Air Force.

It may be said that although he operates solely in Pennsylvania, the good that comes through his activity is for the general welfare of the State, as well as the Nation. His operations are carried out with sharp military efficiency, the Wing's annual Air Force evaluation rating being better than ninety per cent for the past six years.

He never fails to have a chaplain on hand for any operation; field maneuvers, summer camps, operations of all kinds. Halfway measures are not condoned by the Colonel; he does not operate that way, nor will he permit his subordinates to do so.

When the flood of 1955 hit the Poconos, his forces in Civil Air Patrol were out before the rushing waters had begun to recede. His Ranger Teams were traversing mountain streams looking for survivors or victims. He, himself, flew countless hours over the storm-battered area, directing the Civil Air Patrol units from the air as well as from his ground headquarters at Allentown-Bethlehem-Easton Airport.

In any emergency, across the State, he and his troops are the first to announce that they are ready where they may be needed.

In the field of Aerospace Education, he is again the driving force behind these Aerospace Education Workshops held at various universities in the State. The current one (1961) was at Temple University, Ambler Junior College division. On Saturday, August 12, he flew some thirty teachers on orientation flights out of Wings Field. On Sunday, August 13, he stood a review of cadets at the summer encampment at Olmstead Air Force Base, flying in again in his own aircraft.

The Commonwealth of Pennsylvania is proud to have as one of its public servants dedicated to the health, safety and welfare of its people, a man of the caliber of Colonel Neuweiler; therefore be it

Resolved, That the House of Representatives commends Colonel Phillip F. Neuweiler for his service to the Commonwealth and expresses its gratitude in making the Pennsylvania Wing of the Civil Air Patrol one of the most efficient Wings in the United States; and be it further

Resolved, That a copy of this resolution be transmitted to Colonel Phillip F. Neuweiler.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 683.

A Joint Resolution proposing an amendment to article three section eighteen of the Constitution of the Commonwealth of Pennsylvania providing for grants or loans to residents of the Commonwealth for higher educational purposes.

Referred to the Committee on Judiciary.

SENATE RESOLUTION SERIAL No. 120.

Designating the fourth Saturday in September each year as Pennsylvania American Indian Day.

Referred to the Committee on Rules.

LEAVE OF ABSENCE WITHDRAWN

Mr. GIBBONS. Mr. Speaker, I would like to say that a leave of absence was requested for me and I ask that the leave now be withdrawn.

The SPEAKER. The gentleman's remarks will be noted in the Journal. His leave will be withdrawn and he will be noted as present.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. FINEMAN asked and obtained permission for the Committee on State Govermnent to meet during the session of the House.

REPORTS FROM COMMITTEE

Mr. DOUGHTEN from the Committee on Insurance, reported as committed, Senate bill No. 195, entitled:

An Act providing for group life insurance for State employes establishing a schedule providing for payment providing for reduction of insurance upon retirement authorizing the Secretary of the Commonwealth to act as exclusive broker for the purpose of contracting for insurance and providing for administration and advisory services by the Department of State.

Mrs. PASHLEY from the Committee on State Government, reported as committed, Senate bill No. 202, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land with buildings improvements and antiques and other personal property therein in the Borough of Brownsville Fayette County for preservation care and maintenance as a historical site by the Pennsylvania Historical and Museum Commission.

Mr. WOOD from the Committee on State Government, reported as committed, Senate bill No. 247, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift on behalf of the Commonwealth certain land located in the Borough of Cornwall Lebanon County.

Mrs. S. A. ANDERSON from the Committee on State Government, reported as committed, Senate bill No. 448, entitled:

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code" authorizing other than separate confinement in county penal institutions and requiring the approval of plans by the Department of Justice in certain cases.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 195, entitled:

An Act providing for group life insurance for State employes, establishing a schedule providing for payment, providing for reduction of insurance upon retirement, authorizing the Secretary of the Commonwealth to act as exclusive broker for the purpose of contracting for insurance and providing for administration and advisory services by the Department of State.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 202, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land with buildings, improvements and antiques and other personal property therein in the Borough of Brownsville, Fayette County, for preservation, care and maintenance as an historical site by the Pennsylvania Historical and Museum Commission.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 247, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift on behalf of the Commonwealth certain land located in the Borough of Cornwall, Lebanon County.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 448, entitled:

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code," authorizing other than separate confinement in county penal institutions and requiring the approval of plans by the Department of Justice in certain cases.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 200, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), providing for emergency evacuation drills on school buses.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, in legislation like this I would like to ask a question: What is the need for this

legislation and why was this bill introduced? Can anyone in the House tell me if they have ever heard of a school bus catching fire? Does anybody know—

The SPEAKER. Does the gentleman want an answer?

Mr. MERRY. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Schaaf, who will explain the bill and answer the gentleman's questions.

Mr. MERRY. I would be glad to hear the answers.

Mr. SCHAAF. Mr. Speaker, as to the purpose and meaning of the bill, I think the bill itself sets that forth. This is to provide for school children who travel in school buses, whether owned by the particular school district or whether they are used by virtue of a contract between the school district and some professional bus operator, it affords these children an opportunity to be drilled, if you will, in the procedures to be used in the event of the evacuation, the necessary evacuation, of a bus. It affords, I might say, also, implicitly it affords, to the users of the bus an opportunity on two occasions, during the course of the school year, to check the mechanical features of the bus relative to emergency doors and things of that nature.

Mr. Speaker, I am of the opinion that this is desirable legislation.

Mr. MERRY. Mr. Speaker, I thank the gentleman from Erie for his answer to that. The first thing is, of course, when the police come out and check the buses for the fall, they always find out whether the emergency door opens or not and if it is well oiled. That part of the mechanical part of the bus is all right. The other door is the entrance door, and each time a child gets in or out that is open, so I think that works all right. And if he ever drove a school bus on the first day of school, before the driver had an opportunity to tell the children to stay on the bus and get out the front door, he will find that half of them have found out how to get out the emergency door, jump down, and are already in the school yard before he gets the other half out the front door. So, I think they know how to find their way out of a bus.

As to ordering it done twice a year, our Superintendent of Public Instruction, Mr. Boehm, last year sent out a directive that all school buses should have a buzzer button posted on the rear door because so many children are getting in and out of it and leaving the door unlatched that when the bus moves ahead somebody might fall out of the bus. The question is to keep them in the bus, keep them from jumping out the rear door, not showing them where it is.

This new fire extinguisher that we have is a dry chemical. I do not think I want any of the children fooling with that; I want the driver to take care of it because it has 160 pounds pressure in it and, if some child pressed the handle on that, he might get some dry chemical in somebody's eyes on the bus. I do not think we want that kind of inspection.

I do not see any reason for this, Mr. Speaker. Thank you.

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Sherman, rise?

Mr. SHERMAN. Mr. Speaker, there is a committee out in a meeting. Unless everyone is recorded from that committee I say that the roll call should not be announced.

The SPEAKER. The sergeant-at-arms will instruct the committee to return to the floor of the House. The majority leader, with so many things on his mind, just overlooked the fact that there was a committee still out, and so did the Speaker. The Speaker thought, by the number of bills that were reported, that the committee had returned.

Mr. McCANN. Mr. Speaker, I humbly apologize. I failed to note that they had not returned. I will hold the roll call until they have an opportunity to return.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—183

Adams,	**Gallagher,**	**Leonard,**	Reidenbach,
Anderson, J. H.	Gelfand,	Limper,	Renwick,
Anderson, S. A.,	**George,**	Long, Wm. Jas.,	Riley,
Arlene,	**Gibb,**	**Long, Wm. Jos.,**	**Rovansek,**
Auker,	Gibbons,	**Lutty,**	Royer,
Bachman	Goldstein, J. H.,	Magee,	Rubin,
Backenstoe,	**Goldstein, M. H.,**	Manbeck,	**Rudisill,**
Boles,	**Gramlich,**	Markley,	**Rutherford,**
Bonner,	Gray,	**Marsh,**	Sakulsky,
Bower,	Greenlee,	Maxwell,	Scarcelli,
Bowman,	**Gremminger,**	May,	**Schaaf,**
Branca,	**Gross,**	**McCandless,**	Seltzer,
Breth,	**Guesman,**	**McCann,**	Shelton,
Buchanan,	**Hamilton,**	McCormack,	**Sherman,**
Bush,	**Hankins,**	McDevitt,	**Shupnik,**
Capano,	Hartley,	**McDonald**	**Snare,**
Capitolo,	Haudenshield,	McKeever,	**Stank,**
Cauley,	**Heavey,**	McLaughlin,	Steckel,
Cianfrani,	**Heffner,**	**McNally,**	Stimmel,
Cioffi,	Helm,	**Meholchick,**	**Stone,**
Clarke,	Henzel,	Mihm,	Strausser,
Comer,	Hocker,	Miller,	Sullivan, J. A.,
Cooley,	**Holl,**	**Mills,**	**Sullivan, T. F.,**
Crossin,	**Holliday,**	Monroe,	**Taylor,**
Curwood,	Horst,	**Mullen,**	Thompson,
Dengler,	Irvis,	**Munley,**	**Tomascik,**
Donaldson,	**Isaacs,**	Murphy,	**Tompkins,**
Dougherty,	Jenkins,	Murray,	**Trusio,**
Doughten,	Jim,	Musto,	Ujobai,
Down,	**Johnson, A. W.,**	Needham,	Varner,
Ellberg,	**Johnson, R. P.,**	O'Dell,	**Verona,**
Elvey,	Kamyk,	O'Donnell, J. A.,	Walsh,
Eshback,	Keiser,	O'Donnell, J. P.,	Wargo,
Eshleman,	**Kelly,**	**Odorisio,**	Weidner,
Ewing,	**Kernaghan,**	Ogilvie,	**Welsh,**
Farabaugh,	Kessler,	Parlante,	Whittaker,
Fetterolf,	King,	**Pashley,**	**Willard,**
Filo,	**Kistler,**	Perry,	Williams, A. D.,
Fineman,	Klein,	Petrosky,	Wilt,
Flynn,	Knecht,	Piper,	**Wood,**
Foerster,	Kooker,	**Polaski,**	Worley,
Foor,	**Kornick,**	**Polen,**	**Zember,**
Fox,	Kramer,	Prendergast,	**Zimmerman,**
Frascella,	Lamb,	Price,	Yetter,
Fry,	**Lawson,**	Pursley,	Andrews,
Gailey,	**Lee, A. M.,**	**Reibman,**	**Speaker**

NAYS—21

Blair,	**Goodrich,**	Merry,	Stiteler,
Bossert,	Guthrie,	Morley,	**Wall,**
Davis,	**Holman,**	**Schuster,**	Wescott,
Dennison,	**Korns,**	Simmons,	Williams, E. S.,
Edwards,	Lee, K. B.,	Slack,	**Wynd,**
Fulmer,			

NOT VOTING—6

Ashton,	Jones,	**McInroy,**	**Willaredt,**
Esler,	Lippincott,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

BILLS CALLED OUT OF ORDER

Mr. McCANN asked and obtained unanimous consent to call up bills out of order.

Mr. McCANN. Mr. Speaker, I call up on page 10 of today's calendar, bills on concurrence in Senate amendments, House bill No. 1663, printer's No. 2635.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1663.

An Act amending the act of March 6, 1956 (P. L. 1228), entitled as amended "An act to provide revenue for purposes of public education by imposing a tax on the sale, use, storage, rental or consumption of certain personal property and certain services and upon the occupancy of hotel rooms, providing for licenses, reports and payment of tax, interest and penalties, assessments, collections, liens, reviews and appeals, prescribing crimes and offenses and penalties therefore, providing for the application of general laws in the administration and enforcement of this act, conferring powers and imposing duties upon the Department of Revenue, public officers, manufacturers, wholesalers, retailers, operators, corporations, partnerships, associations and individuals and making an appropriation," defining and creating an exemption for processing and further regulating the time of making returns and payment thereof and eliminating the provision for commissions for collection and remittance of the tax and changing the fee to be charged when checks issued in payment of tax or for other purposes are returned as uncollectible.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 2, by inserting after line 5 of title, the following: and further regulating the time of making returns and payment thereof and eliminating the provision for commissions for collection and remittance of the tax and changing the fee to be charged when checks issued in payment of tax or for other purposes are returned as uncollectible

Amend Section 1, page 3, line 6, by striking out after the word "cooking" the word "of" and inserting in lieu thereof the word "or"; line 9, by inserting after the word "the" the words "scouring carbonizing cording combing"; page 4, by inserting after line 3, the following:

(8) The operation of a saw mill or planing mill for the production of lumber or lumber products for sale

(9) The milling for sale of flour or meal from grains

(10) The slaughtering and dressing of animals for meat to be sold or to be used in preparing meat products for sale and the preparation of meat products including lard tallow grease cooking and inedible oils for wholesale distribution

(11) The processing of used lubricating oils

Amend page 14, by inserting after line 12, Sections 3, 4, 5, 6, and 7, as follows:

Section 3 The subsection heading of subsection (a) and clause (3) of subsection (a) of section 520 of the act amended April 15, 1959 (P. L. 20) are amended to read

Section 520 Time for filing returns (a) monthly bimonthly and quarterly returns

(3) For the period beginning July 1, 1957 and ending December 31, 1957 a return shall be filed monthly with respect to each month by every licensee whose total tax reported or in the event no report is filed the total tax which should have been reported for the first calendar quarter of 1957 equals or exceeds six hundred dollars ($600) for the year 1958 and for each year thereafter a return shall be filed monthly with respect to each month by every licensee whose total tax reported or in the event no report is filed the total tax which should have been reported for the third calendar quarter of the preceding year equals or exceeds six hundred dollars ($600) such returns shall be filed on or before the fiifteenth day of the second month succeeding the month with respect to which the return is made except that the return due for the month of April 1959 shall be filed on or before the twentieth day of May next following the return due for the month of April 1961 shall be filed on or before the twentieth day of May next following and the return due for the month of May 1962 and for the month of May of each year thereafter shall be filed on or before the twentieth day of June next following any licensee required to file monthly returns hereunder shall be relieved from filing quarterly returns

* * *

Section 4 Subsection (a) of section 520 of the act is amended by adding at the end thereof a new clause to read

Section 520 Time for filing returns (a) monthly and quarterly returns

* * *

(4) For the year 1962 and for each year thereafter every licensee required to file a quarterly return for the second calendar quarter shall file a single return for the months of April and May on or before the fifteenth day of June next act amended May 24, 1956 (P. L. 1707) is amended to read

Section 571 Additions to tax * * *

(d) Uncollectible Checks Whenever any check issued in payment of any tax or for any other purpose shall be returned to the department as uncollectible the secretary shall charge a fee of ten percent of the face amount thereof plus all protest fees to the person presenting such check to him to cover the cost of its collection in addition to the interest and penalties otherwise provided for by this act provided however that the additions imposed hereby shall not exceed two hundred dollars ($200) nor be less than ten dollars ($10)

page 18, line 17, by striking out after the word "Section" the figure "3" and inserting in lieu thereof the figure "8" and by inserting after the word "and" the following: "the provisions of Sections 1 and 2".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

MOTION TO DIVIDE QUESTION

Mr. A. W. JOHNSON. Mr. Speaker, I move that this House divide the question of concurrence in Senate amendments and that the first question we vote on be the amendments to section 6, page 17, lines 18 and 19.

Mr. TOMPKINS. Mr. Speaker, I second the motion.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, I rise to oppose the motion to divide the question as presented by the minority leader, and I ask that the membership vote down the motion to divide the question.

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, so that the membership of the House will know what the question is that we will be voting upon at the present time, for the

information of the House, on page 17, lines 18 and 19, the Senate added a section to 1663 which says, "Section 6 Section 534 of the act as amended is repealed."

Now what this amendment would do is to deprive or deny or take away from the merchants of Pennsylvania, or those collecting the sales tax other than merchants, a two per cent commission which they presently are receiving for collecting the sales tax, and which commission they may receive if they pay the sales tax on time.

The only motion before us at the present time is, as I take it, whether we shall be permitted to divide the question and bring up this one amendment for a vote. Is that not the question, Mr. Speaker?

The SPEAKER. The Chair understands the motion to mean that you would divide the question by having a vote on the first five sections of the bill and then another vote on section 6, that is, lines 18 and 19 in section 6. Does the House understand the situation? Those voting "aye" vote to divide the question along the lines indicated.

The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, we want a roll call. If this motion prevails, we will then be voting, as I take it, first of all on section 6, will we not, which is the section which repeals or denies the merchants this commission for collecting the sales tax?

The SPEAKER. The Chair understood, though perhaps the Chair was in error, that you first wanted to vote to concur in the first five sections and non-concur in section 6. Of course, you can have it either way, on which you vote first.

Mr. McCANN. Mr. Speaker, is not the question before the House simply the motion to divide?

The SPEAKER. That is all at the present time.

Mr. McCANN. Thank you.

The SPEAKER. The only question before the House is whether the concurrence is to be divided as indicated —the first five sections would be passed upon by the House and concurred in or non-concurred in, and section 6 will be passed upon by the House and concurred in or non-concurred in. The question is on dividing the issue.

They tell me that although I am speaking as loud as I can speak that they cannot hear in the rear of the House.

For what purpose does the gentleman from Montgomery, Mr. Fetterolf, rise?

Mr. FETTEROLF. Mr. Speaker, I would like to agree with the remark you just made. There is so much noise on the floor of the House that it is very difficult to hear this important debate.

The SPEAKER. The only issue now is whether the question will be divided. After you decide that, the next motion will be as to how the question is to be divided. You are simply passing on the motion to divide the question. Those voting "aye" vote to divide the question; those voting "nay" vote not to divide the question.

The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I believe the House understands the question. I just want to, by a few remarks in support of the motion, inform the House that in the opinion of this side of the House the amendments inserted by the Senate are clearly divisible. We have two sets of amendments—well, actually three—three that are different in character.

The one set of amendments, of course, enlarges the definition of manufacturing and includes slaughtering and various other items under the umbrella, you might say, of what is manufacturing; the second amendment takes away from the merchants the two percent for collecting the sales tax; and the third major amendment, of course, accelerates the payment of the tax. The thing that we, of course, are vitally interested in is getting a vote on the question of denying the merchant his two percent.

We say the question is clearly divisible. It is unfair to expect this House to vote on a hodgepodge of amendments like this all in one vote. I might want to vote for enlarging the definition of manufacturing. I might want to vote for accelerating the $31 million, I might want to vote against the denial of this commission to the merchants, so it is eminently unfair to the membership to ask us to vote on these amendments in toto. Therefore, I am asking this House to vote "yes" on the motion that the question shall be divided.

Mr. McCANN. Mr. Speaker, I ask the membership on this side of the House to vote "no" on the motion presented by the minority floor leader, and we will debate the reasons later.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. A. W. JOHNSON and McCANN and were as follows:

YEAS—94

Adams,	Gibb,	Kooker,	Snare,
Anderson, J. H.,	Gibbons,	Korns,	Steckel,
Auker,	Goldstein, J. H.,	Lee, A. M.,	Stimmel,
Backenstoe,	Goldstein, M. H.,	Lee, K. B.,	Stiteler,
Bossert,	Goodrich,	Magee,	Strausser,
Bower,	Gramlich,	Manbeck,	Thompson,
Bowman,	Gross,	Markley,	Tompkins,
Buchanan,	Haudenshield,	Marsh,	Ujobai,
Bush,	Heffner,	May,	Varner,
Davis,	Helm,	McCandless,	Wall,
Dengler,	Henzel,	Merry,	Walsh,
Dennison,	Hocker,	Miller,	Weidner,
Donaldson,	Holl,	O'Dell,	Wescott,
Down,	Holliday,	Odorisio,	Whittaker,
Edwards,	Holman,	Ogilvie,	Willard,
Elvey,	Horst,	Piper,	Williams, A. D.,
Eshback,	Isaacs,	Price,	Williams, E. S.,
Eshleman,	Johnson, A. W.,	Pursley,	Wilt,
Ewing,	Johnson, R. P.,	Royer,	Wood,
Fetterolf,	Keiser,	Rutherford,	Worley,
Foor,	Kernaghan,	Seltzer,	Wynd,
Fox,	Kessler,	Simmons,	Zember,
Fulmer,	Kistler,	Slack,	Zimmerman,
George,	Knecht,		

NAYS—109

Anderson, S. A.,	Galley,	Lutty,	Polen,
Arlene,	Gallagher,	Maxwell,	Prendergast,
Bachman,	Gelfand,	McCann,	Reibman,
Blair,	Gray,	McCormack,	Renwick,
Boles,	Greenlee,	McDevitt,	Riley,
Bonner,	Gremminger,	McDonald,	Rovansek,
Branca,	Guesman,	McKeever,	Rubin,
Breth,	Guthrie,	McLaughlin,	Rudisill,
Capano,	Hamilton,	McNally,	Sakulsky,
Capitolo,	Hankins,	Meholchick,	Scarcelli,
Cauley,	Hartley,	Mihm,	Schaaf,
Cianfrani,	Heavey,	Mills,	Schuster,
Cioffi,	Irvis,	Monroe,	Shelton,
Clarke,	Jenkins,	Morley,	Sherman,
Comer,	Jim,	Mullen,	Shupnik,
Cooley,	Kamyk,	Munley,	Stank,
Crossin,	Kelly,	Murphy,	Stone,
Curwood,	King,	Murray,	Sullivan, J. A.,
Dougherty,	Klein,	Musto,	Sullivan, T. F.,
Doughten,	Kornick,	Needham,	Taylor,
Eilberg,	Kramer,	O'Donnell, J. A.,	Tomascik,
Farabaugh,	Lamb,	O'Donnell, J. P.,	Trusio,
Filo,	Lawson,	Parlante,	Verona,
Fineman,	Leonard,	Pashley,	Wargo,
Flynn,	Limper,	Perry,	Welsh,
Forester,	Long, Wm. Jas.,	Petrosky,	Yetter,
Frascella,	Long, Wm. Jos.,	Polaski,	Andrews,
Fry,			Speaker

NOT VOTING—7

Ashton,	Jones,	McInroy,	Willaredt,
Esler,	Lippincott,	Reidenbach,	

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Mr. A. W. JOHNSON asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 2, seventh to ninth lines of Title, by striking out "AND ELIMINAT-" in seventh line, all of eighth line and "TION AND REMITTANCE OF THE TAX" in ninth line.

Amend Sec. 6, page 17, lines 18 and 19, by striking out both of said lines.

Amend Sec. 7, page 17, line 20, by striking out "7" and inserting: 6

Amend Sec. 8, page 18, line 17, by striking out "8" and inserting: 7

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, the purpose of these amendments is to accomplish what we failed to accomplish by seeking a division on the question.

I realize this is a new procedure which has not been tried, or, let us say, tried in this House in the memory of most people here. It seemed to us in the minority on Monday morning, as we were going over the calendar and discussing House bill 1663 and the amendments that had been inserted in it, that surely there was some way that this House could express itself separately on these amendments that were inserted by the Senate, because, as I have said, they are so different in their character and affect such a different segment of our business population that certainly we in this House ought to be able to have a division of the question so we can express ourselves one way or the other on these amendments which were inserted by the Senate.

Through the cooperation of the parliamentarian and the Chair and by the use of the rule book, we feel we are on sound ground in first seeking to divide the question. That having failed by a vote of the House, we have a right to amend out of the bill an amendment which has been inserted by the Senate, or to change that amendment in some way.

That seems eminently fair to be able to do that. Surely this House would not be without a remedy to give the members a chance to express themselves one way or the other on amendments inserted in House bills by the Senate. Hence this amendment now which, if it passes, will restore into the sales tax law the right of a merchant to deduct two percent commission for collecting the sales tax.

Now I am asking the House to support this amendment. You people do not realize what a critical, what a far-reaching, what a tremendous thing this is to these merchants, this commission that we give them for collecting the sales tax.

First of all, we impose upon them the duty of collecting the tax. You run into a lot of resentment, and there still is, for making the merchant a tax collector for Pennsylvania. We thought when the tax was first put on that the least we could do for the merchant was to give him two percent commission for collecting the tax, providing he pays the tax on time. He must pay it on time to get the two percent commission.

Now here we are today saying to the merchants of Pennsylvania, you continue to be a tax collector for Pennsylvania, a free tax collector but we will take away from you your two percent commission. You continue doing the job that you are faithfully doing for your State, but we want you to do it for nothing.

I am telling you one thing: I do not want to have to walk up and down the streets of my community and look the merchants of my town in the face and say, I was one of those who stood up to take away from you the little, measly commission that you are getting for collecting the sales tax for the great State of Pennsylvania.

I want to say something about the small businessman. We are not so worried about the big fellow. It is that little, small guy, that country grocer, that small drug-store in your home town, the dry goods store, and all those different people, they are the ones whom we are interested in. They are the ones who are faithfully doing this job and are collecting this tax.

Do you realize that we have figures from the Sales Tax Bureau that there are 217,679 people, businesses, collecting sales tax in Pennsylvania, 217,679 collectors that this would affect. Now, those small businessmen are the very life-blood of this State. They are the ones who keep this State going. They are the ones who keep our schools going; they send their children to college; they are the upright citizens of our community. They are collecting that sales tax for us, and it is eminently just and right that they keep that commission. And here we today are seeking, because of amendments inserted by the Senate, which we say are eminently unfair, to take this commission away from the merchants of Pennsylvania.

Now, to come back to this merchant. Many of them put that tax on their sales slips and they have to return it and pay the tax, even though they trust the people and put it on their books. Many of them have their wives, after the stores close at night, separate the sales tax from their sales. Then they have to carry that along from day to day until the end of the reporting period and, finally, they have to send it in to the State and they get, as I say, that two percent commission. They are entitled to it. We are doing a very, very unfair thing to these wonderful people whom I say are the very backbone of this great State of ours.

I am asking everybody in this House to support these amendments that we are offering to restore this commission to the merchants.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. O'Dell.

Mr. O'DELL. Mr. Speaker, I rise in support of these amendments. I have some facts and figures which I gave, I believe, in this House in January when I asked everybody to oppose this particular provision that has now

been entered in House bill 1663 and has become a part of it.

I have some figures which I would like to bring to your attention. Ohio, as most of you know and some of you might not know, just decided to eliminate their tax stamps. They will no longer, after December 31st of this year, issue the stamps. However, they are still giving the merchants their two percent for collecting the tax. There are 17 states that give a commission for collecting the tax, starting with Alabama right on down: Alabama, two percent; Arkansas, two percent; Colorado gives five percent; Georgia gives three percent; on down again to Missouri which gives three percent; North Carolina gives three percent; South Carolina gives three percent. Seventeen states give from two to three percent. There are 12 states which give a breakage. Breakage is the difference between the sales and the actual amount of tax they collect. California, Connecticut, District of Columbia, Kansas, Maine, Michigan, North Dakota, Rhode Island, South Dakota, Utah and Washington give the breakage, which gives more than two percent. There are five states that not only give a percentage for collecting the tax but also give the breakage: Alabama, Arkansas, Illinois, Nevada and South Carolina.

The State of Ohio, in the process of deciding whether they are going to eliminate the tax stamps, have recently made a comprehensive study. The University of Ohio, the Bureau of Business Research of Ohio State University, has made quite a study and has come up—I am not going to burden you with all of the figures—with a figure that it costs, and this is what I want you gentlemen to listen to, with a figure that it costs the average merchant 3.93 percent to collect the tax, almost four percent. It costs the average merchant almost four percent to collect the tax. We here in Pennsylvania give the merchant two percent. In other words, if we continued the same two percent, they are losing practically two percent.

So I rise in support of the amendments to this bill to still continue to give the small merchant and the large merchant of Pennsylvania two percent for collecting the tax.

Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, if the amendments offered by the gentleman from McKean, Mr. Johnson, were to carry, they would, of course, eliminate from House bill 1663 the present revenue-yielding measure that is contained in the bill.

Not very long ago in this House, on a particular given day, there passed, by a vote of 197 to as high as 201, $42.5 million of non-preferred appropriations. The record stands as to how every member of this House voted for the hospitals, the universities, the homes, the schools, and every other single item that was voted on that day in this House. There is no question that if these amendments prevail and there were not to be a revenue-raising measure for this General Fund, that each of those items would be paid at 58 cents on the dollar. This you and I know. If you believe that this is what you want, that by these appropriations you prefer to give to your hospitals, to your homes, to your schools, 58 cents on the dollar, you should support these amendments. But if you believe you should give 100 cents on the dollar on what you voted for, then this bill must pass and become law.

In this House we have had a firm fiscal policy, that revenue measures should pass the House before we pass the appropriations bills. House bill 95 is really the section that is in this amendment, as you will recall from the debate in the House, which the gentleman from Erie is speaking about now. At that time this bill passed, 107 Democrats with no Republican votes. Today, if this amendment were to prevail, you would eliminate that revenue as to its value today, and it was worth an awful lot more on the date that it passed than it is today; but each of us believe that we are trying to fulfill our honest commitments to these schools, universities and hospitals in providing to them 100 cents on each dollar in the appropriations bills that you and I, in this House, voted favorably for on that day.

For that reason and other reasons, I ask that the membership on this side of the House vote "no" on these amendments, stand on the record of what we have done in this session and to state honestly that we agree with the reason for providing the money and providing the revenue to pay for it.

There is no question that the finest men in Pennsylvania are our businessmen. There are over 200,000 that collect this commission, and it is not with pride and glory that any of us today will ask them to relinquish that commission which they now receive for collecting the sales and use tax in this Commonwealth. We do not deny that there are many other States that have for years not given any commission, and in the debate that took place here in that midnight session, you will recall quite well, it was clearly brought out that many States do give commissions; that for the taxes you collect under Act 481, under Local Government, under the Sterling Act and under the Federal Act by which you must withhold, you get no commission whatsoever. It is not great to be able to say this, because as a businessman you have expenses involved in collecting and reporting that tax, and you must live by the Federal and the State laws that we passed regarding those reports. I say honestly to the over 200,000 collectors of the sales and use tax in this Commonwealth, that when we ask you to give this commission up you are giving it up emphatically, and we have proven it to this point, to help with the general fund to pay for the schools, the universities, the hospitals and the homes. With the enactment of House Bill 1663 into law, every non-preferred appropriation bill passed in this House and passed in the Senate will be signed by the Governor at its full 100 percent, instead of being reduced to 58 cents on the dollar, a possibility which we faced for many weeks.

For that reason, Mr. Speaker, I ask the members of this House to vote "no" on the amendment offered by the gentleman from McKean, Mr. Johnson, and stand on the record that we made previously and which we will take to the people of this Commonwealth.

The SPEAKER. Does the minority leader yield to the gentleman from Montgomery, Mr. Fetterolf?

Mr. A. W. JOHNSON. I do, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Montgomery.

Mr. FETTEROLF. Mr. Speaker, we here in the House, have heard a very fervent plea on the part of the

majority leader. I say, however, that there is one simple thing that will be brought out and we will vote on this amendment, and we will all stand up to the public accordingly.

Those who vote in favor of this amendment will go on the record as friends of the small businessman and the merchant, and those who oppose this amendment will go on the record in opposition to the small businessman and the merchant.

Now this bill or this amendment inserted by the other body, to my mind, is a political trick. It came over here and today we are offering these amendments to straighten out what I consider to be a political trick. Today the ball goes back into the laps of the other party. When we cast our votes today all of you on the majority side will have to stand by the vote that you make very shortly.

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, in reply to what the majority leader had to say about cutting nonpreferred appropriations if this particular amendment passes. He says it will amount to a reduction of 58 percent, or something, or 42 or whatever it was.

Mr. McCANN. It would be 58 cents on each dollar as it passed the House, or a reduction of 42 cents per dollar.

Mr. A. W. JOHNSON. Let's project this particular matter right now with respect to the overall budget and not the non-preferred. Of course at this late hour, you might say, in the new fiscal year there is a considerable portion of the original $8 million which will not be utilized. Of course, as far as the merchant is concerned this is a thing that will go on into the future and will cost him many, many hundreds of dollars in loss of that commission. But even now the $5 million that it might bring in, in the overall billion dollar budget, would only be about five percent. On the $100 million worth of non-preferred, I believe it was upward of $100 million, the $5 million would be a relatively small sum of money to shave off of the non-preferred. Of course, it is too bad, as I have said, to wait until the dying days of a session and practically put a hammer on ourselves and say, "Well now, unless you do this, hospitals and schools and everybody will suffer." That is the wrong way to do it. We in this House, on the Republican side, every session have pulled your chestnuts out of the fire. We did it in 1955 and we did it in 1959. I grant you that in January you stood up, as you should as the majority party, and passed your own tax program. Now you are asking for votes for a tax program in the dying days of session from us. We have always stood up like men, and have voted taxes to balance the budget. Just because we here today say that we are not willing to deprive the merchants of Pennsylvania, and again I say, the real fine citizens of this State, the citizens who make this State tick, we might say, and keep us on a even keel—just because we are not willing to do such a wrong thing to him, the majority leader cannot say that we are standing up here and voting against the appropriations for the non-preferred items. That is eminently wrong and unfair, and that is not true because our history in the past years will show that we have always stood up, even when we were in the minority, and have said, "You people need a tax program." So it is not a question here today of whether we are robbing the non-preferred appropriations, because $5 million dollars out of a $100 million is not any 42 or 58 percent, as I see it. There is a distortion of the percentage there which is eminently wrong. The question before us right here today is, are you willing to deprive and take away from the merchants of Pennsylvania the two percent commission they are presently getting for a job well done, laboriously done, in collecting the sales tax for the Commonwealth of Pennsylvania.

I said here yesterday that in the 1959 biennium the Governor of this Commonwealth through his Budget Office—and I commend them for it—cut $42 million out of that budget, after the State Senate cut $53 million out. I stood up here and said when the $8 million freeze clause went through, "Take it out of the budget, pass it, we will shave it out of the budget." You said, "No, that is unconstitutional." Here is another item of around $5 million or so. Here is another opportunity to shave it out of the budget.

I do not know where all the employes are working that you have hired since the Democrats came into power. I have heard figures of nothing less than 15,000 to 22,000 new State employes. What are they doing? Have you set up job specifications for them? Do they have remunerative work to do for the Commonwealth? Are they necessary? Can you not get rid of a few of these employes and save this $5 million so that we do not have to deprive the good, fine, merchants of this State this two percent commission which they have learned to bank on? Most merchants say, "I am glad to collect this tax for Pennsylvania. They give me a little commission for doing it." Many of them have been good soldiers and are doing a wonderful job at it. But here we are saying, "I know you may have done a good job, but we are going to take that commission away from you," and we repeat that it is eminently unfair.

We want a roll call on these amendments and I ask everybody to support these amendments.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Bowman.

Mr. BOWMAN. Mr. Speaker, I cannot refrain from rising to repudiate the statement of the majority leader that his remarks prove anything whatsoever. It is ridiculous to use a common term used by the Governor of this Commonwealth. It is ridiculous, it is asinine, to say that—

The SPEAKER. I would not say that.

Mr. BOWMAN. Unfortunately I have said it and I will stand on it.

It is ridiculous to say that the hospitals, the schools, et cetera, must suffer if we do not pass this particular bill.

The only fact before us at this moment in cold, hard fact, is an executive threat to reduce a non-preferred appropriation. That is not a decision of this legislature. It is not a decision of the majority party of this legislature. It is an executive threat. I must concur heartily in the comments of the minority leader that to single out non-preferred appropriations in light of the padded payrolls of the excessive number of employes is ridiculous. I must insist that the sole issue before this House is whether or not these commissions shall be allowed to the merchants for the cost and expense of being the tax collector for the Commonwealth. That is the only issue and the sole issue and we should vote only on that issue.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. A. W. JOHNSON and McCANN and were as follows:

YEAS—99

Adams,	Gibb,	Knecht,	Slack,
Anderson, J. H.,	Gibbons,	Kooker,	Snare,
Auker,	Goldstein, J. H.,	Korns,	Steckel,
Backenstoe,	Goldstein, M. H.,	Lee, A. M.,	Stimmel,
Blair,	Goodrich,	Lee, K. B.,	Stiteler,
Bossert,	Gramlich,	Long, Wm. Jos.,	Strausser,
Bower,	Gross,	Magee,	Thompson,
Bowman,	Guthrie,	Manbeck,	Tompkins,
Buchanan,	Haudenshield,	Markley,	Ujobai,
Bush,	Heffner,	Marsh,	Varner,
Davis,	Helm,	May,	Wall,
Dengler,	Henzel,	McCandless,	Walsh,
Dennison,	Hocker,	McDonald,	Weidner,
Donaldson,	Holl,	Merry,	Wescott,
Down,	Holliday,	Miller,	Whittaker,
Edwards,	Holman,	O'Dell,	Willard,
Elvey,	Horst,	Odorisio,	Williams, A. D.,
Eshback,	Isaacs,	Ogilvie,	Williams, E. S.,
Eshleman,	Johnson, A. W.,	Piper,	Wilt,
Ewing,	Johnson, R. P.,	Price,	Wood,
Fetterolf,	Kelser,	Pursley,	Worley,
Foor,	Kernaghan,	Royer,	Wynd,
Fox,	Kessler,	Rutherford,	Zember,
Fulmer,	King,	Seltzer,	Zimmerman,
George,	Kistler,	Simmons,	

NAYS—105

Anderson, S. A.,	Gailey,	McCann,	Reibman,
Arlene,	Gallagher,	McCormack,	Reidenbach,
Bachman,	Gelfand,	McDevitt,	Renwick,
Boles,	Gray,	McKeever,	Riley,
Bonner,	Greenlee,	McLaughlin,	Rovansek,
Branca,	Gremminger,	McNally,	Rubin,
Breth,	Guesman,	Meholchick,	Rudisill,
Capano,	Hamilton,	Mihm,	Sakulsky,
Capitolo,	Hankins,	Mills,	Scarcelli,
Cauley,	Hartley,	Monroe,	Schaaf,
Cianfrani,	Heavey,	Morley,	Schuster,
Cioffi,	Irvis,	Mullen,	Shelton,
Clarke,	Jenkins,	Munley,	Sherman,
Comer,	Jim,	Murphy,	Shupnik,
Cooley,	Kamyk,	Murray,	Stank,
Crossin,	Kelly,	Musto,	Stone,
Curwood,	Klein,	Needham,	Sullivan, J. A.,
Dougherty,	Kornick,	O'Donnell, J. A.,	Sullivan, T. F.,
Doughten,	Kramer,	O'Donnell, J. P.,	Taylor,
Eilberg,	Lamb,	Parlante,	Tomascik,
Farabaugh,	Lawson,	Pashley,	Trusio,
Filo,	Leonard,	Perry,	Verona,
Fineman,	Limper,	Petrosky,	Wargo,
Flynn,	Long, Wm. Jas.,	Polaski,	Welsh,
Foerster,	Lutty,	Polen,	Yetter,
Frascella,	Maxwell,	Prendergast,	Andrews,
Fry,			Speaker

NOT VOTING—6

Ashton,	Jones,	McInroy,	Willaredt,
Esler,	Lippincott,		

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House do concur in the amendments in House bill 1663, printer's No. 2634, inserted by the Senate.

The SPEAKER. Does the gentleman from Adams, Mr. Worley, desire to be recognized?

Mr. WORLEY. I do, Mr. Speaker.

The SPEAKER. The gentleman from Adams will proceed.

Mr. WORLEY. Mr. Speaker, these Senate amendments are against the interests of small business and should be voted down. If the majority party wants so many sales tax amendments in this bill, why do they not exempt meals bought in restaurants up to $1.25 instead of keeping them all at a 50-cent exemption. Or let us do something for the working people, the people who are on pensions and all others who must eat away from home or in restaurants. They just cannot eat soup and bread all week. Let us bring the government home to the people and defeat these Senate amendments today.

Mr. McCANN. Mr. Speaker, House bill 1663 as before us with the amendments placed by the Senate, of course, is a combination package now of the manufacturers' exemptions with the acceleration payment of the sales and use tax and the commission which was just debated a few minutes ago. Of course, 1663, and its companion bill 1664, is a bill in which a large segment of the industry in this Commonwealth is deeply interested. There is no question that we had debate in the House when 1663 passed here and it had a series of many specific manufacturers' exemptions which would clear the air in the sales and use tax. The amendments in the Senate dealing with lumbering, slaughtering, rendering, the flour mills, or the milling in that field and the electro-plating, I believe, are amendments which are specifically in the bill and I ask that this House concur, and when you vote for this bill in the affirmative, which I am asking that you do, you will complete the entire project on the manufacturers' exemptions in the sales and use tax and the revenue measures which we have debated.

Mr. Speaker, this is certainly good for industry in Pennsylvania because you and I heavily favored these amendments in the House when the House bill passed, before the Senate amendments were inserted in this section.

I ask all the members to vote "aye" in concurring in the amendments to House bill 1663.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—115

Anderson, S. A.,	Gallagher,	Maxwell,	Reidenbach,
Arlene,	Gelfand,	McCann,	Renwick,
Bachman,	Gibb,	McCormack,	Riley,
Boles,	Goldstein, M. H.,	McDevitt,	Rovansek,
Bonner,	Gray,	McDonald,	Rubin,
Branca,	Greenlee,	McKeever,	Rudisill,
Breth,	Gremminger,	McLaughlin,	Sakulsky,
Capano,	Guesman,	McNally,	Scarcelli,
Capitolo,	Hamilton,	Meholchick,	Schaaf,
Cauley,	Hankins,	Mihm,	Schuster,
Cianfrani,	Hartley,	Mills,	Shelton,
Cioffi,	Heavey,	Monroe,	Sherman,
Clarke,	Henzel,	Morley,	Shupnik,
Comer,	Irvis,	Mullen,	Stank,
Cooley,	Jenkins,	Munley,	Stone,
Crossin,	Jim,	Murphy,	Sullivan, J. A.,
Curwood,	Johnson, R. P.,	Murray,	Sullivan, T. F.,
Donaldson,	Kamyk,	Musto,	Taylor,
Dougherty,	Kelly,	Needham,	Thompson,
Doughten,	Klein,	O'Donnell, J. A.,	Tomascik,
Eilberg,	Kornick,	O'Donnell, J. P.,	Trusio,
Farabaugh,	Kramer,	Parlante,	Verona,
Filo,	Lamb,	Pashley,	Walsh,
Fineman,	Lawson,	Perry,	Wargo,
Flynn,	Leonard,	Petrosky,	Welsh,
Foerster,	Limper,	Polaski,	Wilt,
Frascella,	Long, Wm. Jas.,	Polen,	Yetter,
Fry,	Long, Wm. Jos.,	Prendergast,	Andrews,
Gailey,	Lutty,	Reibman,	Speaker

NAYS—89

Adams,	George,	Knecht,	Simmons,
Anderson, J. H.,	Gibbons,	Kooker,	Slack,
Auker,	Goldstein, J. H.,	Korns,	Snare,
Backenstoe,	Goodrich,	Lee, A. M.,	Steckel,
Blair,	Gramlich,	Lee, K. B.,	Stimmel,
Bossert,	Gross,	Magee,	Stiteler,
Bower,	Guthrie,	Manbeck,	Strausser,
Bowman,	Haudenshield,	Markley,	Tompkins,
Buchanan,	Heffner,	Marsh,	Ujobai,
Bush,	Helm,	May,	Varner,
Davis,	Hocker,	McCandless,	Wall,
Dengler,	Holl,	Merry,	Weidner,
Dennison,	Holliday,	Miller,	Wescott,
Down,	Holman,	O'Dell,	Whittaker,
Edwards,	Horst,	Odorisio,	Willard,
Elvey,	Isaacs,	Ogilvie,	Williams, A. D.,
Eshback,	Johnson, A. W.,	Piper,	Williams, E. S.,
Eshleman,	Keiser,	Price,	Wood,
Ewing,	Kernaghan,	Pursley,	Worley,
Fetterolf,	Kessler,	Royer,	Wynd,
Foor,	King,	Rutherford,	Zember,
Fox,	Kistler,	Seltzer,	Zimmerman,
Fulmer,			

NOT VOTING—6

Ashton,	Jones,	McInroy,	Willaredt,
Esler,	Lippincott,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

Mr. McCANN. Mr. Speaker, I call up House bill No. 1664, printer's No. 2635, on page 10 of today's calendar.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1664.

An Act amending the act of June 1, 1889 (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" creating an exemption for processing as defined and limited with regard to capital stock tax and franchise tax on domestic and foreign corporations joint-stock associations limited partnerships and companies

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 10, line 18 by inserting after the word "The" the following: "scouring carbonizing cording combing"; page 11, by inserting after line 13, the following:

(8) The slaughtering and dressing of animals for meat to be sold or to be used in preparing meat products for sale and the preparation of meat products including lard tallow grease cooking and inedible oils for wholesale distribution

(9) The operation of a saw mill or planing mill for the production of lumber or lumber products for sale

(10) The milling for sale of flour or meal from grains

(11) The publishing of books newspapers magazines or other periodicals printing and broadcasting radio and television programs by licensed commercial or educational stations

(12) The processing of used lubricating oils

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—200

Adams,	Fulmer,	Lawson,	Riley,
Anderson, J. H.,	Galley,	Lee, A. M.,	Rovansek,
Anderson, S. A.,	Gallagher,	Lee, K. B.,	Royer,
Arlene,	Gelfand,	Leonard,	Rubin,
Auker,	George,	Limper,	Rudisill,
Bachman,	Gibb,	Long, Wm. Jas.,	Rutherford,
Backenstoe,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Blair,	Goldstein, J. H.,	Lutty,	Scarcelli,
Boles,	Goldstein, M. H.,	Magee,	Schaaf,
Bonner,	Goodrich,	Manbeck,	Schuster,
Bossert,	Gramlich,	Markley,	Seltzer,
Bower,	Gray,	Marsh,	Shelton,
Bowman,	Greenlee,	Maxwell,	Sherman,
Branca,	Gremminger,	May,	Shupnik,
Breth,	Gross,	McCandless,	Simmons,
Buchanan,	Guesman,	McCann,	Slack,
Bush,	Guthrie,	McDevitt,	Snare,
Capano,	Hamilton,	McDonald,	Stank,
Capitolo,	Hankins,	McKeever,	Steckel,
Cauley,	Hartley,	McLaughlin,	Stimmel,
Cianfrani,	Haudenshield,	McNally,	Stiteler,
Cioffi,	Heavey,	Meholchick,	Stone,
Clarke,	Heffner,	Merry,	Sullivan, J. A.,
Comer,	Helm,	Mihm,	Sullivan, T. F.,
Cooley,	Henzel,	Miller,	Taylor,
Crossin,	Hocker,	Mills,	Thompson,
Curwood,	Holl,	Monroe,	Tomascik,
Davis,	Holliday,	Morley,	Tompkins,
Dengler,	Holman,	Mullen,	Trusio,
Dennison,	Horst,	Munley,	Ujobai,
Donaldson,	Irvis,	Murphy,	Varner,
Dougherty,	Isaacs,	Murray,	Verona,
Doughten,	Jenkins,	Musto,	Wall,
Down,	Jim,	Needham,	Walsh,
Edwards,	Johnson, A. W.,	O'Dell,	Wargo,
Eilberg,	Johnson, R. P.,	O'Donnell, J. A.,	Weidner,
Elvey,	Kamyk,	Ogilvie,	Welsh,
Eshback,	Keiser,	Parlante,	Wescott,
Eshleman,	Kelly,	Pashley,	Whittaker,
Ewing,	Kernaghan,	Perry,	Willard,
Farabaugh,	Kessler,	Petrosky,	Williams, A. D.,
Fetterolf,	King,	Piper,	Williams, E. S.,
Filo,	Kistler,	Polaski,	Wilt,
Fineman,	Klein,	Polen,	Wood,
Flynn,	Knecht,	Prendergast,	Worley,
Foerster,	Kooker,	Price,	Wynd,
Foor,	Kornick,	Pursley,	Yetter,
Fox,	Korns,	Reibman,	Zember,
Frascella,	Kramer,	Reidenbach,	Zimmerman,
Fry,	Lamb,	Renwick,	Andrews, Speaker

NAYS—1

Odorisio,

NOT VOTING—9

Ashton,	Lippincott,	McInroy,	Strausser,
Esler,	McCormack,	O'Donnell, J. P.,	Willaredt,
Jones,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

Mr. McCANN. Mr. Speaker, I call up on page 2 of the calendar, bills on final passage, House bill No. 1448, printer's No. 2564.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1448, entitled:

An Act amending the "Milk Control Law" approved April 28, 1937 (P. L. 417), further regulating the sale of milk on farms directly to consumers.

On the question,
Shall the bill pass finally?

MOTION TO RECOMMIT

Mr. DOWN. Mr. Speaker, I move that this bill be recommitted to the Committee on Rules.

On the question,
Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Farabaugh.

Mr. FARABAUGH. Mr. Speaker, I am here to oppose that motion to recommit. This bill has been on the calendar for a long time. It has been thoroughly studied and well understood that it is a good piece of legislation for the protection of the people in the industries. There are those who oppose this bill because of lack of knowledge of what it actually does. I guess I am not at liberty to discuss the merits of the bill; it is only a motion to recommit, and I am opposed to the motion to recommit. I think it should stand on its merits and that the bill be voted on. I ask you to oppose the recommittal.

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Fox.

Mr. FOX. Mr. Speaker, I merely wanted to concur in what the gentleman from Cambria, Mr. Farabaugh, has said and I request a roll call on the motion.

The SPEAKER. The roll will be called. The Chair recognizes the gentleman from Washington, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, I want to join in the motion to recommit this bill. Last week a resolution was introduced in this House calling for a legislative study of the operations of the milk commission. This bill would increase the milk commission's power to set minimum regulations or minimum prices on milk and thus increase the price of milk. Therefore, I think that the resolution which is pending to investigate and have a legislative investigation of the milk commission should be adopted, and this bill should be thrown back into committee and there should also be a report of that legislative investigation. Therefore we should recommit this legislation.

The SPEAKER. Does the gentleman from Mercer, Mr. Downs, desired be recognized? The Chair recognizes the gentleman from Mercer.

Mr. DOWNS. Mr. Speaker, I rise to support my motion to recommit. It seems as though we have a difference of opinion here in our two great farm organizations in Pennsylvania, and the legislators are right square in the middle. Now, this bill, as Mr. Murphy says, is purely and simply a bill to raise the price of milk to the poor consumers. I ask that the motion to recommit be supported.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Adams.

Mr. ADAMS. Mr. Speaker, I rise to oppose the motion to recommit to protect the milk truck driver's job, to protect the rate that the farmers get for their milk, and to protect the milk dealers. There are too many people involved here who can be hurt without this bill being enacted into law.

On the question recurring,
Will the House agree to the motion?

The yeas and nays were required by Messrs. FOX and DOWN and were as follows:

YEAS—87

Blair,	**George,**	**Kramer,**	**Petrosky,**
Boies,	**Gibb,**	**Lamb,**	**Polen,**
Bonner,	**Gibbons,**	**Lawson,**	**Pursley,**
Bossert,	**Goldstein, M. H.,**	**Lee, A. M.,**	**Reidenbach,**
Bower,	**Gramlich,**	**Leonard,**	**Royer,**
Bowman,	**Guesman,**	**Long, Wm. Jas.,**	**Schaaf,**
Bush,	**Guthrie,**	**Long, Wm. Jos.,**	**Simmons,**
Capano,	**Hamilton,**	**Magee,**	**Stone,**
Cauley,	**Haudenshield,**	**Marsh,**	**Strausser,**
Cioffi,	**Helm,**	**Maxwell,**	**Sullivan, T. F.,**
Cooley,	**Henzel,**	**May,**	**Thompson,**
Dengler,	**Holl,**	**McCann,**	**Tompkins,**
Dennison,	**Isaacs,**	**McDonald,**	**Varner,**
Donaldson,	**Jenkins,**	**McLaughlin,**	**Wall,**
Down,	**Jinn,**	**Merry,**	**Wargo,**
Edwards,	**Johnson, R. P.,**	**Mills,**	**Whittaker,**
Eshback,	**Kamyk,**	**Munley,**	**Willard,**
Eshleman,	**Kernaghan,**	**Murphy,**	**Williams, A. D.,**
Ewing,	**Klein,**	**Murray,**	**Wilt,**
Filo,	**Knecht,**	**Needham,**	**Wood,**
Flynn,	**Kooker,**	**Odorisio,**	**Wynd,**
Fulmer,	**Kornick,**	**Ogilvie,**	

NAYS—112

Adams,	**Fry,**	**Lutty,**	**Rutherford,**
Anderson, J. H.,	**Gailey,**	**Manbeck,**	**Scarcelli,**
Anderson, S. A.,	**Gallagher,**	**Markley,**	**Schuster,**
Arlene,	**Gelfand,**	**McCandless,**	**Seltzer,**
Auker,	**Goldstein, J. H.,**	**McCormack,**	**Shelton,**
Bachman,	**Goodrich,**	**McDevitt,**	**Sherman,**
Backenstoe,	**Gray,**	**McKeever,**	**Shupnik,**
Branca,	**Greenlee,**	**McNally,**	**Slack,**
Breth,	**Gremminger,**	**Meholchick,**	**Snare,**
Buchanan,	**Gross,**	**Mihm,**	**Stank,**
Capitolo,	**Hankins,**	**Miller,**	**Steckel,**
Cianfrani,	**Hartley,**	**Monroe,**	**Stimmel,**
Clarke,	**Heavey,**	**Morley,**	**Stiteler,**
Comer,	**Heffner,**	**Mullen,**	**Sullivan, J. A.,**
Crossin,	**Hocker,**	**Musto,**	**Tomascik,**
Curwood,	**Holliday,**	**O'Donnell, J. A.,**	**Trusio,**
Davis,	**Holman,**	**O'Donnell, J. P.,**	**Ujobai,**
Dougherty,	**Horst,**	**Parlante,**	**Verona,**
Doughten,	**Irvis,**	**Pashley,**	**Walsh,**
Eilberg,	**Johnson, A. W.,**	**Perry,**	**Weidner,**
Elvey,	**Keiser,**	**Polaski,**	**Welsh,**
Farabaugh,	**Kelly,**	**Price,**	**Wescott,**
Fetterolf,	**Kessler,**	**Reibman,**	**Williams, E. S.,**
Fineman,	**King,**	**Renwick,**	**Worley,**
Foerster,	**Kistler,**	**Riley,**	**Yetter,**
Foor,	**Korns,**	**Rovansek,**	**Zember,**
Fox,	**Lee, K. B.,**	**Rubin,**	**Zimmerman,**
Frascella,	**Limper,**	**Rudisill,**	**Andrews,** **Speaker**

NOT VOTING—11

Ashton,	**Lippincott,**	**Piper,**	**Taylor,**
Esler,	**McInroy,**	**Prendergast,**	**Willaredt,**
Jones,	**O'Dell,**	**Sakulsky,**	

So the question was determined in the negative and the motion was not agreed to.

Mr. HELM IN THE CHAIR.

On the question recurring,
Shall the bill pass finally?

RECONSIDERATION OF VOTE

The SPEAKER pro tempore. The gentleman from Mercer, Mr. Down, asked unanimous consent to make a motion to reconsider the vote by which House bill 1448, printer's No. 2564, passed third reading on August 7.

The motion was agreed to.

On the question recurring,
Will the House agree to the bill on third reading?

Mr. DOWN asked unanimous consent to offer an amendment at this time.

The SPEAKER pro tempore. The amendment will be read by the clerk for information.

Amend Sec. 2 (Sec. 413), page 4, line 19; page 5, lines 1 to 19; page 6, lines 1 to 18, by striking out "BE EXEMPT" in line 19, page 4; all of lines 1 to 19, page 5; all of lines 1 to 17, and "OF THIS SECTION SHALL" in line 18, page 6.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Down.

Mr. DOWN. Mr. Speaker, the amendments are very simple. Actually they bring the bill back to the present law. They eliminate the milk control commission, the licensee; they bring the bill back to the present law in which the producers themselves help produce on their farms two gallons per consumer a day and could be processed on these farms, which we passed in 1959, which they have had a right for 20 years or so to do without any controls whatsoever. These amendments bring it back right to the present law.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lawrence, Mr. Fox.

Mr. FOX. Mr. Speaker, I would like to interrogate the gentleman from Mercer, Mr. Down.

The SPEAKER pro tempore. Will the gentleman from Mercer, Mr. Down, permit himself to be interrogated?

Mr. DOWN. I shall, Mr. Speaker.

Mr. FOX. Mr. Speaker, I would like to ask if there is any part whatever of the amendments which were placed in some time ago, that part which is in capital letters in our bill, is there any of that at all left or is it stricken out entirely?

Mr. DOWN. All of page 7 is still contained in the amendment—after the bill was amended and the last part on page 6 complying with the qualifying requirements, and all of page 7, which was in the original amendments which the gentleman inserted is still there.

Mr. FOX. Do I understand then that there are parts of these amendments which are still—

Mr. DOWN. Parts of the gentleman's amendments are still in the bill.

Mr. FOX. Could the gentleman point out to me what these parts are?

Mr. DOWN. Starting on page 7, "All pasteurized milk sold to the consumers must be produced on the farm operated by such producer and shall be sold at the farm where produced." That is part of the present law.

And, "Sales to consumers must be on a cash basis.

"Consumers must own the containers in which they purchase the pasteurized milk.

"The producer must not hold a milk dealer's license issued by the Commission nor be engaged in the delivery of milk on retail or wholesale routes," and so on. If you have the bill there you can read what you had in it.

Mr. FOX. Mr. Speaker, I thank the gentleman. That concludes my interrogation.

I think that we should all oppose these amendments for this reason:

Section 4 on page 7 which Mr. Down has said would remain in the bill contains this language:

"The producer must not hold a milk dealer's license issued by the commission nor be engaged in the delivery of milk on retail or wholesale routes."

Mr. Speaker, of the approximately 1,000 licensed milk dealers in the State of Pennsylvania, there must be 300 or 400 of these that are producer-distributors, farmers who are licensed to sell milk on wholesale and retail routes. If we amend the bill in this regard and pass it, we would put every one of these presently licensed milk dealers, producer-distributors, out of business. I know Mr. Down would not want that; neither does anyone else here. These are very dangerous amendments and I would ask either that Mr. Down withdraw them or that we defeat them, because if these amendments are placed in the bill it would put out of business several hundred people who have been in the business for years and years.

Therefore, I would first ask that the amendments would be withdrawn as they are dangerous to the industry, and, if he refuses to withdraw them, I certainly would ask everyone to oppose them.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Farabaugh.

Mr. FARABAUGH. Mr. Speaker, I am sorry I was unable to hear the entire interrogation and the answers, but from what I can gather, from what I could hear, these amendments would turn this into a very bad bill, which was a good one to start with, as presently amended.

Again I say I am not at liberty to discuss the merits of the bill in its original form because only the amendments are before me. And if Mr. Down would have given me that opportunity before he presented his amendments, I think I could have cleared up some things that seem to be confusing people here. I suggest that these amendments are bad and would make a very bad bill out of it. I would hope that you would vote against and defeat these amendments.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Down.

Mr. DOWN. Mr. Speaker, the amendments have been interpreted wrongly by the proponents of this bill. Actually it is part of the bill and an amendment that they inserted themselves, and I just left it there. It is part of the original bill. The only thing that the amendments do actually, in bringing it down to a point, is to eliminate the fact that the producers will be put under the Milk Control Commission and the price-fixing practices of the Milk Control Commission.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lawrence, Mr. Fox.

Mr. FOX. I want to repeat what I said about these amendments and the very dangerous nature of them.

Section four, on page seven, I am going to repeat this, has this language. "The producer must not hold a milk dealer's license issued by the commission nor be engaged in the delivery of milk on retail or wholesale routes."

Now, Mr. Speaker, in the bill as it is presently written, this is referring to a section back on page six, the last three lines where it says, "a producer to qualify for this special type of license." However, since the last three lines on page 6 are being stricken by the amendments of Mr. Down, the type of licensee to which section four, on pages six and seven, refers is no longer in the bill. Therefore, the language that he would leave would refer to all producers, not just a particular producer.

That is the thing that makes these amendments read that all producer-distributors would be put out of business. The section to which they refer, as it is now written, is removed. And this really fouls it up. It is imperative that these amendments be defeated, whether you are for or against the bill. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. FOX and McCORMACK and were as follows:

YEAS—74

Boles,	Gibb,	Lee, A. M.,	Reidenbach,
Bonner,	Gibbons,	Long, Wm. Jas.,	Royer,
Bossert,	Gramlich,	Long, Wm. Jos.,	Rubin,
Bower,	Guesman,	May,	Schaaf,
Capano,	Guthrie,	McCann,	Simmons,
Cauley,	Hamilton,	McDonald,	Sullivan, J. A.,
Cioffi,	Haudenshield,	McLaughlin,	Sullivan, T. F.,
Cooley,	Hocker,	Merry,	Thompson,
Dengler,	Isaacs,	Mihm,	Tompkins,
Dennison,	Jenkins,	Munley,	Ujobai,
Donaldson,	Johnson, A. W.,	Murphy,	Varner,
Down,	Johnson, R. P.,	Murray,	Wall,
Edwards,	Kamyk,	Needham,	Wargo,
Eilberg,	Keiser,	Odorisio,	Willard,
Eshback,	Kernaghan,	Ogilvie,	Williams, A. D.,
Ewing,	Klein,	Pashley,	Wilt,
Flynn,	Kornick,	Petrosky,	Wood,
Fulmer,	Kramer,	Polen,	Wynd,
Gelfand,	Lawson,		

NAYS—112

Adams,	Fry,	Lee, K. B.,	Riley,
Anderson, J. H.,	Galley,	Leonard,	Rovansek,
Anderson, S. A.,	Gallagher,	Limper,	Rudisill,
Arlene,	George,	Lutty,	Rutherford,
Auker,	Goldstein, J. H.,	Magee,	Shelton,
Bachman,	Goodrich,	Manbeck,	Sherman,
Backenstoe,	Gray,	Markley,	Shupnik,
Bowman,	Greenlee,	Marsh,	Slack,
Branca,	Gremminger,	McCandless,	Snare,
Breth,	Gross,	McCormack,	Stank,
Buchanan,	Hankins,	McDevitt,	Steckel,
Capitolo,	Hartley,	McKeever,	Stimmel,
Clarke,	Heavey,	McNally,	Stiteler,
Comer,	Heffner,	Meholchick,	Strausser,
Crossin,	Helm,	Miller,	Taylor,
Curwood,	Henzel,	Monroe,	Tomascik,
Davis,	Holl,	Morley,	Verona,
Dougherty,	Holliday,	Mullen,	Walsh,
Doughten,	Holman,	Musto,	Weidner,
Elvey,	Horst,	O'Donnell, J. A.,	Welsh,
Eshleman,	Irvis,	O'Donnell, J. P.,	Wescott,
Farabaugh,	Jim,	Parlante,	Whittaker,
Fetterolf,	Kelly,	Perry,	Williams, E. S.,
Fineman,	King,	Polaski,	Worley,
Foerster,	Kistler,	Prendergast,	Yetter,
Foor,	Knecht,	Pursley,	Zember,
Fox,	Kooker,	Reibman,	Zimmerman,
Frascella,	Korns,	Renwick,	Andrews, Speaker

NOT VOTING—24

Ashton,	Goldstein, M. H.,	McInroy,	Scarcelli,
Blair,	Jones,	Mills,	Schuster,
Bush,	Kessler,	O'Dell,	Seltzer,
Cianfrani,	Lamb,	Piper,	Stone,
Esler,	Lippincott,	Price,	Trusio,
Filo,	Maxwell,	Sakulsky,	Willaredt,

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Down.

Mr. DOWN. Mr. Speaker, I am anxious to get this bill on roll call. I do not want to delay it too much, but this bill was debeated at length on July 11th and defeated. For some reason it is back on the calendar.

Now I charged then, and I charge now, this is strictly a milk dealer's bill to eliminate their competition in the milk business. Presently there is not any competition in the milk business. The only competition is, which one can rebate the most.

The problem we have here is that the farmer, the producer, has had the right for 20 years or more to sell milk from his farm at two gallons per each customer a day and milk that was produced on his farm.

Now the Pennsylvania Farmers' Association believes that the farmer has this inherent right. I believe they have the inherent right to sell anything that they produce on their farms as long as it is passed by the Department of Health.

In 1959—and the brutal part of this bill as they want to pass it now is—this House voted to say that the farmer can continue to sell this milk from his farm with the restrictions that you must process it on your farm. Now we are talking here about 42 farmers in Pennsylvania; 42 of them. There are 38,000 producers in Pennsylvania and they produce 7 billion pounds of milk and we are talking about one-tenth of one percent of the milk, one-tenth of one percent of the milk, produced by 42 farmers.

Now, in '59 this House had the wisdom to say that you can sell this milk from your farm but you must process it on your farm. Consequently, 42 farmers in Pennsylvania went out and borrowed money, some of them as high as $50,000, to go into this business.

Now here we are in '61, in this session of '61, and we are saying now we are going to put you under the Milk Control Commission, this governmental monstrosity. And some day I hope the consumers—and I am arguing for the consumers and producers here. I do not know one end of the cow from the other and I would not know how to milk one, but the point is that one day the consumers—of this State are going to come down and shake that Milk Control Commission from head to foot because it is a governmental monstrosity. And once you put the producer under the milk pricing practices of the producer, you are going to discourage the consumer to drive to his farm to buy milk.

Now who buys the milk? It is the housewife with the big family. The rich man still gets his delivered to the house and pays 28 cents a quart for it. There are women who save as much as $6 a month on their milk bills. Now this is a saving. This is money in the pocket, a new pair of shoes for the kid, or something. Now here you are, you are going to discourage these consumers from buying their milk at the farm.

Now it is as simple as this: If you are against the ordinary fellow buying milk at the farm at cheaper rates than these milk dealers would like to have you buy it, then vote for this bill. But if you are for a little cheaper milk for the large families, then I say vote against this bill. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Goldstein.

Mr. M. H. GOLDSTEIN. Mr. Speaker, when I debated the bill on July 11th and it failed of passage, I pointed out two things, I believe.

No. 1, any person who votes in favor of this bill is in favor of more regulation and more price control. The

purpose of this bill, insofar as milk producers in Allegheny County are concerned, is to enable a poor man to go out and buy pasteurized milk in Allegheny County at a lower price.

This bill involves an invitation for the production of raw milk and to enable people who want to sell raw milk to do so without regulation and without price control. And let me read you a section which so states. This is a raw milk bill. Section 414:

"Sales of raw milk to consumers. A producer selling raw or unpasteurized milk where such sales are on a cash basis and do not exceed two gallons to any one consumer in any one day at the farms of producers to consumers in containers owned and provided by the consumer, the producers so selling milk shall be exempt under the provisions of this act . . ."

In other words, the raw milk seller is exempt; the individual who sells pasteurized milk is subject to price control.

We say, if you are against price control and you are against raw milk, vote against this bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Farabaugh.

Mr. FARABAUGH. Mr. Speaker, there are several things that have been brought out here that I think the members should be put straight on.

Back some years ago this change in the milk control law was made to permit a farmer to sell milk on the farm in the consumer's container without any price regulation. That still exists and this does not change it except when he goes into the business in a large way and pasteurizes milk.

Now the statement has been made here that this is a milk dealers' bill. Anyone who thinks I am going to stand up here and try to help the milk dealer at the expense of the farmer is kidding himself. I have been a farmer practically all my life. I have made a living and I have raised a family in the dairy business and I am not likely to stand up here and try to do something that is detrimental to them.

But the facts remain that there are those few who happen to be located in a desirable position whereby they can justify going into the expense of setting up a pasteurizing system and go out and cut the price. Now it is not the dealer it hurts. The dealer only pays the farmers for that part of the milk he puts in bottles in that class. It is that farmer sitting back here selling the milk to the dealer whom it hurts because he gets a lower price for that portion of his milk.

This piece of legislation, if enacted into law, is absolutely not going to hurt anybody. It does not prevent you from going to the farm and buying that two gallons of milk a day, if you so desire, if you would rather spend it for gasoline than for milk.

The law that was changed in '59, I believe it was, that Mr. Down has mentioned, was a simple amendment to the law which said it shall be sold on the farm where it is produced because there were people who were moving it from the farm over somewhere and setting up a milk plant in competition to a legitimate dealer and cutting prices. Now I have heard plenty here, and there are plenty of you folks here who have voted consistently on things where you say you are upgrading somebody's profession or somebody's business. I think the majority of you realize the importance of some type of organization to control these things.

And this is not any increase, as has been said here, to cause the people to pay more money for their milk. That is not true. They simply come under the regulations of the milk control when they get into the position where they are milk dealers. They are no longer a farmer; they are a milk dealer, and they have the right to come under the same regulations.

The point that Mr. Murphy has mentioned here, the investigation to find out about what is going on in milk control, I am not opposing that, but he is wrong when he says this is a method of charging the consumer more for his milk. That is not correct. This piece of legislation as it stands now will hurt nobody and it is a good piece of legislation, very similar to a lot of other legislation that has been passed in this House, and I would ask you all to support it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Franklin, Mr. Horst.

Mr. HORST. Mr. Speaker, ladies and gentlemen, I am one of the sponsors of this bill. The reason I sponsored this bill is because at the last session they had a bill similar to this that had a noose around the farmer's neck. In fact, if that bill would have passed his tongue would have hung out maybe a foot, if it was that long.

I am a farmer. I manage and operate farms. I do not have any dairy cows; I know how to milk a cow which is more than Mr. Down who admitted he does not know how to milk one. I am not connected directly or indirectly, neither is any of my family, with any milk producer or plant in Franklin County or anywhere else in the Commonwealth, nor do we own any stock in any dairy corporations, so I am here pleading for the farmers. I am a member of the Franklin County Chapter of the Farmers of Pennsylvania, I am a seven-year member. I have confidence in the farmer. I feel that the farmer and the fluid milk market should be protected. There is a great investment in this industry.

Back in the 30's, during the Earle Administration, the Milk Control Board was introduced and established and the farmers today, over the State, have less mortgages in the banks, less borrowed money and more invested in their farms and cattle and dairy programs than any other industry we have in our State. Today, Pennsylvania is the largest ice cream manufacturer in the Nation. The county which I represent is Franklin; we have $13 million in cash coming in each year. It is the largest single pay in the State. The next largest is Letterkenny Ordinance Depot, that is U. S., that is "us" you know—one of those gimmicks. Their payroll is $12 million. Today we have in our county two of these fluid milk markets—farm jug milk markets. We have a plant in Chambersburg which, I understand, over the weekend has laid off their farmers, has switched them into a Lancaster broker, and the milk goes into the New York market. The milk is being transported by truck from Northumberland County into Franklin County. Now if our fluid milk market goes out the door, the farmers in this State will have more distressed areas than you have now at the present time.

For the information of the House, the average farm is $50,000; it is a $1,900,000 investment. Today the income is $360 odd-thousand dollars coming into the farmers of Franklin County and all the rest of the counties for their

milk. Bearing this all in mind, our State has something at stake. The gentleman from Pittsburgh, on our side, made a remark that the farmer could not sell his milk to whomever he pleased for whatever he wanted to. That is not quite right. The bill, either the number before this bill or the number after it, is a companion bill dealing with raw milk. A farmer can sell all the raw milk he wants to sell to whomever he wants to sell it to, so long as he takes Bangs disease tests once a year and a ring test every three months for the cows' protection. That bill passed this House and went over to the Senate. This bill only curbs the price of milk at the farm once they make it into pasteurized, homogenized, cheese, ice cream and finished products. Once a farmer does that he is no longer a producer of milk; he is a processor and a merchant delivering milk to the customer at the farm. The Milk Control Board regulates the price of milk. There is more value on a 26- to 30-cent quart of milk than any other food product you can buy out of the store for from 26 to 30 cents. Now, as for a housewife saving money, if she does not want the milk delivered in a paper container or a glass container, she can go out to the farm and buy it for 80 to 90 cents a gallon. The Milk Control Board will regulate that price somewhere in that bracket due to the fact that there is no delivery charges nor expense of bottling, handling, and so forth. You can get that at the same price. There is no reason why the Milk Control Board will not regulate it. But under the present circumstances there is nothing wrong, nor anything to prohibit, any one of us to take a farm and bring all of your products in and milk the cows in a plastic tube and deliver it, sealed in a plastic container, from the cow to your jug. I say, ladies and gentlemen, do this if you want to protect the fluid milk market and protect these men who have buckled down to the $50,000; they may have $60,000 or $70,000 invested in their operation. Those gentlemen, if milk goes to 26 cents a gallon, are in trouble. They are not going to be able to pay their mortgages on their investments, nor is the farmer going to be able to come to town and buy peanuts, soup, shoes, clothes, and the products from the merchants. When that happens we are in trouble.

Ladies and gentlemen, as I said in the beginning, I am pleading for the fluid milk market of Pennsylvania. If the legislature votes it down, the people and farmers in Franklin County lose their fluid milk market. They cannot say that their friend, Enos Horst, has not helped to preserve it. Thank you, very much. I would appreciate your support of this bill.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Sullivan.

Mr. T. F. SULLIVAN. Mr. Speaker, members of the House, I understand that if 1448 passes that the milk commission will control the price of the milk. I am concerned because the area which I represent, I am one of the Representatives of the 16th Legislative District, is a highly industrial area, and we have much unemployment there. The people work in Westinghouse Electric, Westinghouse Air Brakes, United States Steel, and many other factories and mills in the area. It so happens that in a corner of our district is a small dairy farm, and these people that I speak of, and I presume many people who are working with such unemployment, and I must say short work weeks, can buy their milk for from 9 to 10 cents a gallon cheaper at this dairy farm. If this comes under the milk commission, naturally, the milk commission, I am free to assume in my own mind, will set the price at the same amount as the corner grocery store. In doing so, eventually a person would not travel a few miles to get a half gallon of milk for one price if they could get it in their corner grocery store for the same price. So, eventually, the small dairy farmer will be put out of business.

Also, I am concerned with the number of people that I spoke of who are unemployed, and who save the few pennies that they need to provide the staples of life for their children. I am asking that the members on both sides of the aisle vote this 1448 down. Let us take care of some of these little people whom we are always talking about. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Adams.

Mr. ADAMS. Mr. Speaker, I rise to support the position of the gentleman from Cambria, Mr. Farabaugh, and the gentleman from Franklin, Mr. Horst.

I speak not only as a member of this House but as a member of the Pennsylvania State Grange. I wish to bring to your attention that the Grange is in favor of this bill and has so signified in the letter that came out from the State Grange. I would like to point out that this bill has been misrepresented as being a milk dealers' bill. It is primarily a bill to help the farmer and I would like to explain that there are three grades of milk. There is a price for blend milk for which the farmer is paid by the milk dealer; there is a class 1 and a class 2, which is the ice cream grade and a lower rate; there is a buttermilk class 3. A price war could result from this, and the price cutting, if this bill is not put into law, will take away from the market of the milk dealers and from the producers, the farmer who sends the milk there. It will reduce the grade of milk that goes to the dairy, and therefore it will reduce the price that is paid to the farmer for producing that milk and he is the man who will suffer. So, if you are for the farmer, show it by supporting this bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker, I cannot speak from the experience of milking a cow, as the gentleman from Cambria and Representative Horst spoke, but I can speak on a par with them from the milk consumers viewpoint.

I know that our family purchases more milk than anyone else in the neighborhood, and I know that occasionally we have to deviate from the mlik that is delivered at the door to go out and buy a gallon of milk for 78 or 79 cents a gallon. I know you can purchase gallons of milk in Ohio and quarts of milk in Ohio a lot cheaper than you can in Pennsylvania because they do not have the Milk Control Commission pumping up the price. I know you can buy milk in bulk here in Pennsylvania for a cheaper price than you can it in bottles because the Milk Control Commission is not pumping up the price of milk in bulk, but if this legislation is passed, we are going to pay up to a dollar a gallon for milk in Pennsylvania instead of 78 or 79 cents a gallon.

I know also that this bill, if it is passed, is going to encourage both milk producers in my legislative district to sell raw milk in bulk, and no longer sell pasteurized milk in bulk, because they will still be able to sell raw

milk for 78 cents a gallon, but if they want to sell pasteurized milk, it will have to be under the commission at a dollar a gallon. Now, I think that is going to encourage the sale of raw milk as distinguished from pasteurized. I think it is going to encourage the increase in the price of milk and I think we will be doing a disservice to the consumer in this Commonwealth if we pass this type of legislation. I asked one of the proponents of the bill, "Why are you for this bill? Why do the farmers want this bill? Why do some of the milk producers want this bill?" Of course the reply is, "Misery loves company. If some producers and retailers are going to have to have this commission on their backs, all of them should have the commission on their backs. I agree with Representative Schaaf's resolution, which I helped co-sponsor, saying that the milk commission in its entirety should be under a legislative investigation to find out where it is going, where the prices are going. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Down.

Mr. DOWN. Mr. Speaker, I do not want to delay this thing, but Mr. Horst, on his own admission, said the Milk Control Commission will set prices. The bill says it shall have hearings and they will set prices. Now, let us look at the price of milk being sold at the farm today, say, in Northwestern Pennsylvania. It is sold anywhere from 38 cents a half gallon to 40 cents a half gallon. Now, these fellows who are proponents of this bill and say they are for the farmer should vote against the Milk Control Commission. Just look at Pennsylvania. We are the greatest ice cream state in the United States. Why? Why? The only price that is controlled is the No. 1 class A price for drinking milk. What does the farmer get for class 1 milk? $6.39. Let us take Northwestern Pennsylvania. The price is $6.39. It is a pretty bad bill when 37 percent of your milk is being paid for under one class and 90 per cent of it is being used as class 1 milk because the same milk produced in Pennsylvania is being sold over in Ohio for 35 cents a half gallon. Then you can buy it for 18 cents a quart—the same milk that I might buy on my door step—right over the line. And let me tell you, when the people go over to Ohio and buy the same milk produced in Pennsylvania and buy their post-toasties and meat and everything else there, business is leaving Pennsylvania. There is one thing about the producers, they are holding that Ohio business in Pennsylvania and those people are buying their groceries and everything else in Pennsylvania.

Now, with their own admission they said they will set the price and, when they set the price, let us look at the Milk Control Commission. It is run and operated and financed by the milk dealers and they say it is not a milk dealers' bill? Well, my friend, lobbyists were around here button-holing everyone to vote for this bill. So what reasons would they have for that? The only reason, and I am the guy that said it, it is a milk dealers' bill. I will stand by it—the only reason is to erase the competition and when they end up it will put this man, who has gone out and borrowed $50, $20, $60 thousand to go into the processing business, they will put him out of business because they will discourage the business going out to the farmer. What is wrong if a consumer wants to buy cheaper milk and if he wants to drive out to a farm and get it with his own container? I ask you, what is wrong with that?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Farabaugh.

Mr. FARABAUGH. Mr. Speaker, there is certainly a lot of information given out here without grounds. I think I will have to go into a little more of the detail of how pricing is done on milk, if you are going to understand this. Now, we were talking about, I believe it was Mr. Sullivan who seemed to be worried about, the increase in the price of milk and being prevented from going to the farm to buy milk, which does not change one iota. He can still go out to that farm and buy that milk in his own container if he so chooses, and all it says is that the person who goes into it in a big way and in competition is a milk dealer himself, and comes under the price regulation.

How are you going to get the price of milk to a dollar a gallon like Mr. Murphy said? The Milk Control Commission, before the price is set, holds a public hearing, and the prices are based on the information collected at that hearing. The milk sold at the farm does not have that cost of distribution added to it, and the difference of what their prices are and what you pay when delivered to your doorstep cannot get any higher than some of them are now because the difference is what it is costing the distributors. That is a lot of wrong information being handed out here. I do not want to prolong this thing. I could go into detail on how the entire thing is done, but at least we have talked the thing over, and now I think the milk might be getting sour and we should vote it.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—105

Adams,	Frascella,	Leonard,	Royer,
Anderson, S. A.,	Galley,	Limper,	Rudisill,
Anderson, J. H.	Gallagher,	Lutty,	Rutherford,
Arlene,	Gelfand,	Manbeck,	Scarcelli,
Auker,	George,	Markley,	Seltzer,
Bachman	Goldstein, J. H.,	Marsh,	Shelton,
Backenstoe,	Goodrich,	McCandless,	Sherman,
Branca,	Gray,	McCormack,	Shupnik,
Breth,	Greenlee,	McDevitt,	Slack,
Buchanan,	Gross,	McKeever,	Snare,
Capitolo,	Guthrie,	McNally,	Stank,
Comer,	Hankins,	Miller,	Steckel,
Crossin,	Hartley,	Monroe,	Stimmel,
Curwood,	Heavey,	Morley,	Stiteler,
Davis,	Heffner,	Musto,	Taylor,
Dougherty,	Helm,	O'Donnell, J. A.,	Tomascik,
Doughten,	Holman,	O'Donnell, J. P.,	Tompkins,
Edwards,	Horst,	Parlante,	Verona,
Eilberg,	Johnson, A. W.,	Pashley,	Wall,
Eshback,	Kelly,	Perry,	Walsh,
Eshleman,	King,	Piper,	Weidner,
Farabaugh,	Kistler,	Prendergast,	Worley,
Fetterolf,	Knecht,	Price,	Yetter,
Fineman,	Korns,	Reibman,	Zember,
Foerster,	Lawson,	Renwick,	Zimmerman,
Foor,	Lee, K. B.,	Rovansek,	Andrews,
Fox,			Speaker

NAYS—92

Boles,	Gremminger,	Long, Wm. Jas.,	Rubin,
Bonner,	Guesman,	Long, Wm. Jos.,	Sakulsky,
Bower,	Hamilton,	Magee,	Schaaf,
Bowman,	Haudenshield,	Maxwell,	Schuster,
Capano,	Henzel,	May,	Simmons,
Cauley,	Hocker,	McCann,	Stone,
Cioffi,	Holl,	McDonald	Strausser,

Clarke,	Holliday,	McLaughlin,	Sullivan, J. A.,
Cooley,	Irvis,	Meholchick,	Sullivan, T. F.,
Dengler,	Isaacs,	Merry,	Thompson,
Dennison,	Jenkins,	Mihm,	Trusio,
Donaldson,	Jim,	Mills,	Ujobai,
Down,	Johnson, R. P.,	Munley,	Varner,
Elvey,	Kamyk,	Murphy,	Wargo,
Ewing,	Keiser,	Murray,	Welsh,
Filo,	Kernaghan,	Needham,	Wescott,
Flynn,	Kessler,	Odorisio,	Whittaker,
Fry	Klein,	Ogilvie,	Willard,
Fulmer,	Kooker,	Petrosky,	Williams, A. D.,
Gibb,	Kornick,	Polaski,	Williams, E. S.,
Gibbons,	Kramer,	Polen,	Wilt,
Goldstein, M. H.,	Lamb,	Pursley,	Wood,
Gramlich,	Lee, A. M.,	Reidenbach,	Wynd,

NOT VOTING—13

Ashton,	Cianfrani,	Lippincott,	O'Dell,
Blair,	Esler,	McInroy,	Riley,
Bossert,	Jones,	Mullen,	Willaredt,
Bush,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Mr. McCANN. Mr. Speaker, I call up on page 4 of the calendar, bills on final passage, House bill No. 1831, printer's No. 2616.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1831, entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number eight and providing for the appointment and election of judges for the court.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Goldstein.

Mr. M. H. GOLDSTEIN. Mr. Speaker, I am sorry I did not contact the majority leader, but I have some amendments to this bill. I am quite certain he will have a full crew tomorrow, so I will enlighten him on them.

The amendments are as follows: I want to keep the courts out of politics in Philadelphia and also in Allegheny County. I have had a bill since 1955 providing for the nonpartisan election of judges, and I would like to have the bill go over so we can elect judges in Philadelphia County on a nonpartisan basis.

Mr. McCANN. Mr. Speaker, I have never refused such a request in this session, but I spoke to the minority leader specifically and gave to him a list of special order of business for consideration and at no time was I informed of the possibility of amendments being drawn. This bill 1831 has been in its present position for quite a few days for a couple of weeks, and I, at this point, cannot ask that it goes over. I am ready to roll the bill as the next special order of business.

I certainly feel rather embarrassed by the request at this hour for a set of amendments on House bill 1831.

Mr. A. W. JOHNSON. Mr. Speaker, the request to offer amendments arose in our caucus today and I apologize because I did not tell the majority leader sooner that we would have amendments. I understood that the remainder of our time today would be spent with the amendment battle on the reorganization school bill, so had you suggested to me when you came over that you were going to call the judges bill, I would have then told you that we had a set of amendments to the bill.

Mr. McCANN. Mr. Speaker, I feel rather embarrassed about never being informed at any point that there were any amendments to the bill, until this very minute. Therefore, I am going to ask the gentleman from Allegheny, Mr. Goldstein, if possible, to offer his amendments in the Senate. This bill has been in its present position on the calendar, ready for a vote, since July 13.

Mr. M. H. GOLDSTEIN. Mr. Speaker, I am often confused with a Senate that passes bills 50 to 0 which are amended time after time in the House. We are never supposed to speak about the other body. I have no influence in the Senate; I would like to do a little job in the House.

Mr. Speaker, I do not want to be facetious. I have a serious amendment. I want to have this matter brought before the House and, since it was not brought to the attention of Mr. McCann, inadvertently—I can assure him it was not done by design—I am quite certain that Mr. McCann, who has been a vigilant leader of the other party, will have the same men in their seats tomorrow and will get the same results.

I still would like to have my amendments presented.

MOTION TO LAY BILL ON TABLE

Mr. M. H. GOLDSTEIN. Mr. Speaker, I move that the bill be laid on the table.

On the question,

Will the House agree to the motion?

Mr. McCANN. Mr. Speaker, I oppose the motion and ask the membership to vote "no."

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. M. H. GOLDSTEIN and McCANN and were as follows:

YEAS—90

Anderson, J. H.	George,	Knecht,	Steckel,
Auker,	Gibb,	Kooker,	Stimmel,
Backenstoe,	Gibbons,	Korns,	Stiteler,
Blair,	Goldstein, J. H.,	Lee, A. M.,	Strausser,
Bossert,	Goldstein, M. H.,	Lee, K. B.,	Thompson,
Bower,	Goodrich,	Magee,	Tompkins,
Bowman,	Gramlich,	Markley,	Ujobai,
Buchanan,	Gross,	Marsh,	Varner,
Bush,	Guthrie,	May,	Wall,
Davis,	Haudenshield,	McCandless,	Weidner,
Dengler,	Heffner,	Merry,	Wescott,
Dennison,	Helm,	Miller,	Whittaker,
Donaldson,	Henzel,	O'Dell,	Willard,
Down,	Hocker,	Ogilvie,	Williams, A. D.,
Edwards,	Holl,	Piper,	Williams, E. S.,
Elvey,	Holman,	Price,	Wilt,
Eshback,	Horst,	Pursley,	Wood,
Eshleman,	Johnson, A. W.,	Royer.	Worley,
Ewing,	Johnson, R. P.,	Rutherford,	Wynd,
Fetterolf,	Keiser,	Seltzer,	Yetter,
Foor,	Kessler,	Simmons,	Zember,
Fox,	King,	Slack,	Zimmerman,
Fulmer,	Kistler,		

NAYS—110

Adams,	Galley,	Maxwell,	Reibman,
Anderson, S. A.,	Gallagher,	McCann,	Reidenbach,
Arlene,	Gelfand,	McDevitt,	Renwick,
Bachman	Gray,	McDonald	Riley,
Boles,	Greenlee,	McKeever,	Rovansek,
Bonner,	Gremminger,	McLaughlin,	Rubin,
Branca,	Guesman,	McNally,	Rudisill,
Breth,	Hamilton,	Meholchick,	Sakulsky,
Capano,	Hankins,	Mihm,	Scarcelli,
Capitolo,	Hartley,	Mills,	Schaaf,

Cauley,	Heavey,	Monroe,	Schuster,
Cianfrani,	Irvis,	Morley,	Shelton,
Cioffi,	Isaacs,	Mullen,	Sherman,
Clarke,	Jenkins,	Munley,	Shupnik,
Comer,	Jim,	Murphy,	Snare,
Cooley,	Kamyk,	Murray,	Stank,
Crossin,	Kelly,	Musto,	Stone,
Curwood,	Klein,	Needham,	Sullivan, J. A.,
Dougherty,	Kornick,	O'Donnell, J. A.,	Sullivan, T. F.,
Doughten,	Kramer,	O'Donnell, J. P.,	Taylor,
Ellberg,	Lamb,	Parlante,	Tomascik,
Farabaugh,	Lawson,	Pashley,	Trusio,
Filo,	Leonard,	Perry,	Verona,
Fineman,	Limper,	Petrosky,	Walsh,
Flynn,	Long, Wm. Jas.,	Polaski,	Wargo,
Foerster,	Long, Wm. Jos.,	Polen,	Welsh,
Frascella,	Lutty,	Prendergast,	Andrews,
Fry,	Manbeck,		Speaker

NOT VOTING—10

Ashton,	Jones,	McCormack,	Odorisio,
Esler,	Kernaghan,	McInroy,	Willaredt,
Holliday,	Lippincott,		

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

The SPEAKER pro tempore. Does the gentleman from Allegheny, Mr. Goldstein, desire recognition?

Mr. M. H. GOLDSTEIN. Mr. Speaker, I would like to interrogate the majority leader.

The SPEAKER pro tempore. Will the gentleman from Greene, Mr. McCann, permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. M. H. GOLDSTEIN. Is there an appropriation connected with this bill, Mr. Speaker?

Mr. McCANN. There is not an appropriation attached to House bill 1831. I will check with the appropriations chairman, but I believe I am correct in my statement.

Mr. M. H. GOLDSTEIN. There is none?

Mr. McCANN. Mr. Speaker, I believe the appropriation is in the bill. I beg your pardon. I yield to the Appropriations' chairman who will give you the exact amount.

Mr. M. H. GOLDSTEIN. Mr. Speaker, since there is an appropriation in this bill, was this appropriation set up in the Governor's budget?

Mr. POLEN. Mr. Speaker, It was not.

Mr. M. H. GOLDSTEIN. It was not?

Mr. POLEN. Mr. Speaker, that is correct.

Mr. M. H. GOLDSTEIN. Has not the Governor announced a public policy that he will sign no bill where there has been no appropriation provided and funds provided?

Mr. POLEN. Mr. Speaker, the Governor has said that he will not sign bills in excess of the estimated revenues. This bill will fall within the estimated revenues.

Mr. M. H. GOLDSTEIN. Mr. Speaker, was this decision and survey and prophecy of estimated revenues decided before certain tax bills were passed?

Mr. POLEN. Mr. Speaker, the estimated revenues take into consideration the tax bills that were passed today. There was a statement issued giving what amount these bills would produce and, in our caluculations, taking into effect the reductions we made and the estimated revenues, this bill has funds available to cover it.

Mr. M. H. GOLDSTEIN. Mr. Speaker, that is all.

Mr. Speaker, I intend to vote, as I said before in the previous debate on this bill, against the increasing of the number of judges in the State of Pennsylvania until we have a court administrator plan in this Commonwealth. I say that this particular item was not in the Governor's mind nor in the Governor's budget in January 1961. I feel it is a part of a political by-play and I do not think we should add judges to the payroll of Pennsylvania for the purpose of political by-play.

Mr. TOMPKINS. Mr. Speaker, I am merely trying to find out how much money this bill would cost if enacted. What is the amount of the appropriation?

The SPEAKER pro tempore. Does the gentleman desire to interrogate the Chairman of the Appropriations Committee?

Mr. TOMPKINS. I do Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. TOMPKINS. How much will this bill cost if enacted into law?

Mr. POLEN. This bill will cost in this fiscal year $67,500.

Mr. TOMPKINS. What about next year?

Mr. POLEN. It will cost slightly more because this is figured on the balance of the year, and next year will be a full year.

Mr. TOMPKINS. I thank the gentleman, Mr. Speaker.

Mr. Speaker. I have previously opposed this bill on other grounds and gave my reasons for it in previous debate. I think we ought to trot out the constitutional amendment concerning the courts in Philadelphia and get that situation down there cleaned up once, rather than add more courts and more president judges and more judges when they still do not have any coordinated activity on the part of the several courts of common pleas.

Today I am going to object to the passage of this bill because it is going to cost $67,000. Every time we propose something on this side to take care of something in this Commonwealth of Pennsylvania we are told, you cannot do it because it is not in the budget and there is no money available for it. I would like to know where they are finding all this extra money. Is it just out of thin air on the estimates, and so forth? We ask them about estimates and they say, we cannot pass anything because there is no money and we cannot increase the estimates.

I say to you, Mr. Speaker, if there is enough money for this bill, there is enough money for a lot of the other programs in this Commonwealth of Pennsylvania that need it a whole lot more than they need three judges in the city of Philadelphia.

The SPEAKER pro tempore. The Chair recognizes the gentleman from McKean, Mr. Johnson, the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I would like to interrogate the Chairman of the Committee on Appropriations, Mr. Polen.

The SPEAKER pro tempore. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. A. W. JOHNSON. Mr. Speaker, we were very interested in the remark of the chairman of the Appropriations Committee that there was money within the revenue estimates for this particular judge bill.

Before I ask a question, I want to preface my question by this: I believe the Governor's budget showed there would be about $995 million, or something like, that as the revenue estimate for the fiscal year. Now query: Has the administration made a final estimate of the revenues for the year so that you know what that particular sum is?

Mr. POLEN. Mr. Speaker, there has been no new revenue estimates other than the ones shown in the budget adjusted to the tax bills that we have passed.

Mr. A. W. JOHNSON. Then, Mr. Speaker, we are still operating on the revenue figures that were made back at the first of the year, shall we say, at a time when there was a depression on and the outlook was bleak. We are still operating on that set of estimates, is that right?

Mr. POLEN. Mr. Speaker, we are still operating on that set of figures, taking into consideration, as was given in the release from the office of the administration, that in connection with the corporate net income tax, I believe, it was raised $21 million plus. That was taken into consideration to give effect to the increased business economy that we are now experiencing.

Mr. A. W. JOHNSON. Would the gentleman repeat that figure? Does he mean to say that the corporate net income tax will bring in $21 million more than was estimated in January?

Mr. POLEN. That is correct. Mr. Speaker. It is $21 million plus, as I recall it. I did not know I would be interrogated on this matter and I do not have the figures here, but I believe it was $21 million plus.

Mr. A. W. JOHNSON. Mr. Speaker, then if the corporate net income tax is bringing in $21 million more than estimated, is there not some money that we could use for this so-called school program?

Mr. POLEN. Mr. Speaker, that increase is due primarily to the fact that the amount that did come in was less and created a deficit, so there is no new money available in connection with the $21 million. What we did not collect in the past fiscal year we expect to collect $21 million plus in the new fiscal year, the one we are in now.

Mr. A. W. JOHNSON. Mr. Speaker, may I further interrogate and ask for this information to be brought to us tomorrow? Could you tomorrow, by reason of the fact that House bill 1663 was concurred in today, ask the administration, that is the bureau of administration or secretary of administration, to review their figures, read the Wall Street Journal, News Week and all the magazines which say that the gross national product this year is going to be from $530 billion to $550 billion, would you ask them to please review their figures, take into consideration the boom as a result of, as I said before, "The New Frontier," and bring us in new estimates of prospective revenue, and may be we will not have to pass House bill 1789 tomorrow? Could the gentleman do that?

Mr. POLEN. Mr. Speaker, I think I could give him the figures now. The correct amount that we expect to increase the business tax revenues is $21,337,000. That would be for this fiscal year.

Mr. A. W. JOHNSON. Then since the estimates made in January you have upped the estimate $21 million, is that right?

Mr. POLEN. Would you repeat the question please?

Mr. A. W. JOHNSON. Since the estimate of revenue was made in the Governor's budget in January, February 1 when it came out, you have revised the esimates upward by increasing the take from CNI $21 million.

Mr. POLEN. From the business tax it is $21,337,000. I might add, Mr. Speaker, that does not give us any additional money for the simple reason that the deficit was bigger. Due to the fact that the money did not come in in the past fiscal year ending May 31.

Mr. A. W. JOHNSON. Then, Mr. Speaker, what the secretary of administration has actually done is find out what the deficit was and up revenue to equal that deficit so we do not have that deficit to contend with, and then we can sign the non-preferred bills based on the original estimate made back in January? Is that not about what has happened.

Mr. POLEN. Mr. Speaker, I would not want to say that is what happened, but due to the fact that the revenues did fall in the pass fiscal year and that there is a great increase of business, as everyone knows, that he did, on August 14, state that the revenue lag during '59-'61 of $21,337,000 is expected to be picked up in this fiscal year now. So we have a deficit which will be paid for by the exepected increase in revenues which we expect to receive in this fiscal year.

Mr. A. W. JOHNSON. I thank the gentleman.

In other words, if you were to bring in a fresh statement tomorrow, it would be exactly the same as you have there?

Mr. POLEN. That is correct, Mr. Speaker.

Mr. A. W. JOHNSON. Could you furnish us with that statement? I do not believe we have received it upstairs.

Mr. POLEN. I will be glad to, Mr. Speaker.

Mr. A. W. JOHNSON. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Eilberg.

Mr. EILBERG. Mr. Speaker, I rise in support of the bill. The backlog in Philadelphia is three years in arrears. Many of these people are demanding that their cases be heard. In the name of justice we should create a new court. I would like to say that the question of a court administrator has been raised. It seems to me that this is a measure which is throwing sand, or attempting to throw sand, in our eyes. A court administrator would not try a single case, and I think that this is an attempt to confuse the issue.

As for those who are concerned with matters of the budget, let me point out that in these closing weeks of the session it is extremely unlikely that a court administrator bill could be considered at this time. Nevertheless, there was some $100,000 in the budget for that particular purpose. So I say, Mr. Speaker, aside from the answers already provided by the Appropriations Committee chairman, that this money is in the budget.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Fetterolf.

Mr. FETTEROLF. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Eilberg.

The SPEAKER pro tempore. Will the gentleman from Philadelphia, Mr. Eilberg, permit himself to be interrogated?

Mr. EILBERG. I shall, Mr. Speaker.

Mr. FETTEROLF. Mr. Speaker, the gentleman from Philadelphia just made the statement that there is an

emergency situation in the courts in Philadelphia. I should like to ask the gentleman why it is that this legislation was not introduced at an earlier date in this session?

Mr. EILBERG. I cannot answer that question, Mr. Speaker.

Mr. FETTEROLF. Could it be, Mr. Speaker, that it was not introduced at an earlier date in order to provide a situation whereby we will once again have the old "sitting judge" situation in the city of Philadelphia?

Mr. EILBERG. This is emphatically not so, Mr. Speaker.

Mr. FETTEROLF. Then may I ask the gentleman this question: In 1964, when these judges must be elected, will it be the position of the majority party in Philadelphia to call these judges "sitting judges"?

Mr. EILBERG. I do not know what our position might be at that time, but I will answer the gentleman further, that if this bill had been introduced and enacted at an earlier time, whoever might be in the court would be considered a sitting judge, under the principle as we now know it.

Mr. FETTEROLF. As some people now know it. In other words, if you are in the judge's robes for any length of time you become a sitting judge.

I bring this out because I feel that this bill might well have been brought out earlier this session whereby the length of the appointment might not have been as long as it will be in this case, which will be the early part of 1964.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Williams.

Mr. A. D. WILLIAMS, Jr. Mr. Speaker, I would like to interrogate the majority leader.

The SPEAKER pro tempore. Will the gentleman from Greene, Mr. McCann, permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. A. D. WILLIAMS, Jr. Mr. Speaker, when this bill was last debated, I believe the majority leader stated that if this bill went down the other bills on the calendar for the other counties which were contemplating additional judgeships would not be brought up. Is this still the position of the majority leader?

Mr. McCANN. Mr. Speaker, I will give it to him in toto so he will not have to ask any more questions: 1831 is for C.P. No. 8, three judges—that goes to the Senate; the Senate sent over a Senate bill creating a family court in Allegheny, whatever the number is on that bill; on the calendar is the Butler County judge bill, 1625, with amendments to go into it today and to be sent over to the Senate, then we will have in the Senate the C. P. No. 8, Butler County; the Senate has sent over Allegheny County; Bucks County is on the calendar; and I believe whatever other bill is on the calendar in the Senate will send it over to us at this point. Then when the Senate bills are here and the House bills have cleared the Senate, the Senate bills go through the House and to the Governor's desk.

Mr. A. D. WILLIAMS, Jr. Mr. Speaker, I thank the majority leader.

The majority leader has said that not only will these other bills for judgeships, one of which, the Bucks County bill, happens to be on our calendar, not be called up today, but they will not be called up until the Philadelphia judgeship bill has not only passed this House but has also passed the Senate.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Greene, Mr. McCann.

Mr. McCANN. Mr. Speaker, I want the record clearly understood. Perhaps the gentleman should check carefully each of these bills requiring amendment that go back to the Senate.

The Chair recognizes the gentleman from Bucks, Mr. Williams.

Mr. A. D. WILLIAMS, Jr. Mr. Speaker, would the majority leader give me any reason why we cannot vote on Senate bill 20 today?

Mr. McCANN. Mr. Speaker, I do not have to give him any reason why we do not vote on it, but it will come up in order, as I told him.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Fineman.

Mr. FINEMAN. Mr. Speaker, for the information of the gentleman from Montgomery County, Mr. Fetterolf, who observed that the bill in question was not introduced until July 12, which to his thinking was a very late date, I want to refer him to House bill 30 creating not only C. P. but additional courts, which was introduced back on January 17 of this session. I do not think any bill could have been introduced at an earlier date.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—110

Anderson, S. A.,	Fry,	Long, Wm. Jos.,	Polaski,
Arlene,	Gailey,	Lutty,	Polen,
Bachman,	Gallagher,	Maxwell,	Prendergast,
Boles,	Gelfand,	McCann,	Reibman,
Bonner,	Gibbons,	McCormack,	Renwick,
Branca,	Gray,	McDevitt,	Riley,
Breth,	Greenlee,	McDonald,	Rovansek,
Capano,	Gremminger,	McKeever,	Rubin,
Capitolo,	Guesman,	McLaughlin,	Rudisill,
Cauley,	Hamilton,	McNally,	Sakulsky,
Cianfrani,	Hankins,	Meholchick,	Scarcelli,
Cioffi,	Hartley,	Mihm,	Schaaf,
Clarke,	Heavey,	Mills,	Schuster,
Comer,	Irvis,	Monroe,	Shelton,
Cooley,	Isaacs,	Morley,	Sherman,
Crossin,	Jenkins,	Mullen,	Shupnik,
Curwood,	Jim,	Munley,	Stank,
Dengler,	Kamyk,	Murphy,	Stone,
Dougherty,	Kelly,	Murray,	Sullivan, J. A.,
Doughten,	Kernaghan,	Musto,	Sullivan, T. F.,
Down,	Klein,	Needham,	Taylor,
Eilberg,	Kornick,	O'Donnell, J. A.,	Tomascik,
Farabaugh,	Kramer,	O'Donnell, J. P.,	Verona,
Filo,	Lamb,	Parlante,	Wargo,
Fineman,	Lawson,	Pashley,	Welsh,
Flynn,	Leonard,	Perry,	Yetter,
Foerster,	Limper,	Petrosky,	Andrews, Speaker
Frascella,	Long, Wm. Jas.,		

NAYS—91

Adams,	Gibb,	Kooker,	Steckel,
Anderson, J. H.,	Goldstein, J. H.,	Korns,	Stimmel,
Auker,	Goldstein, M. H.,	Lee, A. M.,	Stiteler,
Backenstoe,	Goodrich,	Lee, K. B.,	Strausser,
Blair,	Gramlich,	Magee,	Thompson,
Bossert,	Gross,	Manbeck,	Tompkins,
Bower,	Guthrie,	Markley,	Ujobai,
Bowman,	Haudenshield,	Marsh,	Varner,
Buchanan,	Heffner,	May,	Wall,
Bush,	Helm,	McCandless,	Walsh,
Davis,	Henzel,	Merry,	Weidner,
Dennison,	Hocker,	Miller,	Wescott,
Donaldson,	Holl,	O'Dell,	Whittaker,
Edwards,	Holliday,	Ogilvie,	Willard,
Elvey,	Holman,	Piper,	Williams, A. D.,
Eshback,	Horst,	Price,	Williams, E. S.,

Eshleman,	Johnson, A. W.,	Pursley,	Wilt,
Ewing,	Johnson, R. P.,	Royer,	Wood,
Fetterolf,	Keiser,	Rutherford,	Worley,
Foor,	Kessler,	Seltzer,	Wynd,
Fox,	King,	Simmons,	Zember,
Fulmer,	Kistler,	Slack,	Zimmerman,
George,	Knecht,	Snare,	

NOT VOTING—9

Ashton,	Lippincott,	Odorisio,	Trusio,
Esler,	McInroy,	Reidenbach,	Willaredt,
Jones,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, the last bill for today, the amendment battle, on page 5, on Senate bill 867, printer's No. 1223.

I believe there is an order on the Speaker's desk for the amendments.

The SPEAKER pro tempore. The Chair would like to inform the gentleman that the Chair has a list of the people who desire to present amendments, but we do not have the order in which they are to be presented.

Mr. McCANN. Mr. Speaker, we have a list in which No. 1 amendment would be presented by Mrs. Henzel; No. 2 and a statement by Mr. Fineman; No. 3 by Mr. Gailey; No. 4 by Mr. Tompkins; then Mr. Eshleman and Mr. Gramlich.

The SPEAKER pro tempore. We also have the name of Mr. Fetterolf appearing on the list.

Mr. McCANN. Well, we have Mr. Fetterolf and Mrs. Kernaghan. That will be it.

Mr. Speaker, I believe I made one error. I stated this would be the last bill. There is the sine die resolution that we will put across the desk here today. So no one will hold that against me, that is immediately following this bill.

Mr. Speaker, I call up on page 5 of today's calendar, education bills on third reading, Senate bill No. 867, printer's No. 1223.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 867, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further classifying school districts and providing for the reorganization of school districts.

On the question,

Will the House agree to the bill on third reading?

Mrs. HENZEL asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Sec. 3 (Sec. 285), page 6, lines 14 to 19 and page 7, lines 1 and 2 by striking out "Department of Public Instruction to Prepare Plans" in line 14, all of lines 15 to 19, page 6; all of lines 1 and 2, page 7 and inserting:

Approval of Plans by Electorate—(a) When a plan of organization of administrative units for a county is approved by the State Council of Education, the question of the approval or disapproval of the plan shall be submitted to the electors of proposed administrative unit in the manner provided by the election laws of the Commonwealth of Pennsylvania at an election to be held prior to December 1, 1964, and, if approved by a majority of the electors voting on the question, the plan shall be deemed the approved plan of organization of administrative units for the county.

(b) In the event that the plan is not approved by the electorate, the classification of the school district at the time of the rejection by the electors shall remain in existence.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the lady from Montgomery, Mrs. Henzel.

Mrs. HENZEL. Mr. Speaker, I should like to comment briefly upon these amendments which have been introduced.

The local school boards have been vested by statute with the responsibility of running the schools of our Commonwealth. At their annual convention last fall they adopted a resolution relating to the reorganization of school districts, and I should like to read to you the two sections that apply to their attitude and feeling toward this reorganization.

> Section 16 of their resolution says:
> Be it resolved that this Association shall continue to oppose strenuously any and all legislation which would mandate the formation of union or merged school districts according to some plan formulated at the County or at the State level without affording the electorate affected thereby an opportunity to vote on such plans.
> And in section 17:
> Be it further resolved That this Association will support legislation which would require a vote of the electorate of a proposed merged or union district.

It is because of these resolutions that the amendments which I have presented have been introduced. Briefly, it calls for the fact that, after the county board has prepared and presented a plan of reorganization to the State Council of Education and that State Council has approved of that county plan as submitted, it shall go back to the people of the proposed merged district for their consent, approval or rejection of that particular plan. In the event that the plan is not approved by the electorate, the classification of the school district at the time of the rejection by the electorate shall remain in existence.

This election, or this referendum, shall have taken place prior to December 1st of 1964.

Since we have vested the local school boards with the power of running our school districts, they know best what the needs, the demands, of their districts are. They know the attitude of their people; they know the type of program, the type of curriculum their people want. It seems a feasible opportunity and privilege to give them, that they be able to say "yes" or "no" to the county plan as presented.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady from Northampton, Mrs. Reibman.

Mrs. REIBMAN. Mr. Speaker, I rise in opposition to the amendments offered by the lady from Montgomery, Mrs. Henzel.

The very bulwark of our educational system is found in Article X, section 1, of the Pennsylvania Constitution, which not only recognizes that the cause of education is one of the distinct obligations of the State, but makes it an indispensable governmental function. This section of the constitution directs the General Assembly to provide for the maintenance and support of a thorough and efficient system of public schools. The power of the State over education thus falls into that class of powers which are made fundamental to our government. It ranks with law enforcement, taxation and preservation of the peace as an element necessary for the sustenance and preservation of our modern state.

There have been sufficient court decisions to indicate that it is up to the legislature to determine what is an efficient and thorough system of school organization and school classification. The legislature, by a great body of court decisions, has said that the legislature may create, it may abolish, it may set school districts as it may deem wise and necessary.

Since it is charged with the responsibility of maintaining the educational system, it has ultimate control and authority over the arrangement of governmental machinery needed to support it.

So I think there is enough law and constitutional body to indicate that the legislature has the right to reclassify school districts as it deems necessary and wise. Now we in the legislature have permitted school districts to reorganize themselves on the basis of incentive payments to union and merged districts.

In Pennsylvania, progress has been made in this field but not nearly enough to meet the needs of an ever-changing and modern society. The people have been slow and reluctant to maintain and present a good system of public education for the children all over the Commonwealth. Since this mehod has been tried, particularly since 1947, it is, therefore, I think, time that the legislature take up its constitutional mandate to provide for a thorough and efficient system of school districts, and, where school districts have not complied with the reorganization, that we now mandate a certain reorganization system.

Therefore, I ask that we oppose the amendments offered by the lady from Montgomery.

The SPEAKER pro tempore. The Chair recognizes the lady from Montgomery, Mrs. Henzel.

Mrs. HENZEL. Mr. Speaker, I would ask the members of the House on both sides to give consideration to the amendments as submitted and would request a roll call.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mrs. HENZEL and Mr. McCANN and were as follows:

YEAS—97

Adams,	Gibb,	Knecht,	Slack,
Anderson, J. H.,	Gibbons,	Kooker,	Snare,
Auker,	Goldstein, J. H.,	Korns,	Steckel,
Backenstoe,	Goodrich,	Lee, K. B.,	Stimmel,
Blair,	Gramlich,	Magee,	Stiteler,
Bossert,	Gross,	Manbeck,	Strausser,
Bower,	Guthrie,	Markley,	Sullivan, T. F.,
Bowman,	Haudenshield,	Marsh,	Thompson,
Buchanan,	Heffner,	May,	Tompkins,
Bush,	Helm,	McCandless,	Ujobai,
Davis,	Henzel,	Merry,	Varner,
Dengler,	Hocker,	Miller,	Wall,
Dennison,	Holl,	Murphy,	Weidner,
Donaldson,	Holliday,	Murray,	Wescott,
Down,	Holman,	O'Dell,	Whittaker,
Edwards,	Horst,	Ogilvie,	Willard,
Elvey,	Isaacs,	Piper,	Williams, A. D.,
Eshback,	Johnson, A. W.,	Price,	Williams, E. S.,
Eshleman,	Johnson, R. P.,	Pursley,	Wilt,
Ewing,	Keiser,	Royer,	Wood,
Fetterolf,	Kernaghan,	Rutherford,	Worley,
Foor,	Kessler,	Seltzer,	Wynd,
Fox,	King,	Shupnik,	Zember,
Fulmer,	Kistler,	Simmons,	Zimmerman,
George,			

NAYS—102

Anderson, S. A.,	Gailey,	Long, Wm. Jos.,	Polen,
Arlene,	Gallagher,	Lutty,	Prendergast,
Bachman,	Gelfand,	Maxwell,	Reibman,
Boles,	Goldstein, M. H.,	McCann,	Reidenbach,
Bonner,	Gray,	McCormack,	Renwick,
Branca,	Greenlee,	McDonald,	Riley,
Breth,	Gremminger,	McKeever,	Rovansek,
Capano,	Guesman,	McLaughlin,	Rubin,
Cauley,	Hamilton,	McNally,	Rudisill,
Cianfrani,	Hankins,	Meholchick,	Sakulsky,
Cioffi,	Hartley,	Mihm,	Scarcelli,
Clarke,	Heavey,	Mills,	Schaaf,
Comer,	Irvis,	Monroe,	Schuster,
Cooley,	Jenkins,	Morley,	Shelton,
Crossin,	Jim,	Mullen,	Sherman,
Curwood,	Kamyk,	Munley,	Stank,
Dougherty,	Kelly,	Musto,	Stone,
Doughten,	Klein,	Needham,	Sullivan, J. A.,
Eilberg,	Kornick,	O'Donnell, J. A.,	Taylor,
Farabaugh,	Kramer,	O'Donnell, J. P.,	Tomascik,
Filo,	Lamb,	Parlante,	Verona,
Fineman,	Lawson,	Pashley,	Walsh,
Flynn,	Lee, A. M.,	Perry,	Wargo,
Foerster,	Leonard,	Petrosky,	Welsh,
Frascella,	Limper,	Polaski,	Yetter,
Fry,	Long, Wm. Jas.,		

NOT VOTING—11

Ashton,	Jones,	McInroy,	Willaredt,
Capitolo,	Lippincott,	Odorisio,	Andrews,
Esler,	McDevitt,	Trusio,	Speaker

So the question was determined in the negative and the amendments were not agreed to.

STATEMENT ON PROPOSED AMENDMENTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Fineman.

Mr. FINEMAN. Mr. Speaker, on page 5 of the bill in question there are set forth certain factors which may be considered by the State Council of Education in permitting any school district to be organized with less than 4,000 pupils in that district, down to the floor of 2,500. Among those factors are the words "socio-economic characteristics."

Mr. Speaker, I have had prepared and have in my possession an amendment to this bill deleting the words "socio-economic characteristics." I prepared this amendment because I felt that this language was vague, ambiguous, and that there was a lot of vice inherent in this language and that it was a catch-all phrase for those school districts that would come before the State Council and seek to get a school district of less than 4,000 pupils in population.

I am not going to offer my amendment, however, Mr. Speaker, but I feel constrained to briefly state for the record why I am not going to offer this amendment, although I do believe strongly that the words "socio-economic," by all means, should come out of the language of this bill. As far as I am concerned consolidation of the school districts is a necessary condition precedent to any

vote on a tax package, on a tax bill. As far as I am concerned, if there is no consolidation there will be no vote from this one member for a tax, but I do not want to be left in a position where I can be pointedly accused of harpooning the consolidation bill by inserting, or seeking to insert, an amendment that perhaps a Senate-House Conference Committee could not agree on, and thus by harpooning the consolidation bill, in effect, Mr. Speaker, and this reason alone, that I am not going to offer my amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Gailey.

Mr. GAILEY. Mr. Speaker, I am offering two amendments. I would like to have them considered separately and, if I may, I will ask that the shorter of the two be considered first. I will explain the amendments.

Mr. GAILEY asked unanimous consent to offer an amendment at this time.

The SPEAKER pro tempore. The amendment will be read by the clerk for information.

Amend Sec. 3 (Sec. 283), page 6, lines 5 and 6 by striking out "TWO THOUSAND FIVE HUNDRED (2,500)" and inserting: three thousand (3000)

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Gailey.

Mr. GAILEY. Mr. Speaker, members of the House, this amendment affects the so-called floor that this redistricting bill sets up. In other words, there are provisions in the bill that say "under certain conditions" such as topography, number of pupils, facility of transportation, and that most unfortunate phrase that my colleague, Representative Fineman, has already discussed, "socio-economic characteristics," whatever that means.

The State Council may make districts smaller than the minimum 4,000 provided, but in no event less than 2,500. Now in order to understand the full import of what has been done here I think it is necessary to review a little history concerning the way this bill was first introduced.

I think we all know that it is the product of a compromise within the so-called Select Committee. This committee, after many compromises, recommended to the members of this General Assembly that a floor of 3,000 be established. This is the way the bill was originally introduced in the Senate and this is the way the bill came to a vote in the Senate, except in other places perhaps it would be more appropriate to say, the language of this act was changed to make it 2,500 instead of 3,000. So what this represents is a compromise of a compromise.

I suggest to all the members of this House that if the 3,000 figure, which was in itself a compromise from the initial suggestion of the Governor's Committee on Education, if this in itself is a compromise, this should be the very least that the members of this House should accept as being the minimum figure which should be eligible to stand as a district by itself, taking into account these factors which I have already discussed. I think this is something that will help us in our efforts to redistrict the State and will lead, not only to a better plan of reorganization of our districts, but to a better education for the children of our State. I ask the members on both sides of the aisle to vote for these amendments.

The SPEAKER pro tempore. The Chair recognizes the lady from Northampton, Mrs. Reibman.

Mrs. REIBMAN. Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from York, Mr. Gailey. Mr. Speaker, the Select Committee on Education labored long and hard over the kind of a re-organization bill which it felt, in its wisdom, would provide for the proper kind of educational opportunities for the children of the Commonwealth, and one which all the members of the districts would be able to support. It was felt that a fair floor of 3,000 would have been sufficient. However, when the bill reached the Senate, in the wisdom of those members over there, it was agreed that a floor of 2,500 should be included in the bill.

Those of us who are interested in re-organization feel that we can very well go along with a 2,500-pupil-population district under certain conditions without doing any violence to the principle of re-organization. Therefore, I ask that this amendment not be supported.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Eilberg.

Mr. EILBERG. Mr. Speaker, I rise also in opposition to the amendment offered by the gentleman from York. As to his concern about the extraordinary cases which are contemplated by Senate bill 867, I think the gentleman was unduly, and unnecessarily alarmed. In my opinion, the number of districts that would fall within this extraordinary category would be infinitesimal in number, so that, while I am in favor of larger size school districts, I do feel that we are making any substantial sacrifice at all by lowering the floor in these extraordinary cases from 3,000 to 2,500.

I would also remind the gentleman and all the members of the House, that perhaps one of the most important things that this session can do before it adjourns sine die is to enact re-organization of the school districts of Pennsylvania. This session of the legislature can go down in history alone if it accomplishes this monumental task.

I would suggest, if there are other amendments of a controversial nature inserted in the bill, that this bill Senate 867 will bog down in conferences and further negotiations which will serve no one in Pennsylvania. I oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Gailey.

Mr. GAILEY. I want to thank the lady from Northampton, Mr. Speaker, for her kind attention to my initial remarks. and I do not think the gentleman has any idea how many exceptional districts there are that might be affected by this section. He is not in a position here to tell us today what this number is and any figure that he would give us would be a pure guess.

I suggest to those members and I would ask all the members who have read this bill to look at it again. There is nothing to prevent the State Council of Education, under the very terms which allow for these special exceptions, to make any number, an unlimited number, of districts and have 2,500 pupils under the amendment that the Senate has inserted into this bill.

We all heard the lady from Northampton say that the members of this committee felt that 3000 was a reasonable figure. She herself has stated it, and yet, we, apparently in the face of the recommendation of our own select committee, are willing to bow to the caprices of those in other places with regard to legislation that comes before us. I say to you that too long, perhaps, have we allowed the tail to wag the dog. I think it is time this House made its own decisions on legislation.

The SPEAKER pro tempore. The Chair recognizes the lady from Northampton, Mrs. Reibman.

Mrs. REIBMAN. I ask the members on both sides of the aisle to oppose the amendments offered by the gentleman from York.

Mr. AUKER. Mr. Speaker, just a brief statement—I am not voting for the amendments and I am not voting for any kind of a reorganization bill on school districts on a population basis. I think the entire problem has been approached on a population basis from an impractical and illogical standpoint. I believe the only way that you can profit from reorganized school districts is on a geographical basis, and nothing has been produced in testimony, either before the other party or this party or through the report of the commission the Governor appointed, or from the deliberations of the select committee, which has in any way changed my mind one iota. I am still firmly convinced that the only practical and logical way to reorganize school districts is on a geographical basis, and I think the debate and the differences that have arisen on this problem to try to attack it on a population basis amply proves that point.

Second, I do not believe that you can properly in any way, shape or form attack the transportation problem and the cost of the transportation problem by redistricting on a population basis, which you can do on a geographical basis. That is where a lot of waste of the taxpayers' money is taking place this year.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Messrs. GAILEY and McCANN and were as follows:

YEAS—12

Boles,	Gelfand,	McCormack,	Strausser,
Cianfrani,	Kramer,	O'Donnell, J. P.,	Walsh,
Gailey,	Lee, A. M.,	Rudisill,	Zimmerman,

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Adams,	Fry,	Lamb,	Reidenbach,
Anderson, J. H.,	Fulmer,	Lawson,	Renwick,
Anderson, S. A.,	Gallagher,	Lee, K. B.,	Riley,
Arlene,	Gibb,	Leonard,	Rovansek,
Auker,	Gibbons,	Limper,	Royer,
Bachman,	Goldstein, J. H.,	Long, Wm. Jas.,	Rubin,
Backenstoe,	Goldstein, M. H.,	Long, Wm. Jos.,	Rutherford,
Blair,	Goodrich,	Lutty,	Sakulsky,
Bonner,	Gramlich,	Magee,	Scarcelli,
Bossert,	Gray,	Markley,	Schaaf,
Bower,	Greenlee,	Marsh,	Schuster,
Bowman,	Gremminger,	Maxwell,	Shelton,
Branca,	Gross,	May,	Sherman,
Breth,	Guesman,	McCandless,	Shupnik,
Buchanan,	Guthrie,	McCann,	Simmons,
Bush,	Hamilton,	McDevitt,	Slack,
Capano,	Hankins,	McDonald,	Stank,
Capitolo,	Hartley,	McKeever,	Steckel,
Cauley,	Haudenshield,	McLaughlin,	Stimmel,
Cioffi,	Heavey,	McNally,	Stiteler,
Clarke,	Heffner,	Meholchick,	Stone,
Comer,	Helm,	Merry,	Sullivan, J. A.,
Cooley,	Henzel,	Mihm,	Sullivan, T. F.,
Crossin,	Hocker,	Miller,	Taylor,
Curwood,	Holl,	Mills,	Thompson,
Davis,	Holliday,	Monroe,	Tomascik,
Dengler,	Holman,	Morley,	Tompkins,
Dennison,	Horst,	Mullen,	Trusio,
Donaldson,	Irvis,	Munley,	Ujobai,
Dougherty,	Isaacs,	Murphy,	Varner,
Doughten,	Jenkins,	Murray,	Verona,
Down,	Jim,	Musto,	Wall,
Edwards,	Johnson, A. W.,	Needham,	Wargo,
Eilberg,	Johnson, R. P.,	O'Donnell, J. A.,	Weidner,
Elvey,	Kamyk,	Ogilvie,	Welsh,
Eshback,	Keiser,	Parlante,	Wescott,
Eshleman,	Kelly,	Pashley,	Whittaker,
Ewing,	Kernaghan,	Perry,	Willard,
Farabaugh,	Kessler,	Petrosky,	Williams, A. D.,
Fetterolf,	King,	Piper,	Williams, E. S.,
Filo,	Kistler,	Polaski,	Wilt,
Flynn,	Klein,	Polen,	Wood,
Foerster,	Knecht,	Prendergast,	Worley,
Foor,	Kooker,	Price,	Yetter,
Fox,	Kornick,	Pursley,	Wynd,
Frascella,	Korns,	Reibman,	Zember,

NOT VOTING—14

Ashton,	Jones,	O'Dell,	Snare,
Esler,	Lippincott,	Odorisio,	Willaredt,
Fineman,	Manbeck,	Seltzer,	Andrews,
George,	McInroy,		Speaker

So the question was determined in the negative and the amendment was not agreed to.

The SPEAKER pro tempore. For what purpose does the gentleman from Berks, Mr. Adams, rise?

Mr. ADAMS. Mr. Speaker, I notice that the gentleman from Berks, Mr. McDevitt, is not voting on the amendments to this bill. I would like to know how he is voting.

The SPEAKER pro tempore. The gentleman has voted.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. GAILEY asked unanimous consent to offer additional amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Sec. 3 (Sec. 281), page 3, by inserting after line 20:

A county of the eighth class shall have one reorganized school district but if any such reorganized school district has a pupil population of less than two thousand five hundred (2500) the State Council of Education shall make such provisions as are necessary for such district with one or more other school districts to assure that the district is adequately provided with school facilities and services.

In all counties other than a county of the eighth class, in addition to the reorganized school districts formed by a single school district of the second class or by a district of the first class, ther shall be a minimum of one reorganized school district and a maximum number of such districts determined by dividing the total pupil population of the county by eight thousand (8000) and adding thereto one district for any fractional part of eight thousand (8000) in excess of the whole number quotient obtained by such division but no reorganized school district shall have a pupil population of less than four thousand (4000). The pupil population of the county shall be the sum of (1) all pupil populations of all school districts within the county but not including the pupil populations of a reorganized school district formed by a district of the first class or by a single district of the second class; and of (2) all pupils in average daily membership in area technical schools and schools operated by the county board of school directors.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Gailey.

Mr. GAILEY. Mr. Speaker, may I say I am glad I ran that set first, because the second set is much more important and I hope to do better on this set.

I would like to point out to the respective floor leaders, Mr. Speaker, that these amendments have been changed from the copies they have in their possession in that seventh class counties as they appear therein have been stricken out, in order to conform it to the bill as it is now.

Now what do these amendments do? These amendments attempt to set some criteria, both for the guidance of the local county boards of education and, in the event that it comes to their decision, to the State Council of Education and the Department of Public Instruction, in determining just how many districts there shall be in each county. I think we are all aware of the fact that the Governor's committee on education recommended a district of 10,000 students as representing a student population that would be desirable from a number of standpoints—two major standpoints, I think.

First, this, of course, would reduce the number of administrative areas and therefore result in substantial savings in the administration of our school system, and, second, and I think this is much more important than the savings to be effected. Anyone who has read the Governor's committee report, while they may not agree with it, cannot help but be impressed by the wealth of material which indicates—

I know the hour is late, but I trust the members of this House are cognizant that what we do today on this issue of reorganizing school districts is not just something we do for this next year or the next five years. In my opinion, it is something that is going to set the pattern for our school districts here in Pennsylvania long after all of us are in our graves. So I would earnestly request those who are not interested in hearing what I have to say, at least, to remain silent so that perhaps some of those who are may have the opportunity to hear me out.

As I was saying, Mr. Speaker, just as important as the savings it would make in administrative costs in reorganizing districts is the fact that with the increase in student population to what they consider to be a desirable district of 10,000 would be the tremendous increase in the quality of education. This is true in all but a few exceptionally wealthy districts which can afford to offer that quality of education because of the tax base which they have. They found consistently that those districts which had larger student populations, from the area of 8,000 to 10,000 students, were able to offer a far broader range of subjects and to do it in a much more economical fashion.

And as I stated, they recommended 8,000 to 10,000 as a minimum.

Now the bill that we have before us sets no figure as a desirable one. All it does is state that there shall be a minimum of 4,000, which would mean, Mr. Speaker, that should a county board wish to reorganize their county, they could, by dividing their student population into units of 4,000, comply with this law. There is nothing that compels them to increase the size of the district.

It is important that these districts are enlarged; Not important only in the sense that we save money in administrative costs through all the factors which have been mentioned so far, but important in that it will enable these districts at a minimum of cost rather to the Commonwealth than to their local taxpayers to provide a quality education. There is nothing in this bill which would establish a standard that these people should be shooting for in arriving at the size of these districts.

Now what does this amendment do? This amendment does not establish 10,000 as a criterion, even though this was the recommendation of the Governor's committee on education. I am well aware that in this area the spirit of compromise frequently must prevail. No, this sets 8,000 as the district that the county should shoot for when they redistrict the county. What it says is that you divide the student population by 8,000, you establish one district for each unit of 8,000, plus one more for any excess over 8,000 plus one, so that if a county has a student population of, say, 51,000 there could be established, dividing 8 into 51, six districts plus one for the overage, or seven, plus an additional one or eight. Under this present bill there would be nothing to prevent the county school directors, perfectly legal, to divide this 51,000 by 4,000 and arrive therefore at a total of 12 districts, a substantial increase—12 as opposed to 8.

Now why is this important at this time? I know there is opposition to these amendments for two reasons. First, there is opposition from those who do not wish reorganization in any manner at all. Second, there is opposition from those members who are in favor of this approach, who believe there should be larger districts but who say, we must compromise; anything we can get through is at least a start. I do not expect to have any impact today on those people who are against reorganization completely, but I would like to point this out to those who are saying, "Look, we at least have made a start on it. Let us improve it in the future." I say to the members of this House that this is not something that we can improve on in the future. We will not be able to. Once we pass this legislation today the pattern will be set.

Is there anyone in this House who can tell me with a straight face that if we were to pass the bill in its present form and all the local school boards begin to reorganize and lay their plans on the basis of 4,000 people and this works up through the machinery that is set forth, that two or three or four years from now, after all this work has been done, after plans have been submitted, that this legislature is going to turn around and say, "Now wait a minute, we are going to throw all that work out the window. Now we are going to make you raise the level to 7,500, to 8,000, to 10,000?" Of course not. Those people who say that this is just a start, that we will improve it in the future are flying in the face of facts. They are kidding themselves. What we do at this time is to establish the kind of school districts we have from the standpoint of size and organization for our lifetime.

I say to you that this is not something we can start now and improve later. It is either now or never, and I suggest to the members of this House that a school reorganization plan of the sort we are voting on today, while it is certainly infinitely better than our present method, is not the sort of thing towards which we should be striving, and if we fail in this opportunity here we

will be doing the school children of our Commonwealth, the citizens of our Commonwealth, one of the greatest disservices this legislature can render them. I ask, therefore, that all members of this House support these amendments.

Mr. EILBERG. I rise in opposition to these amendments. I find that the gentlman from York has stated there are criteria in the present bill, Senate bill 867. I beg your pardon, that there are criteria in the Governor's committee report and he refers to the formula used whereby the 5,000 minimum figure is ultimately arrived at. I would suggest that there is no magic in that formula. The only purpose of the formula was a guide to arrive at the 5,000 minimum figure. I would suggest that there is no magic in the figure 5,000. This was a figure that the Governor's committee, a particular group, thought was desirable as a minimum size for a district. I would say that under the bill as we have it, Senate bill 867, where it says 4,000, the method of arriving at the minimum number or maximum number of school districts in the particular county can very readily be arrived at by dividing the 4,000 into the total population of the county. Now, it seems to me there are just as much criteria in that very simple mathematical calculation as there was in the formula, rather complicated, presented by the Governor's committee report.

Now, I would say, Mr. Speaker, that we have in Pennsylvania today some 2,300 school districts. Far, far too many. Under Senate bill 867, as it is before us, this number would be reduced to some 400 or 450. Now, this is a very substantial drop. Approximately 80 percent of the total number of school districts would be consolidated into some 400 or 450 new school districts. And I say to you, Mr. Speaker, that an 80 percent figure is a very substantial one.

I would also point out, and perhaps most important in this particular argument and I do not know whether the gentleman from York is aware of this, but the question of the size, the minimum desirable size, of a school district, is not a new one and has not been studied by the Governor's select committee for the first time. This is an old, old question which has been studied by many, many expert groups. Unfortunately, I do not have some material with me that I have read but I know in that material is the reference that many substantial groups, many educational groups, Mr. Gailey, if you please, are quite satisfied and quite content with the 4,000 minimum. These independent studies show that a school district with 4,000 population can produce an adequate school system. I therefore, say, Mr. Speaker, that these amendments should be opposed.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. GAILEY and McCANN and were as follows:

YEAS—12

Clanfrani,	Gelfand,	Lee, A. M.,	Rudisill,
Foerster,	Kramer,	McCormack,	Schaaf,
Gailey,	Lamb,	Mullen,	Walsh,

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Adams,	Fulmer,	Lawson,	Riley,
Anderson, J. H.,	Gallagher,	Lee, K. B.,	Rovansek,
Anderson, S. A.,	Gibb,	Leonard,	Royer,
Arlene,	Gibbons,	Limper,	Rubin,
Auker,	Goldstein, J. H.,	Long, Wm. Jas.,	Rutherford,
Bachman,	Goldstein, M. H.,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goodrich,	Lutty,	Scarcelli,
Blair,	Gramlich,	Magee,	Schuster,
Boles,	Gray,	Markley,	Shelton,
Bonner,	Greenlee,	Marsh,	Sherman,
Bossert,	Gremminger,	Maxwell,	Shupnik,
Bower,	Gross,	May,	Simmons,
Bowman,	Guesman,	McCandless,	Slack,
Branca,	Guthrie,	McCann,	Snare,
Breth,	Hamilton,	McDonald,	Stank,
Buchanan,	Hankins,	McKeever,	Steckel,
Bush,	Hartley,	McLaughlin,	Stimmel,
Capano,	Haudenshield,	McNally,	Stiteler,
Cauley,	Heavey,	Meholchick,	Stone,
Cioffi,	Heffner,	Merry,	Strausser,
Clarke,	Helm,	Mihm,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Mills,	Taylor,
Crossin,	Holl,	Monroe,	Thompson,
Curwood,	Holliday,	Morley,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Ujobai,
Dennison,	Irvis,	Murray,	Varner,
Donaldson,	Isaacs,	Musto,	Verona,
Dougherty,	Jenkins,	Needham,	Wall,
Doughten,	Jim,	O'Donnell, J. A.,	Wargo,
Down,	Johnson, A. W.,	O'Donnell, J. P.,	Weidner,
Edwards,	Johnson, R. P.,	Ogilvie,	Welsh,
Eilberg,	Kamyk,	Parlante,	Wescott,
Elvey,	Keiser,	Pashley,	Whittaker,
Eshback,	Kelly,	Petrosky,	Willard,
Eshleman,	Kernaghan,	Piper,	Williams, A. D.,
Ewing,	Kessler,	Polaski,	Williams, E. S.,
Farabaugh,	King,	Polen,	Wilt,
Fetterolf,	Kistler,	Prendergast,	Wood,
Filo,	Klein,	Price,	Worley,
Flynn,	Knecht,	Pursley,	Wynd,
Foor,	Kooker,	Reibman,	Yetter,
Fox,	Kornick,	Reidenbach,	Zember,
Frascella,	Korns,	Renwick,	Zimmerman,
Fry,			

NOT VOTING—17

Ashton,	Jones,	McInroy,	Seltzer,
Capitolo,	Lippincott,	O'Dell,	Trusio,
Esler,	Manbeck,	Odorisio,	Willaredt,
Fineman,	McDevitt,	Perry,	Andrews,
George,			Speaker

So the question was determined in the negative and the amendments were not agreed to.

The SPEAKER pro tempore. For what purpose does the gentleman from Allegheny, Mr. Schuster, rise?

Mr. Schuster. Mr. Speaker, is it a rule of the House that if you are in a seat you must vote either yea or nay?

The SPEAKER pro tempore. The gentleman is correct.

Mr. SCHUSTER. I would like to know when the gentleman from Philadelphia is going to make up his mind, Mr. Fineman?

The SPEAKER pro tempore. The Chair is sorry that the gentleman's objection comes too late. The roll has been called. For what purpose does the gentleman from Berks, Mr. Adams, rise?

Mr. ADAMS. Mr. Speaker, I was trying to get your attention before the roll was closed but failed to get it. I ask again how the gentleman from Berks would have voted on this amendment if he had been voting? I think the people in Berks County are entitled to know.

The SPEAKER pro tempore. The Chair will apologize. I did not see the gentleman trying to get the attention of the Chair, but the objection comes too late; the roll has been closed.

Mr. ADAMS. Mr. McDevitt, I am referring to.

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record.

Mr. ADAMS. Could you ask him how he would have voted if he would have voted?

The SPEAKER pro tempore. The Chair has no authority to ask him how he would have voted.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. TOMPKINS asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Sec. 3 (Sec. 283), page 5, line 9, by striking out "eighth class" and inserting: seventh and eighth classes

Amend Sec. 3 (Sec. 283), page 6, line 2, by inserting after "event" except in counties of the seventh and eighth classes

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, these amendments conform to what I have understood to be the unanimous intention of the select committee to exempt the seventh and eighth class counties from provisions of the reorganization bill. For that reason I ask that the amendments be supported.

The SPEAKER pro tempore. The Chair recognizes the lady from Northampton, Mrs. Reibman.

Mrs. REIBMAN. We concur in the amendments offered by the gentleman, Mr. Tompkins.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

Mr. ESHLEMAN asked unanimous consent to offer amendments to this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Sec. 3 (Sec. 283), page 5, line 11, by striking out "four thousand (4,000)" and inserting: two thousand (2,000)

Amend Sec. 3 (Sec. 283), page 5, line 19, by striking out "four thousand (4,000)" and inserting: two thousand (2,000)

Amend Sec. 3 (Sec. 283), page 6 lines 5 and 6, by striking out "TWO THOUSAND FIVE HUNDRED (2,500)" and inserting: one thousand six hundred (1,600)

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Eshleman. The gentleman will proceed.

Mr. ESHLEMAN. What these amendments do in effect is lower the 2,500 figure to 1,600 and the 4,000 figure to 2,000, and I would like to take just a few minutes of your time to tell you why.

The 1,600 figure is not an arbitrary figure; it is the suggested unmandated minimum figure the State Council of Education has been using for the last 12 years. So these amendments in effect change the present unmandated 1,600 to a mandated figure.

Now I believe this section to be true home rule, while at the same time insuring against the too small school district. Evidently, the State Council of Education has seen merit in the figure 1,600, feeling anything under that as being too small. I respectfully point out to you that there is no ceiling figure; the 2,000 is merely psycholoical as was the 4,000 figure. Any county may submit plans under this legislation creating school districts of any size they see fit, 4,000 or 10,000, and it is conceivable that the state council would approve it. I ask the members on both sides of the aisle to vote for these amendments as I am sure the majority of your people back home in your school districts would want you to do. Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady from Northampton, Mrs. Reibman.

Mrs. REIBMAN. Mr. Speaker, I rise in opposition to these amendments because over the year-long study that the Governor's Committee on Education has made of education in the Commonwealth there was an overwhelming amount of evidence presented to show that events in the last ten years have changed sufficiently in the world and in the educational world to prove and to point out that a school district of 1,600 or 2,000 is not able to supply all the educational services which are necessary to meet all the needs of the children. Therefore, I ask you to vote "no" on these amendments.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. ESHLEMAN and STIMMEL and were as follows:

YEAS—94

Adams,	George,	Kooker,	Snare,
Anderson, J. H.,	Gibb,	Korns,	Steckel,
Backenstoe,	Goldstein, J. H.,	Lee, K. B.,	Stimmel,
Blair,	Goodrich,	Magee,	Stiteler,
Bossert,	Gramlich,	Manbeck,	Strausser,
Bower,	Gross,	Markley,	Thompson,
Bowman,	Guthrie,	Marsh,	Tompkins,
Buchanan,	Haudenshield,	May,	Ujobai,
Bush,	Heffner,	McCandless,	Varner,
Davis,	Helm,	Merry,	Wall,
Dengler,	Henzel,	Miller,	Wargo,
Dennison,	Hocker,	Murphy,	Weidner,
Donaldson,	Holliday,	O'Dell,	Wescott,
Down,	Holman,	Ogilvie,	Whittaker,
Edwards,	Horst,	Piper,	Willard,
Elvey,	Isaacs,	Price,	Williams, A. D.,
Eshback,	Johnson, A. W.,	Pursley,	Williams, E. S.,
Eshleman,	Johnson, R. P.,	Royer,	Wilt,
Ewing,	Keiser,	Rutherford,	Wood,
Farabaugh,	Kernaghan,	Seltzer,	Worley,
Fetterolf,	Kessler,	Shupnik,	Wynd,
Foor,	King,	Simmons,	Zember,
Fox,	Kistler,	Slack,	Zimmerman,
Fulmer,	Knecht,		

NAYS—107

Anderson, S. A.,	Gailey,	Long, Wm. Jas.,	Polaski,
Arlene,	Gallagher,	Long, Wm. Jos.,	Polen,
Auker,	Gelfand,	Lutty,	Prendergast,
Bachman,	Gibbons,	Maxwell,	Reibman,
Boles,	Goldstein, M. H.,	McCann,	Reidenbach,
Bonner,	Gray,	McCormack,	Renwick,
Branca,	Greenlee,	McDevitt,	Rovansek,
Breth,	Gremminger,	McDonald,	Rubin,
Capano,	Guesman,	McKeever,	Rudisill,
Capitolo,	Hamilton,	McLaughlin,	Sakulsky,
Cauley,	Hankins,	McNally,	Scarcelli,
Cianfrani,	Hartley,	Meholchick,	Schaaf,
Cioffi,	Heavey,	Mihm,	Schuster,
Clarke,	Holl,	Mills,	Shelton,
Comer,	Irvis,	Monroe,	Sherman,

Cooley,	Jenkins,	Morley,	Stank,
Crossin,	Jim,	Mullen,	Stone,
Curwood,	Kamyk,	Munley,	Sullivan, J. A.,
Dougherty,	Kelly,	Murray,	Sullivan, T. F.,
Doughten,	Klein,	Musto,	Taylor,
Eilberg,	Kornick,	Needham,	Tomascik,
Filo,	Kramer,	O'Donnell, J. A.,	Trusio,
Fineman,	Lamb,	O'Donnell, J. P.,	Verona,
Flynn,	Lawson,	Parlante,	Walsh,
Foerster,	Lee, A. M.,	Pashley,	Welsh,
Frascella,	Leonard,	Perry,	Yetter,
Fry.	Limper,	Petrosky,	

NOT VOTING—9

Ashton,	Lippincott,	Odorisio,	Willaredt,
Esler,	McInroy,	Riley,	Andrews,
Jones,			Speaker

So the question was determined in the negative and the amendments were not agreed to.

The SPEAKER pro tempore. For what purpose does the gentleman from Allegheny, Mr. Schuster, rise?

Mr. SCHUSTER. I think when you asked the chief clerk to record the vote that he pushed it before you had asked him. I think that I had the floor, and I want to know whether he is going to vote, whether he is pushing his button or not?

The SPEAKER pro tempore. Whom is the gentleman inquiring about?

Mr. SCHUSTER. The gentleman from Philadelphia, Mr. Fineman.

The SPEAKER pro tempore. Is the gentleman from Philadelphia, Mr. Fineman, recorded as voting?

The Chair notes that the gentleman is recorded as voting.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, I would like to inform the membership, if I may, at this point, that Mr. Johnson has informed me I will not have an opportunity to amend the tax measure unless the members stay here; there will be objection. Immediately at the end of this vote, I will call the tax measure up for the purpose of amendment. I ask that the membership stay here until the amendment is inserted into the bill

On the question recurring,

Will the House agree to the bill on third reading as amended?

Mr. GRAMLICH asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Sec. 3 (Sec. 283), page 5, line 9, by striking out "eighth class" and inserting: sixth and eighth classes

Amend Sec. 3 (Sec. 283), page 6, line 2, by inserting after "event" except in counties of the sixth and eighth classes

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Venango, Mr. Gramlich.

Mr. GRAMLICH. Mr. Speaker, the gentleman at my left just said it is a very simple amendment, and really it is. All this amendment does is to remove the sixth class counties from this reorganization bill. Now, if it is good for the seventh and it is good for the eighth, it is good for the sixth, in my opinion. At least, I observe that in my county. They do not want it, and, in my opinion, they do not need it.

I would say also, now that we have a full head of steam we might as well take a vote on it as of now. Thank you.

The SPEAKER pro tempore. Does the lady from Northampton desire recognition?

Mrs. REIBMAN. Yes, Mr. Speaker.

I rise in opposition to the amendments offered by the gentleman to exempt sixth class counties.

The select committee had agreed that because of the small pupil population in seventh and eighth class counties they should be exempt under certain conditions of the reorganization bill. To exempt any other counties with a larger pupil population would negate the whole idea of providing equal educational opportunities on a local level to children in any other class counties. Therefore, I ask that we oppose the amendments.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. GRAMLICH and WORLEY and were as follows:

YEAS—87

Anderson, J. H.,	Gibb,	Kistler,	Slack,
Auker,	Gibbons,	Knecht,	Snare,
Backenstoe,	Goldstein, J. H.,	Kooker,	Steckel,
Blair,	Goodrich,	Korns,	Stimmel,
Bossert,	Gramlich,	Lee, K. B.,	Stiteler,
Bower,	Guthrie,	Magee,	Strausser,
Bowman,	Haudenshield,	Manbeck,	Thompson,
Buchanan,	Heffner,	Markley,	Tompkins,
Bush,	Helm,	Marsh,	Ujobai,
Davis,	Henzel,	May,	Varner,
Dengler,	Hocker,	McCandless,	Wall,
Dennison,	Holl,	Merry,	Weidner,
Donaldson,	Holliday,	Miller,	Wescott,
Down,	Holman,	O'Dell,	Whittaker,
Elvey,	Horst,	Ogilvie,	Willard,
Eshback,	Isaacs,	Piper,	Williams, E. S.,
Eshleman,	Johnson, A. W.,	Price,	Wilt,
Ewing,	Johnson, R. P.,	Pursley,	Wood,
Fetterolf,	Keiser,	Royer,	Worley,
Foor,	Kernaghan,	Rutherford,	Wynd,
Fulmer,	Kessler,	Seltzer,	Zimmerman,
George,	King,	Simmons,	

NAYS—111

Adams,	Fry,	Long, Wm. Jos.,	Reibman,
Anderson, S. A.,	Gailey,	Lutty,	Reidenbach,
Arlene,	Gallagher,	Maxwell,	Renwick,
Bachman,	Gelfand,	McCann,	Rovansek,
Boies,	Goldstein, M. H.,	McDevitt,	Rubin,
Bonner,	Gray,	McDonald,	Rudisill,
Branca,	Greenlee,	McKeever,	Sakulsky,
Breth,	Gremminger,	McLaughlin,	Scarcelli,
Capano,	Gross,	McNally,	Schaaf,
Capitolo,	Guesman,	Meholchick,	Schuster,
Cauley,	Hamilton,	Mihm,	Shelton,
Cianfrani,	Hankins,	Mills,	Sherman,
Cioffi,	Hartley,	Monroe,	Shupnik,
Clarke,	Heavey,	Morley,	Stank,
Comer,	Irvis,	Mullen,	Stone,
Cooley,	Jenkins,	Munley,	Sullivan, J. A.,
Crossin,	Jim,	Murphy,	Sullivan, T. F.,
Curwood,	Kamyk,	Musto,	Taylor,
Dougherty,	Kelly,	Needham,	Tomascik,
Doughten,	Klein,	O'Donnell, J. A.,	Trusio,
Eilberg,	Kornick,	O'Donnell, J. P.,	Verona,
Farabaugh,	Kramer,	Parlante,	Walsh,
Filo,	Lamb,	Pashley,	Wargo,
Fineman,	Lawson,	Perry,	Welsh,
Flynn,	Lee, A. M.,	Petrosky,	Williams, A. D.,
Foerster,	Leonard,	Polaski,	Yetter,
Fox,	Limper,	Polen,	Zember,
Frascella,	Long, Wm. Jas.,	Prendergast,	

NOT VOTING—12

Ashton,	Jones,	McInroy,	Riley,
Edwards,	Lippincott,	Murray,	Willaredt,
Esler,	McCormack,	Odorisio,	Andrews, Speaker

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third reading as amended?

Mr. FETTEROLF and Mrs. KERNAGHAN asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Bill, page 7, by inserting between lines 7 and 8:

Section 4. Notwithstanding any of the foregoing provisions, any existing school district which offers an educational program of proven quality which meets community needs, which has the willingness and ability to support its program financially, without unduly increasing State appropriations, as determined by a State accrediting agency comparable to the Middle States Association of Colleges and Secondary Schools, shall not be subject to the provisions of this act.

Amend Sec. 4, page 7, line 8, by striking out "4" and inserting: 5

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Fetterolf.

Mr. FETTEROLF. Mr. Speaker, on your notes, is this the last set of amendments to this bill?

The SPEAKER pro tempore. According to our listing, this is the last set of amendments.

Mr. FETTEROLF. Mr. Speaker, this amendment to the bill in question provides the following:

That any existing school district which offers an educational program of proven quality which meets community needs, which has the willingness and ability to support its program financially, without unduly increasing State appropriations as determined by a State accrediting agency comparable to the Middle States Association of Colleges and Secondary Schools, shall not be subject to this act.

Now in effect it means, in simple terms, if the school district is doing a good job, then the State shall keep its hands off.

This amendment is particularly important in my county to the school district of Jenkintown. Many of you people probably never head of the borough of Jenkintown until this bill was introduced. Well I can tell you and I assure you that I have heard from them since then. They have a fine school, highly accredited, considered in the county one of the top ones. Mrs. Kernaghan is also on this amendment with me and she has been requested by the school district in the borough of Yeadon to go along on these amendments.

I ask the support of all the members of this House on this amendment.

The SPEAKER pro tempore. The Chair recognizes the lady from Northampton, Mrs. Reibman.

Mrs. REIBMAN. Mr. Speaker, I oppose the amendments as offered by Mr. Fetterolf of Montgomery and Mrs. Kernaghan of Delaware. The legislature is concerned with the education of all the children in the Commonwealth, not only of those children who live in a school district which can offer a good educational program. Just as we, on the State level, have tried to spread the base of equal educational opportunities by having the wealthier districts help support some of the poor districts in Pennsylvania, so must we then, on the local level, extend equal educational opportunities to further reduce the patchwork quilt of any kind of inequality in educational opportunities.

If this amendment were adopted, this would negate the entire philosophy of the re-organization of school districts to further equalize educational opportunities of all the children in every district in Pennsylvania.

I ask that you vote "no" on these amendments.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. FETTEROLF and Mrs. KERNAGHAN and were as follows:

YEAS—94

Adams,	Fulmer,	King,	Slack,
Anderson, J. H.,	George,	Kistler,	Snare,
Auker,	Gibb,	Knecht,	Steckel,
Backenstoe,	Gibbons,	Kooker,	Stimmel,
Blair,	Goldstein, J. H.,	Korns,	Stiteler,
Bossert,	Goodrich,	Lee, A. M.,	Strausser,
Bower,	Gramlich,	Magee,	Thompson,
Bowman,	Gross,	Manbeck,	Tompkins,
Buchanan,	Guthrie,	Markley,	Ujobai,
Bush,	Haudenshield,	Marsh,	Varner,
Davis,	Heffner,	May,	Wall,
Dengler,	Helm,	McCandless,	Weidner,
Dennison,	Henzel,	Merry,	Wescott,
Donaldson,	Hocker,	Miller,	Whittaker,
Down,	Holl,	O'Dell,	Willard,
Edwards,	Holliday,	Ogilvie,	Williams, A. D.,
Elvey,	Holman,	Piper,	Williams, E. S.,
Eshback,	Horst,	Price,	Wilt,
Eshleman,	Isaacs,	Pursley,	Wood,
Ewing,	Johnson, A. W.,	Royer,	Worley,
Fetterolf,	Johnson, R. P.,	Rutherford,	Wynd,
Foor,	Keiser,	Seltzer,	Zember,
Fox,	Kernaghan,	Simmons,	Zimmerman,
Fry,	Kessler,		

NAYS—105

Anderson, S. A.,	Gallagher,	Lutty,	Polen,
Arlene,	Gelfand,	Maxwell,	Prendergast,
Bachman,	Goldstein, M. H.,	McCann,	Reibman,
Boles,	Gray,	McCormack,	Reidenbach,
Bonner,	Greenlee,	McDevitt,	Renwick,
Branca,	Gremminger,	McDonald,	Rovansek,
Breth,	Guesman,	McKeever,	Rubin,
Capano,	Hamilton,	McLaughlin,	Rudisill,
Capitolo,	Hankins,	McNally,	Sakulsky,
Cauley,	Hartley,	Meholchick,	Scarcelli,
Cianfrani,	Heavey,	Mihm,	Schaaf,
Cioffi,	Irvis,	Mills,	Schuster,
Clarke,	Jenkins,	Monroe,	Shelton,
Comer,	Jim,	Morley,	Sherman,
Cooley,	Kamyk,	Mullen,	Shupnik,
Crossin,	Kelly,	Munley,	Stank,
Curwood,	Klein,	Murphy,	Stone,
Dougherty,	Kornick,	Musto,	Sullivan, J. A.,
Doughten,	Kramer,	Needham,	Sullivan, T. F.,
Eilberg,	Lamb,	O'Donnell, J. A.,	Taylor,
Farabaugh,	Lawson,	O'Donnell, J. P.,	Tomascik,
Filo,	Lee, K. B.,	Parlante,	Verona,
Fineman,	Leonard,	Pashley,	Walsh,
Flynn,	Limper,	Perry,	Wargo,
Foerster,	Long, Wm. Jas.,	Petrosky,	Welsh,
Frascella,	Long, Wm. Jos.,	Polaski,	Yetter,
Gailey,			

NOT VOTING—11

Ashton,	Lippincott,	Odorisio,	Willaredt,
Esler,	McInroy,	Riley,	Andrews,
Jones,	Murray,	Trusio,	Speaker

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1789, entitled:

An Act to provide revenue for educational purposes by imposing an excise tax on royalties interest dividends and capital gains from investment capital as defined of individual residents and nonresidents of the Commonwealth and of estates and trusts fixing the rates of tax thereon providing for the reporting and payment of tax interest and penalties assessments collections liens reviews appeals refunds and penalties and conferring powers and imposing duties upon the Department of Revenue fiduciaries partnerships associations and individuals.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. DOUGHERTY. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. POLEN asked unanimous consent to offer an amendat this time.

The SPEAKER pro tempore. The amendment will be read by the clerk for information.

Amend Section 205, page 6, line 18, by inserting after "Government" Provided, that where investment capital has been held by the taxpayer more than six months prior to its sale or exchange the taxable investment return thereon shall be 50% of the net capital gain thereon as returned to and ascertained by the Federal Government.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I would like to interrogate Mr. Polen.

The SPEAKER pro tempore. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. A. W. JOHNSON. Mr. Speaker, the gentleman's amendments, I observe, now makes the tax on capital gains of intangibles the same as the Federal rule practically, meaning that if you hold the intangible six months, only one half of the tax is payable, or only 50% percent of the profit is taxable.

The first question I want to ask is, by reason of this amendment cutting in half the profit on the sale of intangibles held more than six months, what is the revenue loss as a result of this amendment?

Mr. POLEN. Mr. Speaker, there is no revenue loss, because the estimate was based upon the Federal return which is already includes this provision.

Mr. A. W. JOHNSON. Mr. Speaker, do I understand then that the law, with respect to the gain or loss on taxes on gains on intangibles, will now be the same as that of the Federal Government?

Mr. POLEN. That is correct, Mr. Speaker, and I might further state that is the way the bill now reads. However, this amendment was put in because one of the members here felt that we should spell out the long term capital gains so that there would be no question about it, and for that reason I had this amendment prepared.

Mr. A. W. JOHNSON. How about the Federal rule with respect to a net capital loss, the limitation of $1,000? You can just deduct a $1,000 loss from other income on your return. Would that apply so that you could deduct a $1,000 loss from dividends in the same return on the state basis?

Mr. POLEN. It would not, Mr. Speaker, because we are going to use the same basis as the Federal tax. In other words, if you have long term capital gains of $1,000 you will pay on it; if you have a loss you will pay nothing. It will be exactly the same as the Federal returns.

Mr. A. W. JOHNSON. Would there be a carry-over in your state returns if you had royalties and had dividend income and gains from capital gains? Then you would, of course, add the three of them and multiply it by two percent, but you would divide your capital gains profit in half if you held it more than six months. That is the intent of this amendment, is it not?

Mr. POLEN. Mr. Speaker, this would not affect dividends or net income because they are separate. This would affect only capital gains. It would make your returns to the Commonwealth exactly the same as your returns to the Federal Government. This amendment is to make clear that the long term capital gain is to be taxed at the same rate as the Federal Government. As to the carry-over, for instances, if you said $1,000 loss, there would be no tax. If, in your next return, you had $1,000 in capital gains, you could offset your $1,000 loss on that basis. But the $1,000 loss you are talking of against regular income would have no relationship to this. Now if you had a carry-over you would reduce your current return by the $1,000, that is true. And again I say the basis of your return would be your Federal return.

Mr. A. W. JOHNSON. Well, Mr. Speaker, would not your capital net loss be a deduction from your profit on dividends and your profit on royalties in ascertaining what your net investment income was for the purpose of this state tax?

Mr. POLEN. It would not, Mr. Speaker, because each one of them is taxed separately. The capital gains stands on its own, the dividends stands on its own, and the royalties stands on its own.

Mr. A. W. JOHNSON. That is a revelation, Mr. Speaker. I thank the gentleman for that answer.

Now the next question: Here you have a situation where in this tax bill you are taxing and classifying as income from investment, dividends, royalties and capital gains. Now then, you have offered amendments which treat differently the profit on capital gains by reducing that by 50 percent. Are you not violating the uniformity clause of the constitution which says that taxes shall be uniform on the same class of subject, namely, in this case, investment income?

Mr. POLEN. No, Mr. Speaker. If you will read the bill in each case it reads, "as such year as returned to and ascertained by the Federal Government." In other words, if your dividends are $1,000 to the Federal Government, you pay on that. If your royalties are $1,000 you pay on that; if your capital gains are $1,000 you pay on that.

Mr. A. W. JOHNSON. Then the gentleman's position is that if you report certain income to the Federal Government and you use a different base, exemptions, and so forth, the mere fact that you did it for the Federal Government, and even though it might violate the State's rule, having to do with uniformity, yet because it was all right for the Federal Government, it would be all right under our State practices? Is that correct?

Mr. POLEN. Mr. Speaker, I am not going to get into the question of constitutionality because I am not familiar with it. I would say, however, that the bill was drafted by the Justice Department, this amendment was drafted by the Justice Department, and I do not see where there is any question such as the gentleman has raised. Perhaps, as an attorney, he could bring out more on it; I cannot understand it.

Mr. A. W. JOHNSON. Thank you. There are people who will probably see you in the courts on that question.

Now the next question: Now that you have offered all these amendments and you favored these favorite ones in the State through pressure for deducting rents and so forth, how much is finally left in the bill for certain people who are in segregated cases, you might say, to pay?

Mr. POLEN. Mr. Speaker, the figures that I have show there are $22,600,000 revenue in the bill at the present time.

Mr. A. W. JOHNSON. I thank the gentleman.

Mr. Speaker, I am sorry to have kept the membership here, but we felt that this as a very important amendment. It could well destroy the constitutionality of the bill, if it is constitutional, although I think constitutionality was destroyed when you ripped out of the bill similar investment incomes, such as, rents and interests, but that again is a judicial matter which will be determined by the courts.

As far as we are concerned on this side you can make this bill just as unconstitutional and unfair as you want. It is your bill and you are going to stand by it and, as far as the members on this side are concerned, you can go ahead and offer this amendment, but I wanted it in the record what you were doing.

Mr. McCANN. Mr. Speaker, I would now like to call up bills for amendments. Is there any objection to any of these that were agreed to?

Mr. A. W. JOHNSON. Mr. Speaker, I believe our membership, of course they can leave, but Mr. Polen is going to amend House bill 1841, which reduces the education program by the amount of deductions that have been made in House bill 1789, and, if you want to offer those amendments now, we would like to interrogate Mr. Polen right down on House bill 1841.

On the question recurring,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1841, entitled:

An Act amending "The General Appropriation Act of 1961" approved May 25, 1961 (Appropriation Act No. 5-A) changing certain amounts appropriated to the Department of Public Instruction and the Department of Revenue and making an appropriation to the Department of Public Instruction for community colleges.

On the question,

Will the House agree to the bill on third reading?

Mr. POLEN asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Sec. 1 (Sec. 2), page 4, line 5, by striking out "$5,408,232" and inserting: $5,308,232.

Amend Sec. 1 (Sec. 2), page 6, line 7, by striking out "$35,250,000" and inserting: $32,950,000.

Amend Sec. 2 (Sec. 2), page 8, line 4, by striking out "$1,000,000" and inserting: $400,000.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from McKean, Mr. Johnson.

Mr. A. W. JOHNSON. Mr. Speaker, I would like to interrogate the gentleman from Washington, Mr. Polen.

The SPEAKER pro tempore. Will the gentleman from Washington permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. A. W. JOHNSON. Mr. Speaker, with respect to the first item on page 4 of H.B. 1841, you are reducing the appropriation to the Department of Instruction, which was $5,408,232; you are cutting it $100,000. We note you have written into the bill money for the State Council of Higher Education and State Council of Education. May we first ask this question: The original $700,000 that was in the bill, what did you plan to use that money for under that particular item?

Mr. POLEN. Mr. Speaker, in the select committee we have the proposals of the Governor's Committee on Education. I believe the figure they recommended for this purpose which covered several programs, was $1,300,000. In order to tailor the appropriation to the anticipated tax revenue, we cut that down to $700,000. Now to again tailor it to the reduced amount that is now in the bill, we cut it an additional $100,000. It is made through general governmental operations, but it includes several programs recommended by the Governor's Committee on

Education and also the cost of the State Council of Higher Education and the State Council of Education.

Mr. A. W. JOHNSON. Mr. Speaker, do you have a statement there as to what the $600,000 would actually be used for, how much for the State Council of Higher Education, how much for the State Council of Education, and so forth?

Mr. POLEN. Mr. Speaker, we are simply going to get along with $600,000 additional money to take care of all phases of the Governor's committee's report. The reduced amount will not do many of the things mentioned in the program but it will cover the cost of the State Council of Higher Education and the State Council of Education. Some of the program will have to be dropped, and I could not say exactly what the balance would be used for. There would not be a large amount left.

Mr. A. W. JOHNSON. Mr. Speaker, could you, tomorrow, bring us a breakdown of that $600,000? You apparently do not have it there tonight.

Mr. POLEN. I will be glad to.

Mr. A. W. JOHNSON. Now the next reduction that you have made is on page 6 of the bill. You are cutting the annual rental or sinking fund charges on school buildings, the appropriation which was, I believe, $3 million?

Mr. POLEN. $2,600,000.

Mr. A. W. JOHNSON. $2,600,000. You are cutting that to $2,300,000, is that right?

Mr. POLEN. No, we are cutting it by $2,300,000, to $300,000.

Mr. A. W. JOHNSON. You are cutting it by $2,300,000 and leaving $300,000 in the fund. Now the question is, if you are cutting out the program, what is the $300,000 for? I take it you plan to send back to committee the bill increasing the room allowance from $1,100 to 1,200—that bill is not going to move, is that right?

Mr. POLEN. No, Mr. Speaker, the reason that we reduced this is that when we checked into it—let me give the history of it. The Governor's Committee on Education set that figure at $2,600,000, and we of the select committee accepted it. However, when we went into figuring it out—the Department of Public Instruction did—it was found that amount would not be necessary in this fiscal year and that approximately $300,000 would take care of it.

Mr. A. W. JOHNSON. In other words then, Mr. Speaker, the $300,000 will be all that is necessary for the increase in the authority rental subsidies?

Mr. POLEN. That is right.

Mr. A. W. JOHNSON. By the way, this is an aside, do you suppose the Department of Public Instruction could find about $2 million for panic repairs for schools? I mean they found this $2.3 million—

Mr. POLEN. Mr. Speaker, let me correct Mr. Johnson. This recommendation of $2.6 million was not the recommendation of the Department of Public Instruction. We in the select committee accepted the figures which the Governor's Committee on Education recommended, but they were rcommending it for the full year that this additional construction would be in any they are not going to be. Now the figure that I have of $300,000 is what the department estimates will be necessary for this fiscal year 1961-62, the additional amount.

Mr. A. W. JOHNSON. That is not such a substantial program, is it?

Mr. POLEN. It will not affect the program. It will take care of the authority rentals as the department has estimated them.

Mr. A. W. JOHNSON. Mr. Speaker, then the other reduction from $1,000,000 to $400,000 on the junior college setup, you are cutting that $600,000? You say that $400,000 will be enough to start the one part of the junior college program, is that about it?

Mr. POLEN. Mr. Speaker, the recommendation of the select committee was for $400,000. When I introduced House bill 1841, which was introduced on my own but using the amounts the select committee had given me, we had additional revenue at that time contained in House bill 1789. There is such great interest in that program that I, on my own, upped the appropriation to $1 million so that there would be—in my mind—there would be no question to anyone who was reading this program that there was money for it. However, the original figure of $400,000 was what was estimated to take care of the program for the balance of this fiscal year and it will permit the establishment of the junior colleges, the community colleges, under that program.

Mr. A. W. JOHNSON. Mr. Speaker, that ends the interrogation. There was the feeling that we should interrogate Mr. Polen on this so the members on this side, as well as the members on the other side, would know what these amendments do and what particular program was being cut and what the extent of the program would be after the slash. We have no objection to the amendment.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, at this point I wish to inform the House that we will convene tomorrow at 12 noon. We will vote on a series of bills before we caucus. All we have are the amended bills that are agreed to, and I will release the membership for the 6 o'clock dinner hour.

Mr. A. W. JOHNSON. Mr. Speaker, I realize Mr. McCann was dramatically going to put a sine die resolution in tonight, but apparently he is not going to do it.

Mr. McCANN. Mr. Speaker, I would like the membership to know that the parliamentarian informs me that the House rules on the sine die resolution require that it must be referred to the Rules Committee, and I will ask your permission to hold a meeting of the Rules Committee off the floor of this House tomorrow.

Mr. A. W. JOHNSON. We realize that, but I do not think it is going to be that easy. You have to put the thing in first, however.

COMMITTEE MEEETINGS

APPROPRIATIONS, Mr. Polen, chairman, Room 245, Wednesday, August 23, at 10:00 a.m.

JUDICIARY, Mr. Rudisill, chairman, Room 149, Wednesday, August 23, at 11:15 a.m.

ALL TIMES ARE DAYLIGHT SAVING TIME

REPORTS FROM COMMITTEE

Mr. J. H. GOLDSTEIN from the Committee on Banking and Building and Loan Associations, reported as amended, House bill No. 1802, entitled:

An Act amending the "Business Corporation Law," approved May 5, 1933 (P. L. 364), further providing for the payment of dividends.

Mr. CLARKE from the Committee on Banking and Building and Loan Associations, reported as committed, Senate bill No. 851, entitled:

An Act amending the act of May 5, 1933 (P. L. 457), entitled "Building and Loan Code" authorizing the payment of bonus dividends to any class or classes of stock.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 851, entitled:

An Act amending the act of May 5, 1933 (P. L. 457), entitled "Building and Loan Code" authorizing the payment of bonus dividends to any class or classes of stock.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

RESOLUTION

CONGRATULATIONS

Mr. CURWOOD offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted as follows:

In the House of Representatives, August 22, 1961.

The Borough of Shickshinny is presently celebrating the 100th anniversary of its founding.

Shickshinny, which derived its name from the indian name meaning five mountains, is strategically located beside the Susquehanna River in the lower end of the coal rigions of Luzerne County and throughout the years has served as a business center and hub of activity for thousands of residents of nearby areas. This picturesque little community, which several years ago was selected as an ideal American town, has steadfastly retained its air of friendliness and hospitality even though at times its prosperity has been seriously threatened.

The centennial celebration of the founding of Shickshinny, which started in June, will be climaxed by a celebration beginninng on Wednesday, August 23d, and lasting through Sunday, August 27th. Each night a spectacular review of the borough's history will be presented. On Wednesday night the outstanding attraction will be the crowning of a queen by our Governor, the Honorable David L. Lawrence. On Friday, a motorcycle rodeo will be presented by the Philadelphia Police force, and on Saturday, a parade is planned, with many important dignitaries on hand, including a representative of the President of the United States. Religious services on Sunday will bring the celebration to a fitting close in a spirit of giving thanks for pasts blessings and expressing prayers for the future; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby extends its most hearty congratulations and felicitations to the Borough of Shickshinny upon the celebration of its 100th anniversary and expresses the sincere belief that Shickshinny will maintain its enviable record and will continue to advance itself in the future; and be it further

Resolved, That copies of this resolution be transmitted to Mr. Dennis Carvely, Chairman of the Centennial Celebration and to Mayor Edgar G. Scott, Honorary Chairman.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne, Mr. Curwood.

Mr. CURWOOD. Mr. Speaker, all I want to say is that I thank the House very kindly for considering my resolution for the borough of Shickshinny.

Thank you.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1689, entitled:

An Act regulating the maintenance of junk and scrap yards and prescribing penalties.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. PETROSKY. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. DOUGHERTY asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Sec. 1, page 2, line by by inserting after "city" shall plant and maintain trees and shrubbery so as to hide completely such junk or scrap yard or

Amend Sec. 1, page 2, line 5, by inserting after "fence" or the tree and shrubbery height

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1840, entitled:

An Act amending the act of July 15, 1897 (P. L. 292), entitled "An act to provide revenue by taxation" clarifying provisions for imposing collecting and paying tax on deposits and shares of savings banks without capital stock building and loan association and federal and state savings and loan associations measured by their surplus undivided profits and reserves.

On the question,

Will the House agree to the bill on third reading?

Mr. POLEN asked unanimous consent to offer an amendment at this time.

The SPEAKER pro tempore. The amendment will be read by the clerk for information.

Amend Section 1 (Section 1) page 6, line 10 by inserting after "reserves" provided that a deduction shall be allowed for dividends accrued or declared and unpaid.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 312

Mr. McCANN. Mr. Speaker, I present the report of the Committee of Conference on Senate bill No. 312.

The SPEAKER pro tempore. The report will lie over for printing under the Rules.

RESOLUTION

RECALLING HOUSE BILL No. 1273 FROM THE GOVERNOR

Mr. McCANN offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, August 21, 1961.

Resolved (if the Senate of Pennsylvania concurs), that House Bill No. 1273, Printer's No. 1469, entitled "An act amending the act of June 1, 1959 (P. L. 392) entitled 'An act relating to the retirement of State employes amending revising, consolidating and changing the laws relating thereto' providing a disability retirement allowance for disability incurred by officers and employes of the Pennsylvania State Police while engaging in law enforcement activities when not on active duty", be recalled from the Governor for the purpose of amendment.

Ordered, that the clerk present the same to the Senate for concurrence.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, so that the chief clerk may have this—he has asked me about the printing—House bill 1789 will be a special order for printing tonight or early in the morning also, House bill 1820, House bill 1821, Senate bill 867. Those are "musts" for the printer to deliver on special order by 10 a. m. in the morning.

SENATE MESSAGE

ADJOURNMENT SINE DIE

The clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, August 22, 1961.

Resolved (the House of Representatives concurring) That this regular session of the General Assembly adjourn sine die on Thursday, August 31, 1961, at 9 p. m., e. s. t.

Ordered, that the clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. BRETH, POLEN and McCANN.

(Concurrent) RESOLUTION No. 102.

In the House of Representatives, August 22, 1961.

Whereas, the General Assembly requires for its use, comprehensive, factual information concerning the numerous problems before it; and

Whereas, for the purpose of obtaining such information, the following resolutions have been introduced at this Session of the General Assembly:

Senate Concurrent Resolution No. 108
Senate Concurrent Resolution No. 109
Senate Concurrent Resolution No. 110
Senate Concurrent Resolution No. 111
Senate Concurrent Resolution No. 113
Senate Concurrent Resolution No. 114
Senate Concurrent Resolution No. 122
Senate Concurrent Resolution No. 128
Senate Resolution No. 35
Senate Resolution No. 43
Senate Resolution No. 48
Senate Resolution No. 62
Senate Resolution No. 81
Senate Resolution No. 84
Senate Resolution No. 1-A
House Resolution No. 6
House Resolution No. 8
House Concurrent Resolution No. 12
House Resolution No. 13
House Resolution No. 25
House Concurrent Resolution No. 29
House Concurrent Resolution No. 37
House Resolution No. 43
House Concurrent Resolution No. 47
House Resolution No. 59
House Resolution No. 63
House Resolution No. 64
House Resolution No. 67
House Resolution No. 68
House Resolution No. 69
House Concurrent Resolution No. 72
House Resolution No. 75
House Resolution No. 79
House Resolution No. 80
House Resolution No. 81
House Resolution No. 82
House Resolution No. 83
House Concurrent Resolution No. 85
House Resolution No. 86
House Resolution No. 87
House Resolution No. 90
House Concurrent Resolution No. 92
House Resolution No. 96
House Resolution No. 99

and

Whereas, by House Concurrent Resolution No. 79, Session of 1953, the General Assembly directed the Joint State Government Commission to make a continuing study of the public schools of this Commonwealth; and

Whereas, the General Assembly deems such information useful to it and to the standing committees of the Senate and the House of Representatives; now therefor be it

Resolved (the Senate concurring), That the above-enumerated resolutions shall constitute the study and investigation directives from the General Assembly to the Joint State Government Commission; and be it further

Resolved, That the Executive Committee of the Commission shall, taking into consideration the time and funds available therefor, determine the priority and extent of such studies and investigations and report to the General Assembly the Commission's findings and recommendations, with such drafts of legislation necessary to carry the recommendations into effect.

Referred to the Committee on Rules.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been

prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 65.

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code" making the sale of regrooved tires without notice thereof a crime.

SENATE BILL No. 88.

An Act amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" abolishing county institution districts in counties of the fourth fifth and sixth classes transfering their property powers duties and obligations to counties prescribing certain further duties of county commissioners with regard to persons in foster homes and as to children and youth and regulating payments for care.

SENATE BILL No. 192.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" further providing for the placing of reflectors on vehicles and providing penalties.

SENATE BILL No. 294.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" further providing for the lights and signals to be used in connection with certain vehicles and providing penalties.

SENATE BILL No. 469.

An Act amending the act of May 26, 1949 (P. L. 1828), entitled "Fiduciaries Investment Act of 1949" making further provisions concerning authorized investments in corporate bonds and stock.

SENATE BILL No. 695.

An Act amending the act of March 19, 1949 (P. L. 30), entitled "Public School Code of 1949" further providing for the election of district superintendents and assistant superintendents in districts of the third class.

SENATE BILL No. 662.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" qualifying the membership of county board of school directors.

SENATE BILL No. 823.

An Act amending the act of June 15, 1961 (Act No. 207), entitled "Inheritance and Estate Tax Act of 1961" making a continuing appropriation for the payment of refunds of taxes to which the Commonwealth is not rightfully or equitably entitled.

SENATE BILL No. 830.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for laboratory schools of State-owned colleges and providing for payments in connection therewith.

SENATE BILL No. 875.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Adjutant General to sell and convey real property situate in the City of Lebanon Lebanon County to County Commissioners of Lebanon County.

HOUSE BILL No. 719.

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58), eliminating duplicate revocations or suspensions arising out of same event or occurrence.

HOUSE BILL No. 810.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing for the employment of professional and temporary professional employes of county boards of school directors regulating the employment dismissal suspension and demotion of such employes and providing for their rights and obligations.

HOUSE BILL No. 1217.

An Act amending the act of May 1, 1907 (P. L. 135), entitled "An act relating to the appointment of stenographers and assistant stenographers to report proceedings in the several courts of common pleas and orphans' courts courts of oyer and terminers and general jail delivery and courts of quarter sessions of the peace of this Commonwealth . . ." increasing the compensation of official stenographers for copies of stenographic notes.

HOUSE BILL No. 1220.

An Act amending the act of October 21, 1959 (P. L. 1345), entitled "An act authorizing the Department of Property and Supplies with the approval of the Secretary of Public Welfare and the Governor to convey 153.91 acres more or less of land in Bensalem Township Bucks County and 13.34 acres more or less of land in Somerset Township Somerset County in exchange for two tracts containing 109.87 acres more or less of land situate in Somerset Township Somerset County" reducing the amount of land which the Department of Property and Supplies is authorized to convey authorizing the conveyance of appurtenant easements authorizing the sale of less than all of the said that the lands exchanged have different market values and prescribing the method of determining the respective market tracts requiring the payment of compensation in the event values.

HOUSE BILL No. 1377.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), further providing for the expenses of members of boards of school directors attending certain meetings and for the expense of certain employes incurred in the furthering of the educational program of the school district.

HOUSE BILL No. 1578.

An Act amending the act of April 4, 1925 (P. L. 127), entitled "Adoption Law" reducing the minimum period of custody in an agency or institution necessary for voluntary relinquishment of custody of a child and changing provisions relating to hearings in certain cases.

HOUSE BILL No. 1663.

An Act amending the act of March 6, 1956 (P. L. 1228), entitled as amended "Selective Sales and Use Tax Act" defining and creating an exemption for processing and further regulating the time of making returns and payment thereof and eliminating the provision for commissions for collection and remittance of the tax and changing the fee to be charged when checks issued in payment of tax or for other purposes are returned as uncollectible.

HOUSE BILL No. 1664.

An Act amending the act of June 1, 1889 (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" creating an exemption for processing as defined and limited with regard to capital stock tax and franchise tax on domestic and foreign corporations joint-stock associations limited partnerships and companies.

HOUSE BILL No. 1666.

An Act amending the act of April 29, 1937 (P. L. 487), entitled as amended "The Permanent Registration Act for Cities of the Second Class Cities of the Second Class A Cities of the Third Class Boroughs Towns and Townships" eliminating requirements that registrars of vital statistics make death reports and requiring the cancellation of registrations of persons reported dead.

HOUSE BILL No. 1667.

An Act amending the act of March 30, 1937 (P. L. 115), entitled "The First Class City Permanent Registration Act" eliminating requirements that registrars of vital statistics make death reports and requiring the cancellation of registration of persons reported dead.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

ANNOUNCEMENT

Mr. McCANN. I mentioned to the minority leader that in the session tomorrow we will vote all the retirement bills and those that are agreed—we will vote first—then there will be a special caucus from the floor on reorganization and tax measures.

Without a doubt, this House will definitely work Thursday and then adjourn for the week. Next week, when we come in, we will go into the sine die schedule which means that we will not close at any given time each day until the Senate and the House are in complete agreement. We will recess for meals two and three hours at a time, when printing is necessary, continuing to work steadily through the week driving toward adjournment sine die, which will be reported from the Rules Committee tomorrow.

INTERROGATION

The SPEAKER pro tempore. The Chair recognizes the minority leader who desires to interrogate the majority leader.

Will the gentleman permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. A. W. JOHNSON. Mr. Speaker, what are your plans with respect to the sine die resolution? Do you hope to have a meeting of Rules Committee tomorrow and have it released from committee? Is that right?

Mr. McCANN. That is right.

Mr. A. W. JOHNSON. Will it be on the printed calendar?

Mr. McCANN. I assume that is the proper procedure.

The SPEAKER pro tempore. It will not appear on the calendar. It will be voted upon by the House.

Mr. McCANN. It will just be voted on?

Mr. A. W. JOHNSON. If it is reported from Rules Committee, it will come up for a vote tomorrow, is that right?

Mr. McCANN. That is absolutely right.

Mr. A. W. JOHNSON. What time of day would you expect to call it up, before your tax program may or may not have passed, before your school program is passed, or just when would you expect to call it?

Mr. McCANN. I never gave it a single thought. Whatever time you say, that is when I will call it.

Mr. A. W. JOHNSON. Now just a minute. You are the boss.

Mr. McCANN. Mr. Speaker, I never for once thought of that. I will vote sine die before or after, whichever you prefer. It is honestly that simple. If you want to vote on it at the end of the day, it will be agreed to, or at the beginning of the day. It will be agreed to, right after we report it out.

Mr. A. W. JOHNSON. Mr. Speaker, if we vote sine die before we pass taxes or pass the school program, that is an indication that you are ready to quit no matter what happens. I did not think you would run it before you had some of these bills in your vest pocket.

Mr. McCANN. They are sure to pass with those 10 Republican votes I will get tomorrow.

Mr. A. W. JOHNSON. Mr. Speaker, he is on another subject now. Let us stick to sine die.

BILLS AND RESOLUTIONS PASSED OVER

Mr McCANN. Mr. Speaker, I request that all other bills and resolutions on today's calendar not acted upon be passed over.

The SPEAKER pro tempore. The Chair hears no objection.

ADJOURNMENT

Mr. GRAMLICH. Mr. Speaker, I move that this House do now adjourn until Wednesday, August 23, 1961, at 11 a. m., e. s. t.

The motion was agreed to, and (at 7:07 p. m., e. s. t.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1961. 145th of the General Assembly.

Vol. 38. HARRISBURG, PA., WEDNESDAY, AUGUST 23, 1961. No. 93.

SENATE

WEDNESDAY, August 23, 1961.

The Senate met at 10:00 a. m., Eastern Standard Time.

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

PRAYER

The Chaplain, Rev. JAMES V. LEARY, Assistant Rector of St. Michael The Archangel Roman Catholic Church, Levittown, offered the following prayer:

In the Name of the Father, and of the Son, and of the Holy Ghost, Amen.

We pray Thee, O Almighty God. Who alone art good and holy, shower Thy blessings on the Governor of this State, on the Members of this Assembly, and on all those who hold important situations. Let their administration be conducted in righteousness. Let it be useful to the people over whom they preside by encouraging due respect for virtue and religion, by a faithful execution of the laws in justice and mercy, and by restraining vice and immorality.

We recommend, likewise, to Thy unbounded mercy all our brethren and fellow citizens throughout the United States that they may be blessed in the knowledge and sanctified in the observance of Thy most holy law, that they may be preserved in union, and in that peace which the world cannot give.

Finally, direct all our actions, O Lord, we beseech Thee, by Thy divine inspiration, and further them by Thy continual help so that every prayer and work of ours, and especially fo this Assembly, may always begin with Thee and, through Thee, be likewise ended. Amen.

In the Name of the Father, and of the Son, and of the Holy Ghost, Amen.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. LANE and Mr. RIPP, further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. BERGER asked and obtained leave of absence for Mr. MADIGAN.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor, advising that the following Senate Bills had been approved and signed by the Governor:

SB 407 and 610.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 200,** which was referred to the Committee on Education.

He also presented for concurrence **HB 1824,** which was referred to the Committee on Appropriations.

HOUSE CONCURS IN AMENDMENTS TO SB 735 RECALLED FROM THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to **SB 735,** said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

RESOLUTION RECALLING FROM THE GOVERNOR HB 1273

He also presented extract from the Journal of the House of Representatives which was read, considered and concurred in:

In the House of Representatives, August 21, 1961.

Resolved (if the Senate concur), That House Bill No. 1273, Printer's No. 1469, be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. RIPP, from the Committee on Corporations, rereported, as committed, **HB 1452, 1453, 1454** and **1455;** as amended, **HB 1456.**

Mr. SILVERT, from the Committee on Law and Order, rereported, as amended, **SB 758.**

Mr. WEINER, from the Committee on Rules, reported, as committed, **SB 931** and **932.**

SENATE CONCURRENT RESOLUTION

CREATING THE GENERAL ASSEMBLY ADVISORY COUNCIL

Messrs. BERGER and WEINER offered the following resolution **(Serial No. 129)**, which was read and referred to the Committee on Rules:

In the Senate, August 23, 1961.

Whereas, There is a need for a closer medium of contact and communication between the General Assembly and the offices of the Governor and the various administratives offices and agencies, and

Whereas, Functions of the legislative arm of government are hampered and delayed by lack of facilities and lack of co-ordination of existing facilities between its own agencies and the Members of the House of Representatives and Senate, and

Whereas, It is desirable to create a continuing commission of the General Assembly to direct the ways and means whereby the agencies, standing committees, officers and employees of the Assembly may operate for the best interests of the Commonwealth by expediting and simplifying the legislative processes, assisting and advising with special committees and agencies, and generally acting as an advisory and executive arm of the legislature.

Therefore be it resolved (if the House of Representatives concur), That there is hereby created the General Assembly Advisory Council whose function shall be to co-ordinate and advise on the duties of special committees and agencies of the General Assembly or either House thereof; to co-ordinate the functions and duties of the Legislative Reference Bureau, the Legislative Budget and Finance Committee, Joint State Government Commission, Local Government Commission, and other commissions or committees; the creation and staffing of a legislative library within one of the presently existing legislative commissions or committees, and to give immediate attention to a revision of the rules of the House and Senate whereby the major House and Senate Committees shall receive and study proposed legislation during the interim between sessions of the Legislature and during the Fiscal Session of the Legislature.

And Be It Further Resolved, That the Council hereby created shall have the right and power to obtain, upon request, reports and information from all agencies, commissions and committees now or then currently engaged in programs of construction or planning, and to obtain facilities and space for the Legislature and its committees.

And Be It Finally Resolved, That the Council shall consist of not less than twenty nor more than thirty Members of the General Assembly, to be appointed by the Speaker of the House and the President pro tempore of the Senate, the membership to be bipartisan at all times, and the officers shall be elected by the members of the Council.

CALENDAR

SB 923 CALLED UP OUT OF ORDER

SB 923 (Pr. No. 1233)—Without objection, the bill was called up out of order, from page 5 of the Third Reading Calender, by Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

SB 923 (Pr. No. 1233)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 869 CALLED UP OUT OF ORDER

SB 869 (Pr. No. 1242)—Without objection, the bill was called up out of order, from page 5 of the Third Reading Calendar, by Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

SB 869 (Pr. No. 1242)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 852 (Pr. No. 1193)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 852.

Mr. CAMIEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECONSIDERATION OF HB 1438

Mr. WEINER. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1438, Printer's No. 2652, passed finally on August 22, 1961.

The PRESIDING OFFICER. How did the Senator vote?

Mr. WEINER. Mr. President, I voted with the prevailing side.

Mr. LANE. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. WEINER. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDING OFFICER. How did the Senator vote?

Mr. WEINER. Mr. President, I voted with the prevailing side.

Mr. LANE. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WEINER. Mr. President, I now request that House Bill No. 1438, on third reading, be laid on the table.

The PRESIDING OFFICER. There being no objection, the bill will be laid on the table.

RECESS

Mr. WEINER. Mr. President, I request a forty-five minute recess of the Senate for the purpose of holding a Democratic Caucus and a Republican Caucus, to be held in our respective Caucus Rooms.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a forty-five minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

REPORTS OF COMMITTEES OF CONFERENCE SUBMITTED

Mr. SILVERT submitted the Report of Committee of Conference on **SB 111**, which was placed on the Calendar.

Mr. CAMIEL submitted the Report of Committee of Conference on **SB 312**, which was placed on the Calendar.

RECONSIDERATION OF SB 877

Mr. SEYLER. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 877, Printer's No. 1152, failed of final passage on August 14, 1961.

The PRESIDING OFFICER. How did the Senator vote?

Mr. SEYLER. Mr. President, I voted with the prevailing side.

Mr. DEVLIN. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. DEVLIN. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. SEYLER. Mr. President, I request that Senate Bill No. 877 go over in its order and appear on Monday's Final Passage Calendar.

The PRESIDING OFFICER. There being no objection, the bill will be placed on Monday's Final Passage Calendar.

REPORTS FROM COMMITTEES

Mr. STAISEY, by unanimous consent, from the Committee on Forests and Waters, Game and Fish, reported, as committed, **SB 787** and **910**.

Mr. MULLIN, by unanimous consent, from the Committee on Local Government, reported, as amended, **HB 1030**.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

ALDERMAN

August 23, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Ruby C. Myers, 115 East Crawford Avenue, Altoona, Blair County, for appointment as alderman in and for the Tenth Ward of the City of Altoona, Blair County, to serve until the first Monday of January 1962, vice Charles M. Hauk, resigned.

DAVID L. LAWRENCE

MEMBER OF THE BOARD OF TRUSTEES OF EAST STROUDSBURG STATE COLLEGE

August 23, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Patrick J. Connors, 716 Beech Street, Old Forge, Lackawanna County, for reappointment as a member of the Board of

Trustees of East Stroudsburg State College, until the third Tuesday of January 1967, and until his successor shall have been appointed and qualified.

DAVID L. LAWRENCE

HB 1438 TAKEN FROM THE TABLE

Mr. WEINER. Mr. President, at this time, I call from the table for consideration House Bill No. 1438, Printer's No. 2652. By way of explanation, this is the bill on which we previously reconsidered the vote by which it had passed finally and also by which it had passed third reading. The bill was then laid on the table.

The PRESIDING OFFICER. There being no objection, House Bill No. 1438, on third reading, is now before the Senate.

BILL ON THIRD READING AMENDED

HB 1438 (Pr. No. 2652)—And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendments:

> Amend Sec. 2 (Sec. 5), page 11, beginning on line 2 and ending on line 10, by striking out "no excavation shall hereafter be made within a distance of one hundred (100) feet from the boundary line of the right of way of any public highway or within a distance of two hundred twenty-five (225) feet from any occupied dwelling house unless released by the owner thereof or any public building school church and community or institutional building" and inserting:
>
> The operator shall backfill the operation made by the open pit mining operation to a distance of one hundred feet beyond the boundary line of the right of way of any public highway and to a distance of two hundred twenty-five feet from any occupied dwelling house unless released by owner thereof public building school church and community or institutional building
>
> Amend Sec. 4 (Sec. 10), page 15, line 17, by striking out "seven hundred (700)" and inserting: seven hundred fifty (750)
>
> Amend Sec. 4 (Sec. 10), page 16, line 16, by striking out "seven hundred (700)" and inserting: seven hundred fifty (750)

On the question,

Will the Senate agree to the amendments?

Mr. HALUSKA. Mr. President, may we be at ease for a few moments while I check those amendments?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

Mr. WEINER. Mr. President, I request that the bill, as amended, now be laid on the table.

The PRESIDING OFFICER. Hearing no objection, the bill, as amended, will be laid on the table.

RECESS

Mr. WEINER. Mr. President, I request a five minute recess of the Senate for the purpose of holding a Democratic Caucus and a Republican Caucus, to be held in the respective Caucus Rooms.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a five minute recess of the Senate.

AFTER RECESS

The PRESIDENT pro tempore (Anthony J. DiSilvestro) in the Chair.

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

BILLS SIGNED

The President pro tempore (Anthony J. DiSilvestro) in the presence of the Senate signed the following bills:

SB 200, 401, 605, 628, 735, HB 137, 206, 517, 727, 763, 764, 765, 771, 772, 774, 776, 777, 778, 779, 780, 782, 783, 784, 786, 788, 789, 790, 791, 792, 793, 794, 796, 797, 798, 800, 801, 924, 1013, 1050, 1162, 1177, 1279, 1280, 1281, 1415, 1431, 1549, 1600, 1610, 1708 and **1830.**

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

RECONSIDERATION OF HB 1221

Mr. WEINER. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1221, Printer's No. 2651, passed finally on August 22, 1961.

The PRESIDING OFFICER. How did the Senator vote?

Mr. WEINER. Mr. President, I voted with the prevailing side.

Mr. LANE. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. WEINER. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDING OFFICER. How did the Senator vote?

Mr. WEINER. Mr. President, I voted with the prevailing side.

Mr. LANE. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. LANE. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendments:

> Amend Sec. 3 (Sec. 6), page 6, line 14, by striking out "FOUR HUNDRED DOLLARS ($400)" and inserting: five hundred dollars ($500)
>
> Amend Sec. 3 (Sec. 6), page 6, line 20 and Page 7, line 1, by striking out "FOUR THOUSAND DOLLARS ($4000)" and inserting: five thousand dollars ($5000)
>
> Amend Sec. 5 (Sec. 8), page 9, line 18, by striking out "FOUR HUNDRED DOLLARS ($400)" and inserting: five hundred dollars ($500)
>
> Amend Sec. 5 (Sec. 8), page 10, line 2, by striking out "FOUR THOUSAND DOLLARS ($4000)" and inserting: five thousand dollars ($5000)
>
> Amend Sec. 5 (Sec. 9), page 10, line 17, by

striking out "FOUR HUNDRED DOLLARS ($400)" and inserting: five hundred dollars ($500)

Amend Sec. 5 (Sec. 9), page 11, lines 1 and 2, by striking out "FOUR THOUSAND DOLLARS ($4000)" and inserting: five thousand dollars ($5000)

Amend Sec. 5 (Sec. 9), page 11, line 6, by striking out "FOUR HUNDRED DOLLARS ($400)" and inserting: five hundred dollars ($500)

Amend Sec. 5 (Sec. 9), page 11, line 11, by striking out "FOUR HUNDRED DOLLARS ($400)" and inserting: five hundred dollars ($500)

Amend Sec. 5 (Sec. 9), page 11, lines 13 and 14, by striking out "FOUR THOUSAND DOLLARS ($4000)" and inserting: five thousand dollars ($5000)

Amend Sec. 5 (Sec. 9), page 12, lines 1 and 2, by striking out "FOUR THOUSAND DOLLARS ($4000)" and inserting: five thousand dollars ($5000)

Amend Sec. 10 (Sec. 16), page 17, line 17, by striking out "THREE HUNDRED SIXTY DOLLARS ($360)" and inserting: four hundred forty dollars ($440)

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

Mr. WEINER. Mr. President, I request that the bill, as amended, be laid on the table.

The PRESIDING OFFICER. There being no objection, the bill, as amended, will be laid on the table.

REPORTS FROM COMMITTEE

Mr. HAYS. Mr. President, I ask unanimous consent to make certain Reports from Committee at this time.

The PRESIDING OFFICER. The Chair hears no objection, and the gentleman may proceed.

Mr. HAYS. Mr. President, I have been unofficially informed that the House has passed the school reorganization bill.

At this time, I have been instructed to report from the Select Committee on Education, as committed, Senate Bill No. 819 and Senate Bill No. 820, which are bills also dealing with school reorganization.

FINAL PASSAGE CALENDAR

BILL ON FINAL PASSAGE

HB 283 (Pr. No. 2628)—And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WEINER. Mr. President, I am going to vote for this bill, and I am going to ask my colleagues to do likewise.

This is not the type of bill that I would be happy with or that I think is needed in this type of a situation. I believe we should have followed the bill that appears in the National Congress. The requirements for the people who lobby for labor, which appear in the Griffith-Landrum Bill, should be incorporated in this measure.

Unfortunately, we are dealing with what we would like to have rather than the practicalities of the situation. As a result, rather than have no bill at all, I will accept this measure and ask my colleagues to vote "aye."

Mr. HAYS. Mr. President, I had hoped to vote for an adequate lobbying bill at this Session. However, as I said yesterday, my luck with amendments has been running bad. Therefore, I will not offer amendments, but I will be compelled to vote "no" because I think this bill is inadequate.

Mr. KESSLER. Mr. President, it seems to me that we are doing something here which is contrary to not only the Constitution of the United States, but also the Constitution of Pennsylvania.

May I just take a minute of the time of the Senate to read two sections? The first one is the First Amendment to the Constitution of the United States:

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or of the right of the people peacefully to assemble, and to petition the government for a redress of grievances."

Our own Pennsylvania Constitution, I think, is even more specific. Article I, Section 7, reads as follows:

> "The printing press shall be free to every person who may undertake to examine the proceedings of the legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the jury have the right to determine the law and the facts, under the direction of the court, as in other cases."

Section 20 of Article I also reads as follows:

> "The citizens have a right in a peaceful manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance."

Mr. President, I hate to see the Senate give favorable consideration to a bill such as this, which I think interferes definitely with the freedom of speech of the citizens of the Commonwealth, and is going to make it difficult for honest and intelligent men to perform their responsibilities and duties which we think they are entitled to.

I would certainly like to urge all of the Senators to vote against this bill.

Mr. WEINER. Mr. President, I agree with the gentleman's remarks as far as they go. Unfortunately, they did not go far enough.

I agree that honest and decent people have no reason to be concerned about this matter. This legislation is not primarily set up to interfere with the right of free speech or the right of assembly. If it were, I would be the first one to vote against it.

What you have is the practical situation where you

have an organized group, or groups of people, who try not only to influence legislation, but they try to legislate. I think there ought to be some curb as to that activity.

Also, we must face the basic premise which man has faced from the day he came on this earth; namely, that he happens to be weak in certain areas. When people exploit some of these weaknesses or operate on some of these human frailities, I think that ought to be curbed and people ought not to be faced with that kind of temptation.

You have, in the General Assembly, 260 Members who come from every nook and cranny of the State. They are people who come from every walk of life and from every economic strata of life. These people are no better or no worse than anyone else. Many of them are highly skilled in the type of work they do. Others would be better advised not to be in this business. Unfortunately, they all arrive here. The people who are interested in some aspect of legislation then begin to operate on these people, and all of the frailties of these people come to the fore.

How do you deal with this problem? Do you have a meeting of all of the people who come here as Legislators? Do you sit them down and go over the basic human concepts or the basic concepts they should have learned as a child in their homes? Do you then go into all of the decent things they should have done and all of the indecent things they should try to resist, because this temptation will come along constantly with every piece of legislation?

There is not a bill on this Calendar, Senator, that does not deal with some problem that somebody has or does not deal with some area in which someone is interested and someone is opposed. One of the things the Legislature must do is iron out all of these problems if at all possible or, best sort them out and try to come to some honest conclusion.

This is very difficult. There are many subjects about which many of us know nothing. The definition once given of "ignorance" is that we are all ignorant about many things, and it is just lucky that we are not all ignorant about the same things. Therefore, all of us can bring something to bear or something to each of these problems.

When people try to exploit this ignorance—I mean that in the best sense; that you do not know the subject—and try to use it for their own means, try to turn it or twist it, or try to embarrass someone here who would normally not be faced with this problem or would have no chance to deal with it other than the fact that he has been elected and is down here, that is the kind of problem we are trying to curb.

I would say that, on the whole, people are decent and try to do the right thing. However, you always have the fellow who goes overboard. You had the same thing in the national Congress. A bribe was attempted upon one of the United States Senators on an oil lobby bill. I do not think that is a coincidence. I do not think that is the first time it has happened, and I do not think it is the last time it will happen. At least, under this bill, you would have some idea who these people are.

As I stated to you earlier, I do not think this is the best bill that we could get. This ends up merely being a registration bill. The other bill would have been a desire to know everything that is going on. Just as in the Griffith-Landrum Bill, every labor lobbyist who goes into Washington must not only register, but he must give a full account of his income, must give a full account of the wages he receives, and he must give a full account of his expense account. We are not asking that here and, unfortunately, we are not going into detail.

Also, you have in every Session the one man who comes up here on one bill and makes an all-out effort on it. He is not motivated by the best interests of the people, and he is not always motivated by the highest ideals. He has been hired to do a job and he is going to try to do that job the best he can. He might do it any way that he can. We are trying to curb this. There may be an honest and decent fellow who comes up here to try to influence and try to bring to bear the knowledge that he has.

Lobbyists are not bad. People who are lobbyists are not bad people. They bring information to the Senators; they bring information to the Members of the Legislature. They bring a lot of information we may not have at hand. However, when they move into the area of trying to legislate, or when they try to be the Legislature, that is when you have the basic problem. This is what we are trying to curb. This is what we are trying to deal with. I do not think that is in the same category of the right of free assembly or interfering with the right of free speech.

We allow people to have guns in their homes. This is no crime in this State or in this Nation. However, if you walk down the street with a gun hidden inside of your coat, you are committing a crime. This, I think, is analogous to the situation that we have here at hand and with which we are trying to deal.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bell,	**Flack,**	**Murray,**	**Stalsey,**
Berger,	**Fleming,**	**Propert,**	**Stevenson,**
Camiel,	**Kalman,**	**Ripp,**	**Stroup,**
Chapman,	**Lane,**	**Sarraf,**	**Taylor,**
Confair,	**Mahady,**	**Scott,**	**Wade,**
Devlin,	**McGinnis,**	**Sesler,**	**Weiner,**
DiSilvestro,	**McMenamin,**	**Seyler,**	**Yatron,**
Ehrgood,	**Mullin,**	**Silvert,**	**Donolow,** Presiding Officer

NAYS—9

Haluska,	**Kessler,**	**Mallery,**	**Rooney,**
Hawbaker,	**Kromer,**	**Miller,**	**Ware, III,**
Hays,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON FINAL PASSAGE DEFEATED

HB 518 (Pr. No. 2606)—On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow,
Lane,			Presiding Officer

NAYS—24

Bell,	Fleming,	Pechan,	Taylor,
Berger,	Hawbaker,	Propert,	Van Sant,
Chapman,	Keller,	Scott,	Wade,
Confair,	Kessler,	Shafer,	Wagner,
Ehrgood,	Kromer,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

RECONSIDERATION OF VOTE

HB 1427 (Pr. No. 1721)—On the question,

Shall the bill pass finally?

Mr. DEVLIN. Mr. President, I move to reconsider the vote by which this bill passed third reading.

The PRESIDING OFFICER. How did the Senator vote?

Mr. DEVLIN. Mr. President, I voted with the prevailing side.

Mr. LANE. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DEVLIN, by unanimous consent, offered the following amendments:

> Amend Sec. 1 (Sec. 1), page 3, line 4, by inserting after "city]": at public auction upon sealed bids or at private sale with approval of the court of common pleas
>
> Amend Sec. 1 (Sec. 1), page 3, line 6, by inserting after "use": and provided further, that before any such sale is made council shall advertise said proposed sale twice in at least one newspaper of general circulation printed in such city

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. DEVLIN.

THIRD READING CALENDAR

EDUCATION BILL ON THIRD READING AND FINAL PASSAGE

SB 130 (Pr. No. 130)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

EDUCATION BILLS OVER IN ORDER

SB 646—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

SB 688—Mr. BERGER. Mr. President, I request that Senate bill No. 688 go over in its order.

The PRESIDING OFFICER. Is there objection?

Mr. WEINER. Mr. President, would the gentleman please advise us if we may work on this bill on Monday at the very latest?

Mr. BERGER. I could not so advise the gentleman, Mr. President.

Mr. WEINER. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDING OFFICER. There being no objection, the bill will go over in its order.

SB 690—Without objection, the billwas passed over in its order at the request of Mr. HAYS.

EDUCATION BILL ON THIRD READING AND FINAL PASSAGE

SB 734 (Pr. No. 1172)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

EDUCATION BILL OVER IN ORDER

SB 769—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

EDUCATION BILLS ON THIRD READING AND FINAL PASSAGE

SB 870 (Pr. No. 1107)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

HB 944 (Pr. No. 2180)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1619 (Pr. No. 2033)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer.	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 1831,** which was referred to the Committee on Judiciary General.

He also presented for concurrence **HB 1789,** which was referred to the Committee on Finance.

SENATE BILL RETURNED WITH AMENDMENTS

He also returned to the Senate, **SB 867,** with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. The bill, as amended, will be placed on the Calendar.

JUDGE DAVID H. WEISS PRESENTED TO SENATE

Mr. MAHADY. Mr. President, at this time, I would like to introduce one of my constituents, and a Former Member of the Legislature for many years, Judge David H. Weiss, from Westmoreland County.

The PRESIDING OFFICER. Judge David Weiss is an old friend of the Chair and a very able jurist in Pennsylvania. We are very proud of him.

REPORTS OF COMMITTEES OF CONFERENCE REPORTED

Mr. MAHADY submitted the Reports of Committees of Conference on **HB 254** and **255,** which were laid over for printing under the rules.

RECONSIDERATION OF SB 413

Mr. LANE. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 413, Printer's No. 1169, failed of final passage on August 14, 1961.

The PRESIDING OFFICER. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

Mr. SARRAF. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. SARRAF. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. LANE. Mr. President, I request that Senate bill No. 413 go over in its order and appear on Monday's Final Passage Calendar.

The PRESIDING OFFICER. Hearing no objection, the bill will be placed on Monday's Final Passage Calendar.

PERSONAL PRIVILEGE

Mr. HAYS. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The gentleman from Centre, Mr. Hays, will state it.

Mr. HAYS. Mr. President, I think there is an event happening in the sports world that should be called to the attention of the Senate of Pennsylvania. I am sure the Pittsburgh Pirates, would not want to say this. The the people from western Pennsylvania, who are fans of people from Philadelphia. I am sure, are too modest to say it.

However, as of now, the Philadelphia Phillies have a winning streak going, and I think it should be a part of the Senate record.

The PRESIDING OFFICER. We will accordingly, recognize the winning streak.

REPORT FROM COMMITTEE

Mr. SESLER, by unanimous consent, from the Committee on Military Affairs and Aeronautics, reported, as committed, **HB 65.**

HB 1438 TAKEN FROM THE TABLE

Mr. WEINER. Mr. President, I now call from the table House Bill No. 1438, Printer's No. 2676, which was previously amended on third reading at today's Session. A copy of the bill, as amended, has been placed on each Senator's desk.

The PRESIDING OFFICER. The Chair hears no objection, and House Bill No. 1438 is now before the Senate for consideration.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1438 (Pr. No. 2676)—And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	Hays,	Murray,	Stevenson,
Berger,	Kalman,	Pechan,	Stiefel,
Camiel,	Keller,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow, Presiding Officer

NAYS—1

Kessler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

RECESS

Mr. WEINER. Mr. President, I request a ten minute recess of the Senate for the purpose of holding a meeting of the Committee on Judiciary General, to be held in the office of the President pro tempore.

THE PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a ten minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

REPORT FROM COMMITTEE

Mr. McMENAMIN, by unanimous consent, from the Committee on Judiciary General, reported, as committed, **HB 1831.**

RECESS

Mr. SILVERT. Mr. President, I request a ten minute recess of the Senate for the purpose of holding a meeting of the Committee on Finance, to be held in the office of the Senate Committee on Appropriations.

Mr. McGINNIS. Mr. President, I would also like to request a ten minute recess of the Senate in order that the Committee on Appropriations may meet. This meeting will follow the meeting of the Committee on Finance, and will be held in the office of the Senate Committee on Appropriations.

The PRESIDING OFFICER. The Chair hears no objection, and declares a twenty minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. SILVERT, by unanimous consent, from the Committee on Finance, reported, as committed, **HB 1789.**

Mr. McGINNIS, by unanimous consent, from the Committee on Appropriations, rereported, as committed, **SB 440** and **658;** as amended, **SB 320** and **640.**

RECESS

Mr. WEINER. Mr. President, I request a one-hour and a half recess of the Senate for the purpose of having dinner.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a one-hour and a half recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

RECESS

Mr. HAYS. Mr. President, I now request a further recess of the Senate for five minutes for the purpose of holding a meeting of the Committee on Education, to be held in the Minority Floor Leader's Office.

The PRESIDING OFFICER. There being no objection, the Chair now declares a five minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

BILL INTRODUCED AND REFERRED

Messrs. HAYS, SILVERT, STROUP and MURRAY, by unanimous consent, presented to the Chair **SB 934,** entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," further providing for school nurse services and changing reimbursement provisions with respect thereto.

Which was committed to the Committee on Education.

HB 1221 TAKEN FROM THE TABLE

Mr. WEINER. Mr. President, I call from the table House Bill No. 1221, printer's No. 2681, which was amended on third reading earlier in today's proceedings. Copies of the bill, as amended, are available and have been placed on the desks of the Senators.

The PRESIDING OFFICER. The Chair hears no objection, and House Bill No. 1221 is now before the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1221 (Pr. No. 2681)—And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	Hays,	Murray,	Stevenson,
Berger,	Kalman,	Pechan,	Stiefel,
Camiel,	Keller,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Seyler,	Ware, III,
Flack,	McGinnis,	Sesler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow, Presiding Officer

NAYS—1

Kessler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, **SB 96,** with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. The bill, as amended, will be placed on the Calendar.

HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate, **SB 503** and **736,** with the information that the House has passed the same without amendments.

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 601, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments nonconcurred in by the Senate to **SB 601,** and has appointed Messrs. FILO, FOERSTER and EWING as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE CONCURRENT RESOLUTION REFERRED TO COMMITTEE

He also presented for concurrence House Concurrent Resolution, entitled:

Commending the Attorney General and the Philadelphia Inquirer in Bringing to a Successful Conclusion Their Campaign in Causing the Gallery of the Barnes Foundation to be Open to the Public

which was referred to the Committee on State Government.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence **HB 610** and **1214,** which were referred to the Committee on Education.

He also presented for concurrence **HB 1080,** which was referred to the Committee on State Government.

THIRD READING CALENDAR

BILLS OVER IN ORDER

HB 36 and **216**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL ON THIRD READING AMENDED

HB 522 (Pr. No. 2607)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendments:

Amend Sec. 5, page 20, line 13, by striking out "and."

Amend Sec. 5, page 20, lines 13 and 14, by striking out "subsection (f) of section 801 section" and inserting: and

Amend Sec. 5 (Sec. 801), page 21, lines 15 to 20; page 22, lines 1 to 20; page 23, lines 1 to 8, by striking out all of said lines.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

BILL OVER IN ORDER

SB 651—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILL ON THIRD READING AND FINAL PASSAGE

SB 791 (Pr. No. 1231)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER ON FINAL PASSAGE

SB 801 (Pr. No. 979)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. PROPERT. Mr. President, I request that Senate Bill No. 801 go over in its order and appear on Monday's Final Passage Calendar.

The PRESIDING OFFICER. There being no objection, the bill will be placed on Monday's Final Passage Calendar.

BILL OVER IN ORDER

SB 872—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILLS ON THIRD READING AND FINAL PASSAGE

SB 885 (Pr. No. 1202)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	Hays,	Murray,	Stevenson,
Berger,	Kalman,	Pechan,	Stiefel,
Camiel,	Keller,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
			Presiding Officer

NAYS—1

Kessler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 925 (Pr. No. 1235)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

HB 1028 and **1085**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1219 (Pr. No. 2541)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	Hays,	Murray,	Stevenson,
Berger,	Kalman,	Pechan,	Stiefel,
Camiel,	Keller,	Propert,	Stroup,
Chapman,	Kessler,	Ripp,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,

Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
			Presiding Officer

NAYS—1

Miller,

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

HB 1259 and **1335**—Without objection, the bills were passed over in their order at the request of Mr. BERGER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1421 (Pr. No. 1711)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

HB 1422—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 1469 (Pr. No. 2218)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. SILVERT. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bell,	Keller,	Ripp,	Stiefel,
Camiel,	Lane,	Rooney,	Taylor,
Confair,	Mahady,	Sarraf,	Van Sant,
Devlin,	McCreesh,	Sesler,	Wagner,
DiSilvestro,	McGinnis,	Seyler,	Ware, III,
Flack,	Miller,	Silvert,	Weiner,
Haluska,	Mullin,	Staisey,	Yatron,
Hays,	Murray,	Stevenson,	Donolow,
Kalman,			Presiding Officer

NAYS—12

Berger,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Scott,	Wade,
Hawbaker,	Pechan,	Shafer,	Wolfe,

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed same without amendments.

HB 1473 (Pr. No. 2673)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bell,	Hays,	Pechan,	Stiefel,
Berger,	Kalman,	Propert,	Stroup,
Camiel,	Keller,	Ripp,	Taylor,
Chapman,	Kessler,	Rooney,	Van Sant,
Confair,	Kromer,	Sarraf,	Wade,
Devlin,	Mallery,	Scott,	Wagner,
DiSilvestro,	McCreesh,	Sesler,	Ware, III,
Ehrgood,	McGinnis,	Seyler,	Weiner,
Flack,	McMenamin,	Shafer,	Wolfe,
Fleming,	Miller,	Silvert,	Yatron,
Haluska,	Mullin,	Staisey,	Donolow,
Hawbaker,	Murray,	Stevenson,	Presiding Officer

NAYS—2

Lane, Mahady,

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1484 (Pr. No. 2674)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS OVER IN ORDER

HB 1486—Without objection, the bill was passed over in its order at the request of Mr. LANE.

HB 1487—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1572 (Pr. No. 1973)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

HB 1599 and **1622**—Without objection, the bills were passed over in their order at the request of Mr. BERGER.

BILL ON THIRD READING AMENDED

HB 1638 (Pr. No. 2655)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following corrective amendments:

> Amend Sec. 1, page 2, line 3, by striking out "subsection (a)".
>
> Amend Sec 1, page 2, line 4, by striking out "and subsection (c) amended February 28, 1956 (P. L. 1095) are" and inserting:
>
> is

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

BILLS OVER IN ORDER

HB 1678, 1683 and **1768**—Without objection, the bills were passed over in their order at the request of Mr. BERGER.

BILL ON THIRD READING AMENDED

HB 1771 (Pr. No. 2619)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. STEVENSON, by unanimous consent, offered the following amendments:

> Amend Section 1, Clauses (4) and (10) of subsection (a) of Section 202, page 3, line 5, by striking out the word "when"and on page 3, line 19, by striking out the word "when".

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. STEVENSON.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1774 (Pr. No. 2318)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. LANE. Mr. President, I desire to change my vote from "no" to 'aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Bell,	Keller,	Propert,	Van Sant,
Berger,	Kessler,	Ripp,	Wade,
Confair,	Kromer,	Scott,	Wagner,
Ehrgood,	Lane,	Shafer,	Ware, III,
Flack,	Mallery,	Stevenson,	Weiner,
Fleming,	Mullin,	Stroup,	Wolfe,
Hawbaker,	Pechan,	Taylor,	

NAYS—20

Devlin,	Mahady,	Murray,	Silvert,
DiSilvestro,	McCreesh,	Rooney,	Staisey,
Haluska,	McGinnis,	Sarraf,	Stiefel,
Hays,	McMenamin,	Sesler,	Yatron,
Kalman,	Miller,	Seyler,	Donolow,
			Presiding Officer

A majority of all the Senators having voted 'aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

HB 1811—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL INTRODUCED AND REFERRED

Messrs. HAWBAKER, STROUP and YATRON, by unanimous consent, presented to the Chair **SB 935**, entitled:

An Act amending the act of April 28, 1937 (P. L. 417), entitled "Milk Control Law," further regulating the sale of milk on farms directly to consumers.

Which was committed to the Committee on Agriculture.

REPORT FROM COMMITTEE

Mr. SEYLER, by unanimous consent, from the Committee on Education, reported, as committed, **SB 934.**

SECOND READING CALENDAR

EDUCATION BILL ON SECOND READING

HB 301 (Pr. No. 330)—Read at length the second time time and agreed to,

Ordered, To be transcribed for a third reading.

EDUCATION BILL RECOMMITTED

SB 611 (Pr. No. 835)—Upon motion of Mr. HAYS, seconded by Mr. LANE, and agreed to, the bill was recommitted to the Committee on Education.

EDUCATION BILL ON SECOND READING

SB 613 (Pr. No. 845)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

EDUCATION BILL REREFERRED

SB 914 (Pr. No. 1208)—Upon motion of Mr. WEINER, seconded by Mr. HAYS, and agreed to, the bill was rereferred to the Committee on Appropriations.

EDUCATION BILLS ON SECOND READING

SB 920 (Pr. No. 1222) and **HB 1720 (Pr. No. 2675)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

SB 272 (Pr. No. 284) and **HB 298 (Pr. No. 2632)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

HB 337—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

HB 341—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

HB 382—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILL ON SECOND READING

SB 461 (Pr. No. 1237)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

SB 473—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

HB 527, 626 and **669**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL ON SECOND READING

SB 710 (Pr. No. 824)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

SB 761—Mr. BERGER. Mr. President, I request that Senate Bill No. 761 go over in its order.

Mr. WEINER. Mr. President, might I point out to the gentleman that if we pass this bill over in order on Second Reading,—it is a Senate Bill—there is very little likelihood that it will become law. That might be what is intended. I am certain that on due reflection, the gentleman would not want to do this because this is an opportunity to reapportion the Senate of Pennsylvania, which has not been done in many, many years.

Mr. BERGER. Mr. President, had the House agreed today to the sine die adjournment resolution, I might take a different attitude toward this. However, I believe, as of tonight, it would be well to have the bill go over in its order because they have not yet agreed to the resolution.

Mr. WEINER. Mr. President, may I advise the gentleman that I have been informed by persons who are somewhat close to the situation that the House will pass the resolution on Monday so that the sine die adjournment will be next Thursday?

Perhaps the gentleman will bear that in mind and have the bill moved up to Third Reading. If the House does not pass the resolution, we can then have the bill go over in its order on Monday so that we may have another opportunity to look at it. Then we will be in a position to move it.

Mr. BERGER. Mr. President, even so, I would rather have the adjournment resolution fait accompli than something happening on Monday.

The PRESIDING OFFICER. There being no objection, the bill will go over in its order.

BILLS ON SECOND READING

SB 806 (Pr. No. 1173), SB 826 (Pr. No. 1015), SB 828 (Pr. No. 1200), HB 840 (Pr. No. 2660), SB 855 (Pr. No. 1078), SB 880 (Pr. No. 1129), SB 881 (Pr. No. 1130), SB 893 (Pr. No. 1160) and **SB 895 (Pr. No. 1238)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. WEINER. Mr. President, I request a three minute recess for the Committee on Agriculture to hold a meeting, to be held in the Minority Floor Leader's Office, during which time we will proceed with the Second Reading Calendar and if there are any controversial bills, we will hold them.

The PRESIDING OFFICER. There being no objection, the Committee on Agriculture will hold a meeting for three minutes, and the Senate will continue with consideration of the Calendar.

SECOND READING CALENDAR

BILLS ON SECOND READING

SB 896 (Pr. No. 1239), SB 901 (Pr. No. 1240), SB 905 (Pr. No. 1183), HB 911 (Pr. No. 2672), SB 915 (Pr. No. 1209), SB 916 (Pr. No. 1210), SB 919 (Pr. No. 1221), SB 921 (Pr. No. 1228), SB 924 (Pr. No. 1234) and **HB 1306 (Pr. No. 1522)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

HB 1317 and **1318**—Without objection, the bills were passed over in their order at the request of Mr. BERGER.

BILLS ON SECOND READING

HB 1337 (Pr. No. 2661), HB 1338 (Pr. No. 2662), HB 1339 (Pr. No. 1585), HB 1373 (Pr. No. 1624), HB 1457 (Pr. No. 1765), HB 1506 (Pr. No. 1854), HB 1601 (Pr. No. 2015), HB 1606 (Pr. No. 2020) and **HB 1607 (Pr. No. 2310)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. WEINER. Mr. President, I request a short recess in order for the Committee on State Government to hold a meeting, to be held in Room 535. During this time, we will remain in session for the purpose of completing the Second Reading Calendar.

The PRESIDING OFFICER. There being no objection, the Committee on State Government will proceed with its meeting.

SECOND READING CALENDAR

BILL ON SECOND READING

HB 1707 (Pr. No. 2617)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF **HB 1707**

Mr. BERGER. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1707, Printer's No. 2617, just passed second reading.

The PRESIDING OFFICER. How did the Senator vote?

Mr. BERGER. Mr. President, I voted with the prevailing side.

Mr. WAGNER. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. WAGNER. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILLS ON SECOND READING

HB 1746 (Pr. No. 2396) and **HB 1796 (Pr. No. 2377)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

HB 1829—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor, advising that the following Senate Bills had been approved and signed by the Governor:

SB 789 and **790**.

BILL INTRODUCED AND REFERRED

Messrs. WEINER and SARRAF (by request), by unanimous consent, presented to the Chair **SB 936**, entitled:

An Act amending the act of April 8, 1937 (P. L. 262), entitled as amended, "Consumer Discount Company Act," removing certain limitations on service charges and imposing others.

Which was committed to the Committee on Banking.

REPORTS FROM COMMITTEES

Mr. HAWBAKER, by unanimous consent, from the Committee on Agriculture, reported, as committed, **SB 935**.

Mr. LANE, by unanimous consent, from the Committee on Appropriations, rereported, as committed, **SB 914**; as amended, **SB 814** and **815**.

Mr. DEVLIN, by unanimous consent, from the Committee on State Government, reported, as committed, **SB 912, 928, HB 1008, 1010, 1827** and **1842**; as amended, **SB 619, 799, 913** and **HB 1539**.

BILLS ON FIRST READING

Mr. WEINER. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

The bills were as follows:

SB 619, 787, 799, 819, 820, 910, 912, 913, 928, 931, 932, 934, 935, HB 65, 1008, 1010, 1030, 1539, 1789, 1827, 1831 and **1842**.

And said bills having been read at length for the first time,

Ordered, To be laid aside for second reading.

PETITIONS AND REMONSTRANCES

Mr. HAYS. Mr. President, at the end of a rough week, you may be looking for some entertainment, and I would like to call attention to something that is going on in central Pennsylvania, beginning on Friday.

We have a unique institution in the little town of Centre Hall, called a Granger's Picnic. This is almost 100 years old. It started by some farmers bring a basket picnic, and it has developed now so that we have a city of about 1,000 tents. The people come in there and live a week, with some rather elementary plumbing facilities. Otherwise, they have good, clean fun at this particular picnic.

We invite you to come up there. We have two nights given over to the political parties. I am not conversant with the Republican program, but I would be glad to announce it if I knew what the Republican program was going to be. However, on Saturday night, the distinguished United States Senator, Senator Eugene J. McCarthy, will be there. He will give a report—an unbiased report—on the Kennedy Administration from the Democratic viewpoint. We will be happy to have any of you come and join us.

Mr. WARE. Mr. President, does our colleague, Senator Hays, have any assurance that we will be out of here by Friday?

Mr. VAN SANT. Mr. President, on behalf of my distinguished colleague, the Senator from Berks County, I would like to call your attention to—since we have passed the billboard bill and cannot put up signs along the roads anymore—and invite you to a spot where the Governor enjoyed some Pennsylvania Dutch "schnitz un knepp" and pork and sauerkraut recently. This is the week of the great Kutztown Fair, in Berks County, which neighbors the Land of the Golden Touch, Lehigh County.

The Fair is running this entire week, and we have some outstanding Pennsylvania Dutch entertainment. In addition to that, we have very good food, as is so prominently displayed by the Senator from Berks and the Senator from Lehigh in the most prominent spot of their anatomy.

Mr. DEVLIN. Mr. President, I would be remiss in my duty as a native of Allegheny County if I did not announce that our County Fair begins on August 31st, and runs for five days.

I might advise you that we have a spectacular attraction this year in the form of Gene Autry.

The PRESIDING OFFICER. It appears to the Chair that the Senators of Pennsylvania will be having a very busy social life.

Mr. SESLER. Mr. President, I am very much a bipartisan politician, as you know. Since Ray Shafer is not here, I should announce that the Crawford County Fair is running this week and we have a great many attractions. Of course, we are up in the area which is probably the coolest, cleanest and most attractive area in Pennsylvania —right on Lake Erie.

Mr. BERGER. Mr. President, at this time, I would like to call to the attention of the Chair, and to the attention of the Members of the Senate and the people of Pennsylvania, that the last of August and the first part of September are known as "Fair Weeks" in Pennsylvania. Everyone of the very wonderful counties in Pennsylvania, undoubtedly, is having a County Fair.

SB 914 TAKEN FROM THE TABLE

Mr. WEINER. Mr. President, I call from the table Senate Bill No. 914, Printer's No. 1208, which originally appeared on page 11 of today's Calendar, under the heading of "Education Bills on Second Reading." Earlier today, this bill, prior to passing second reading, was rereferred to the Committee on Appropriations and then rereported from committee, as committed.

I would now like to have this bill read for the second time in order that it may be in a position to be acted upon by the House before we adjourn sine die.

The PRESIDING OFFICER. The Chair hears no objection and Senate Bill No. 914, on second reading, is now before the Senate for consideration.

BILL ON SECOND READING

SB 914 (Pr. No. 1208)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

MONDAY, AUGUST 28, 1961

DEMOCRATIC CAUCUS .....1:00 P.M., D.S.T.
REPUBLICAN CAUCUS .....1:00 P.M., D.S.T.

ADJOURNMENT

Mr. WEINER. Mr. President, I move that the Senate do now adjourn until Monday, August 28, 1961, at 2:30 p.m., Eastern Standard Time.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 8:24 p.m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, August 23, 1961

The House met at 11 a. m., e. s. t.

The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

The Chaplain, Reverend David R. Hoover, offered the following prayer:

Almighty God, our Father in Heaven, in deepest contrition we come before Thee in this afternoon hour. We humbly pray that as the stress and strain of life's problems and difficulties crowd in upon us, we may never lose sight of Thee or Thy wllingness to help each one of us. And challenge these Representatives to look to Thee for help, to ask Thy guidance and direction, and to find the solutions which Thou hast to give. In the precious name of Jesus, we pray. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Tuesday, August 22, 1961, will be postponed until printed.

The Chair hears none.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 923.

An Act amending the act of August 4, 1959 (P. L. 587), entitled "An act creating and establishing the Legislative Budget and Finance Committee providing for its membership. . . ." further providing for the personnel to be appointed by the Legislative Budget and Finance Committee.

Referred to the Committee on Rules.

SENATE MESSAGE

CONCURRENCE IN HOUSE RESOLUTION

The clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, August 21, 1961.

Resolved (if the Senate of Pennsylvania concurs), that House Bill No. 1273, Printer's No. 1469, entitled "An act amending the act of June 1, 1959 (P. L. 392), entitled 'An act relating to the retirement of State employes amending revising, consolidating and changing the laws relating thereto' providing a disability retirement allowance for disability incurred by officers and employes of the Pennsylvania State Police while engaging in law enforcement activities when not on active duty", be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 137.

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the repair and restoration of the Caleb Pusey House subject to certain conditions.

HOUSE BILL No. 206.

An Act amending the act of October 14, 1959 (P. L. 1314), entitled "An act to regulate and establish the fees to be received by the clerk of oyer and terminer and quarter sessions of the peace and the municipal court of Philadelphia in counties of the first class" further regulating the fees to be received by the clerk of oyer and terminer and quarter sessions of the peace and the municipal court of Philadelphia in counties of the first class.

HOUSE BILL No. 727.

An Act amending "The County Code" approved August 9, 1955 (P. L. 323), providing for expenses in going to and returning from meetings.

HOUSE BILL No. 763.

An Act making an appropriation to the Trustees of the Mary Bailey Foundation for Heart and Great Vessel Research.

HOUSE BILL No. 764.

An Act making an appropriation to the Department of Health for the use of the Institute for Cancer Research Incorporated Fox Chase, Philadelphia, Pennsylvania.

HOUSE BILL No. 765.

An Act making an appropriation to the Department of Health for the diagnosis treatment and study of cerebal palsy at St. Christopher's Hospital.

HOUSE BILL No. 771.

An Act making an appropriation to the Department of Public Instruction for aid to free public, non-sectarian county libraries and for the purchase and transportation of books.

HOUSE BILL No. 772.

An Act making an appropriation to the Department of Public Instruction for the improvement of library services.

HOUSE BILL No. 774.

An Act making appropriations to the Trustees of the University of Pittsburgh for the general maintenance and operation of the University for the School of Medicine for the Library School.

HOUSE BILL No. 776.

An Act making appropriations to the Trustees of Temple University at Philadelphia, Pennsylvania, for the general maintenance and operation of the University and for the School of Medicine.

HOUSE BILL No. 777.

An Act making an appropriation to the Trustees of the College of Lincoln University, Chester County.

HOUSE BILL No. 778.

An Act making an appropriation to the Women's Medical College of Pennsylvania, East Falls, Philadelphia, Pennsylvania.

HOUSE BILL No. 779.

An Act making an appropriation to the Jefferson Medical College of Philadelphia, Pennsylvania.

HOUSE BILL No. 780.

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia, Pennsylvania.

HOUSE BILL No. 782.

An Act making an appropriation to the Philadelphia Textile Institute at Philadelphia, Pennsylvania.

HOUSE BILL No. 783.

An Act making an appropriation to The Franklin Institute of the State of Pennsylvania at Philadelphia, Pennsylvania.

HOUSE BILL No. 784.

An Act making an appropriation to the Moore Institute of Art Science and Industry, Philadelphia, Pennsylvania.

HOUSE BILL No. 786.

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

HOUSE BILL No. 788.

An Act making an appropriation to the Orlando S. Johnson Industrial School of Scranton, Pennsylvania for maintenance and purchase of supplies and equipment.

HOUSE BILL No. 789.

An Act making an appropriation to the Williamson Free School of Mechanical Trades.

HOUSE BILL No. 790.

An Act making an appropriation to the Philadelphia Commercial Museum, Philadelphia.

HOUSE BILL No. 791.

An Act making an appropriation to the Pennsylvania Museum School of Art, Philadelphia.

HOUSE BILL No. 792.

An Act making an appropriation to the Philadelphia Academy of Natural Science of the State of Pennsylvania at Philadelphia, Pennsylvania.

HOUSE BILL No. 793.

An Act making an appropriation to the Carnegie Museum for maintenance and the purchase of apparatus, supplies and equipment.

HOUSE BILL No. 794.

An Act making an appropriation to the Drexel Institute of Technology of the State of Pennsylvania at Philadelphia, Pennsylvania.

HOUSE BILL No. 796.

An Act making an appropriation to the Department of Public Welfare to reimburse State-aided hospitals and the Philadelphia General Hospital for part of the cost of training nurses in approved schools of nursing and making a deficiency appropriation for the same purpose.

HOUSE BILL No. 797.

An Act making an appropriation the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school.

HOUSE BILL No. 798.

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic.

HOUSE BILL No. 800.

An Act making an appropriation to the Glen Mills School in Delaware County, Pennsylvania.

HOUSE BILL No. 801.

An Act making an appropriation to Sleighton Farm School for Girls in Delaware County, Pennsylvania.

HOUSE BILL No. 924.

An Act making an appropriation to the Trustees of the University of Pittsburgh for the maintenance of a professorship in the School of Medicine.

HOUSE BILL No. 1013.

An Act making an appropriation to the Cystic Fibrosos Laboratory at the Albert Einstein Medical Center in Philadelphia.

HOUSE BILL No. 1050.

An Act making an appropriation to the Paoli Memorial Association for improvements and repairs and for reerection of a wall on the Paoli Parade Ground situate in Malvern Borough, Chester County.

HOUSE BILL No. 1162.

An Act amending "The C P A Law" approved May 26, 1947 (P. L. 318), further regulating the certification and public practice of certified public accountants.

HOUSE BILL No. 1177.

An Act making an appropriation to the Department of Public Welfare for certain training courses at John J. Kane Hospital and other institutions.

HOUSE BILL No. 1279.

An Act amending "The Penal Code" approved June 24, 1939 (P. L. 872), prohibiting the removal of mobilehomes or house trailers to evade certain taxes and penalizing mobilehome or house trailer court operators for failure to make certain reports.

HOUSE BILL No. 1280.

An Act amending the "Local Delinquent Tax Return Law" approved May 29, 1931 (P. L. 280), providing for the sale as real estate of certain mobilehomes and house trailers subject to tax lien and providing for notice to the encumbrance holders of record.

HOUSE BILL No. 1281.

An Act amending the "Motor Vehicle Sales Finance Act" approved June 28, 1947 (P. L. 1110), further regulating the contents of installment sales contracts and the effect of certain tax sales of real estate.

HOUSE BILL No. 1415.

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58), exempting Jewish Community Centers from payment of title or registration fees.

HOUSE BILL No. 1431.

An Act making an appropriation to the Pennsylvania State College of Optometry Philadelphia Pennsylvania for maintenance and support.

HOUSE BILL No. 1549.

An Act amending "The Military Code of 1949" approved May 27, 1949 (P. L. 1903), discontinuing restricted use of funds realized from sale of armories and providing for expenditure of remaining balance in such restricted funds.

HOUSE BILL No. 1600.

An Act amending the act of April 12, 1951 (P. L. 90), known as the "Liquor Code" providing for an increase in application filing and transfer fees and for the annual transfer of certain moneys from the State Stores Fund to the State Employes' Retirement Fund.

HOUSE BILL No. 1610.

An Act making an appropriation to the Supreme Court of Pennsylvania for a portrait of Chief Justice Charles Alvin Jones.

HOUSE BILL No. 1708.

An Act making an appropriation to the Department of Public Welfare for the maintenance of certain homes.

HOUSE BILL No. 1830.

An Act amending the "Parking Authority Law" approved June 5, 1947 (P. L. 458), authorizing the sale or leasing of the space above any parking facility for commercial purposes other than the sale of gasoline or automobile accessories.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED SENATE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bills numbered and entitled as follows:

SENATE BILL No. 200.

An Act amending the act of June 24, 1937 (P. L. 2051), entitled as amended "Public Assistance Law" making eligible for assistance certain persons in public medical institutions and regulating obligations for and payment of certain funds.

SENATE BILL No. 401.

An Act amending the act of May 1, 1933 (P. L. 103), entitled "The Second Class Township Code" authorizing increase in the number of meetings for which supervisors may be paid without the prior approval of the auditors further providing for the attendance of supervisors or employes at road meetings and conventions imposing duties on township secretaries changing the time which may be expended by auditors in the completion of audits authorizing managers to attend meetings of county associations of township officers further providing for the parties who may protest a change in zoning.

SENATE BILL No. 605.

An Act amending the act of January 29, 1844 (P. L. 25), entitled "An act supplementary to an act to incorporate the president and directors of the water pipes in Aaronsburg" permitting additional persons to vote for the directors further providing who shall be taxed increasing one tax providing for flat rates and tap on charges and repealing inconsistent legislation.

SENATE BILL No. 628.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" classifying film film strips transparencies records and tapes as school supplies of the first class.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 517

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 517.

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58), prohibiting certain acts relating to registration plates and counterfeit registration plates numbers or markers.

COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 376, 621, 1124, 1125, 1198, 1216, 1382, 1383, 1384, 1397, 1498, 1500, 1579, 1588, 1609, 1617 and 1621.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 376, printer's No. 413, entitled "An Act amending the act of December 15, 1959 (P. L. 1779), entitled 'The Fish Law of 1959' authorizing the Pennsylvania Fish Commission to set aside certain waters to be used exclusively for fishing by children and disabled persons."

DAVID L. LAWRENCE.

August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 621, printer's No. 2446, entitled "An Act requiring a guard to be posted when a manhole is entered Imposing Powers and Duties on the Department of Labor and Industry and Authorizing said Department to Promulgate Rules and Regulations Relating to Manholes and providing penalties."

DAVID L. LAWRENCE.

August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1124, printer's No. 1256, entitled "An Act amending the act of August 9, 1955 (P. L. 323), entitled 'The County Code' changing the limitation on appropriations which may be made for agricultural extension work."

DAVID L. LAWRENCE.

August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1125, printer's No. 1257, entitled "An Act amending the act of July 28, 1953 (P. L. 723), entitled 'An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto' increasing the limitations on appropriations which may be made for agricultural extension work."

DAVID L. LAWRENCE.

August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1198, printer's No. 1370, entitled "An Act making appropriation to the Department of Forests and Waters for certain capital improvements in accordance with long range planning for

capital improvements designed to make the most effective use of the State's available resources."

DAVID L. LAWRENCE.

August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1216, printer's No. 1739, entitled "An Act authorizing the State Treasurer under certain conditions to transfer sums of money between the General Fund and certain funds and subsequent transfers of equal sums between such funds and making appropriations necessary to effect such transfers."

DAVID L. LAWRENCE.

August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1382, printer's No. 2209, entitled "An Act amending the act of June 1, 1959 (P. L. 350), entitled 'Public School Employes' Retirement Code of 1959' by further providing for optional membership."

DAVID L. LAWRENCE.

August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1383, printer's No. 2210, entitled "An Act amending the act of June 1, 1959 (P. L. 392), entitled 'State Employes' Retirement Code of 1959' by changing definition of 'State employe' and permitting certain members of the school employes retirement system to elect to become members."

DAVID L. LAWRENCE.

August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1384, printer's No. 1650, entitled "An Act amending the act of June 1, 1959 (P. L. 350), entitled 'Public School Employes' Retirement Code of 1959' clarifying the provisions relating to the computation of allowances payable to members of the joint coverage group."

DAVID L. LAWRENCE.

August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1397, printer's No. 2191, entitled "An Act making an appropriation to the Department of Public Instruction for payment into The State School Fund of Pennsylvania for assisting public school districts and state teachers' colleges to comply with required safety standards in certain cases."

DAVID L. LAWRENCE.

August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1498, printer's No. 1846, entitled "An Act authorizing municipalities and townships to appropriate money to improve or equip State property located within its boundaries."

DAVID L. LAWRENCE.

August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1500, printer's No. 1848, entitled "An Act amending the act of June 11, 1935 (P. L. 326), entitled 'An act relating to counties of the first class defining deceased service persons providing for contributions by the county to the funeral expenses for such persons and their widows providing for the erection and care of markers headstones and flags and for the compilation of war records' further regulating contributions made by county commissioners toward funeral expenses of deceased service persons and their widows."

DAVID L. LAWRENCE.

August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1579, printer's No. 1980, entitled "An act amending the act of November 21, 1959 (Appropriation Act No. 47-A) entitled 'An act making an appropriation to the Department of Forests and Waters for the development of Erie Harbor and land adjacent thereto' removing provisions relating to completion of the Duquesne Marine Terminal facilities."

DAVID L. LAWRENCE.

August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1588, printer's No. 1989, entitled "An Act amending the act of May 28, 1931 (P. L. 202), entitled 'An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties' removing the requirement that metallic plates shall be issued."

DAVID L. LAWRENCE.

August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1609, printer's No. 2203, entitled "An Act to ascertain and appoint the fees to be received by the prothonotary of the court of common pleas of the Commonwealth in counties of the third class to provide the time of paying the same and to repeal certain acts."

DAVID L. LAWRENCE.

August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1617, printer's No. 2556, entitled "An Act amending the act of April 29, 1959 (P. L. 58), entitled 'The Vehicle Code' providing for the issuance of temporary registration plates or markers for vehicles which are not to be registered in Pennsylvania removing the requirement that application for annual registration plates must be made for such vehicles and Providing That Persons Receiving Such Plates or Markers Shall Not Be Relieved From Certain Taxes."

DAVID L. LAWRENCE.

August 22, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1621, printer's No. 2035, entitled "An Act amending the act of May 22, 1945 (P. L. 849), entitled 'Vocational Rehabilitation Act of one thousand nine hundred forty-five' authorizing certain benefits and services for persons injured by accidents incurred in the course of their employment or disabled by occupational disease."

DAVID L. LAWRENCE.

REPORTS FROM COMMITTEE

Mr. McCORMACK from the Committee on Appropriations, re-reported as amended, House bill No. 1845, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing for reimbursement for school nurses.

Mr. McCORMACK from the Committee on Appropriations, re-reported as amended, Senate bill No. 730, entitled:

An Act amending the act of June 1, 1956 (P. L. 1959), entitled "An act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned in the law certain state officers and the salary and expenses of the members of the General Assembly and repealing certain inconsistent acts" increasing the salaries of judges of courts of common pleas orphans' courts County Court and Juvenile Court of Allegheny County and Municipal Court of Philadelphia.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1802, entitled:

An Act amending the "Business Corporation Law" approved May 5, 1933 (P. L. 364), further providing for the payment of dividends.

And said bill having been read at length the first time.

Ordered, to be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 195, entitled:

An Act providing for group life insurance for State employes establishing a schedule providing for payment providing for reduction of insurance upon retirement authorizing the Secretary of the Commonwealth to act as exclusive broker for the purpose of contracting for insurance and providing for administration and advisory services by the Department of State.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 202, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land with buildings improvements and antiques and other personal property therein in the Borough of Brownsville Fayette County for preservation care and maintenance as a historical site of the Pennsylvania Historical and Museum Commission.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 225, entitled:

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes' Retirement Code of 1959" further defining contributory service and further regulating contributions on account of past service.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 238, entitled:

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes' Retirement Code of 1959" providing credit for school service for certain contributors who make additional contributions into the fund.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 247, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift on behalf of the Commonwealth certain land located in the Borough of Cornwall Lebanon County.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 448, entitled:

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code" authorizing other than separate confinement in county penal institutions and requiring the approval of plans by the Department of Justice in certain cases.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 603, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for payment of contributions to the school employes retirement

fund on account of school employes on leave of absence for professional study.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 851, entitled:

An Act amending the act of May 5, 1933 (P. L. 457), entitled "Building and Loan Code" authorizing the payment of bonus dividends to any class or classes of stock.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

RESOLUTION

STANDING COMMITTEES

Messrs. TOMPKINS, HELM, ANDREWS and McCANN offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted as follows:

In the House of Representatives, August 23, 1961.

Resolved, That, with the approval of the Speaker, a meeting of any Standing Committee of the House may be called by its Chairman during the interim after final adjournment of the pending General Assembly.

RECONSIDERATION OF VOTE ON HOUSE BILL BILL No. 1838

Mrs. KOOKER. Mr. Speaker, I move that the vote by which House bill No. 1838, printer's No. 2526, entitled:

"An Act amending 'The General County Assessment Law' approved May 22, 1933 (P. L. 853), providing that reproduction costs shall be considered in arriving at value and providing that factors taken into consideration in arriving at the value of real property and valuations so determined by certain counties under a permanent system of records may continue to be a valid basis for assessments."

was defeated on final passage Wednesday, August 16, 1961, be reconsidered.

Mr. A. D. WILLIAMS, Jr. Mr. Speaker, I second the motion.

The SPEAKER. How did the lady from Bucks, Mrs. Kooker, vote on the final passage of this bill?

Mrs. KOOKER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Bucks, Mr. Williams, vote on the final passage of this bill?

Mr. A. D. WILLIAMS, Jr. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mrs. KOOKER. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL No. 238

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House bill No. 238, printer's No. 2004, entitled "An Act amending the act of December 15, 1959 (P. L. 1779), entitled 'An act relating to fish and amending, revising, consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth,' providing for the issuing of resident fishing licenses to persons sixty-five years of age or over and to certain disabled veterans."

This bill reduces the fee for a resident fishing license for persons over sixty-five years of age from $3.25 to $1.00.

It further extends the provision for the issuance of free licenses to disabled veterans whether or not such disability is service-connected. The present law authorizes free licensure to veterans with the service-connected disabilities.

This bill appears to violate Article IX, Section 1 of the Constitution of Pennsylvania, which reads as follows:

> "Section 1. Uniform taxation; exemption from taxation.
>
> "All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity, and real and personal property owned, occupied, and used by any branch, post, or camp of honorably discharged soldiers, sailors, and marines; and the General Assembly may, by general laws, set up standards and qualifications for private forest reserves, and make special provision for the taxation thereof. Amendment of Nov. 4, 1958."

It is clear that this bill would create lack of uniformity. The arbitrary establishment of a birth date to separate the taxed from the exempt cannot create a valid classification of subjects. This is established in Sayre Borough vs. Phillips, 148 Pa. 482 (1892), and the long series of similar cases.

The same logic also prevails in the veteran preference provision of this bill. Although this specific question does not appear to have been ruled upon by the courts, the general problem is discussed at length by the Pennsylvania Supreme Court in Kurtz vs. Pittsburgh et al., 346 Pa. 362 (1943). In that case which struck down compensation for dependents of public employees in military service, the Courts decision supports the conclusion that provisions for gratuities for veterans must bear some relation to their military service. The Fish Law, as it now stands, is so related, since free licenses are available only to veterans whose disability is service-connected. Modification of this service-connected requirement, as now proposed in this bill, would remove the very legal factor which has supported the constitutionality of the present free licenses for disabled veterans, and could conceivably jeopardize the existing veterans' exemption.

The cost of administering the Fish Law is derived from license fees. It would be very unjust discrimination to require a certain class of licensees to bear the entire burden of this expense while exempting other persons from this obligation regardless of their ability to pay.

For these reasons, the bill is not approved.

DAVID L. LAWRENCE

COMMUNICATION AND BILL LAID ON TABLE

Mr. GRAMLICH. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

REPORTS FROM COMMITTEE

Mr. IRVIS from the Committee on Judiciary, reported as committed, House bill No. 17, entitled:

An Act amending the act of April 27, 1927 (P. L. 414), entitled, as amended, "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; . . ." requiring the destruction of photographs and fingerprints in certain cases.

Mr. STECKEL from the Committee on Judiciary, reported as committed, Senate bill No. 843, entitled:

An Act amending the act of April 18, 1949 (P. L. 512), entitled "Fiduciaries Act of 1949" increasing the amount of minor's estate which may be received, held or disposed of without the appointment of a guardian or the entry of security.

Mr. ISAACS from the Committee on Judiciary, re-reported as committed, Senate bill No. 361, entitled:

An Act concerning the ownership of securities by minors providing for the transfer of and dealing with such securities and prescribing the powers, duties, liabilities and immunities of certain persons in their transactions in connection therewith.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 17, entitled:

An Act amending the act of April 27, 1927 (P. L. 414), entitled, as amended, "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; . . ." requiring the destruction of photographs and fingerprints in certain cases.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 843, entitled:

An Act amending the act of April 18, 1949 (P. L. 512), entitled "Fiduciaries Act of 1949," increasing the amount of minor's estate which may be received, held or disposed of without the appointment of a guardian or the entry of security.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 111

Mr. McCANN. Mr. Speaker, I present the report of the Committee of Conference on Senate bill No. 111.

The SPEAKER. The report will lie over for printing under the rules.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Tompkins for Mr. STRAUSSER for today.

RETIREMENT BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 610, entitled:

An Act amending the "Public School Employes' Retirement Code of 1959" approved June 1, 1959 (P. L. 350), providing a death benefit after ten years of service or an accumulation of withdrawal credits in certain cases.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. McCANN. Mr. Speaker, our caucus agreed to vote "aye" on this bill.

The SPEAKER. For what purpose does the minority leader rise?

Mr. A. W. JOHNSON. I, too, want to say that our caucus has approved this bill as it betters the retirement system for the teachers. I, therefore, ask our membership to vote "aye."

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—199

Adams,	Gallagher,	Lee, K. B.,	Renwick,
Anderson, S. A.,	Gelfand,	Leonard,	Riley,
Arlene,	George,	Limper,	Rovansek,
Auker,	Gibb,	Long, Wm. Jas.,	Royer,
Bachman,	Gibbons,	Long, Wm. Jos.,	Rubin,
Backenstoe,	Goldstein, J. H.,	Lutty,	Rudisill,
Blair,	Goldstein, M. H.,	Magee,	Rutherford,
Boies,	Goodrich,	Manbeck,	Sakulsky,
Bonner,	Gramlich,	Markley,	Scarcelli,
Bossert,	Gray,	Marsh,	Schaaf,
Bower,	Greenlee,	Maxwell,	Seltzer,
Bowman,	Gremminger,	May,	Shelton,
Branca,	Gross,	McCandless,	Sherman,
Breth,	Guesman,	McCann,	Shupnik,
Buchanan,	Guthrie,	McCormack,	Simmons,
Bush,	Hamilton,	McDevitt,	Slack,
Capano,	Hankins,	McDonald,	Snare,
Capitolo,	Hartley,	McKeever,	Stank,
Cauley,	Haudenshield,	McLaughlin,	Steckel,
Cianfrani,	Heavey,	McNally,	Stimmel,
Cioffi,	Heffner,	Meholchick,	Stiteler,
Clarke,	Helm,	Merry,	Stone,
Comer,	Henzel,	Mihm,	Sullivan, J. A.,
Cooley,	Hocker,	Miller,	Sullivan, T. F.,
Crossin,	Holl,	Mills,	Taylor,
Curwood,	Holliday,	Monroe,	Thompson,
Davis,	Holman,	Morley,	Tomascik,
Dengler,	Horst,	Mullen,	Tompkins,
Donaldson,	Irvis,	Munley,	Trusio,
Dougherty,	Isaacs,	Murphy,	Ujobai,
Doughten,	Jim,	Murray,	Varner,
Down,	Johnson, A. W.,	Musto,	Verona,
Edwards,	Johnson, R. P.,	Needham,	Wall,
Eilberg,	Jones,	O'Dell,	Walsh,
Elvey,	Kamyk,	O'Donnell, J. A.,	Wargo,
Eshback,	Keiser,	O'Donnell, J. P.,	Weidner,
Eshleman,	Kelly,	Odorisio,	Welsh,
Ewing,	Kernaghan,	Ogilvie,	Whittaker,
Farabaugh,	Kessler,	Parlante,	Willard,
Fetterolf,	King,	Pashley,	Williams, A. D.,
Filo,	Kistler,	Perry,	Williams, E. S.,
Fineman,	Klein,	Petrosky,	Wilt,
Flynn,	Knecht,	Piper,	Wood,
Forester,	Kooker,	Polaski,	Worley,
Foor,	Kornick,	Polen,	Wynd,
Fox,	Korns,	Prendergast,	Yetter,
Frascella,	Kramer,	Price,	Zember,
Fry,	Lamb,	Pursley,	Zimmerman,
Fulmer,	Lawson,	Reibman,	Andrews,
Gailey,	Lee, A. M.,	Reidenbach,	Speaker

NAYS—0

NOT VOTING—11

Anderson, J. H.,	Esler,	McInroy,	Wescott,
Ashton,	Jenkins,	Schuster,	Willaredt,
Dennison,	Lippincott,	Strausser,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1080, entitled:

An Act amending the "State Employes' Retirement Code of 1959" approved June 1, 1959 (P. L. 392), providing for death benefits for certain annuitants who are receiving a disability allowance.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—191

Adams,	Fulmer,	Lee, K. B.,	Riley,
Anderson, S. A.,	Gailey,	Leonard,	Rovansek,
Arlene,	Gallagher,	Limper,	Royer,
Bachman	Gelfand,	Long, Wm. Jas.,	Rubin,
Backenstoe,	George,	Long, Wm. Jos.,	Rudisill,
Blair,	Gibb,	Lutty,	Rutherford,
Boles,	Gibbons,	Magee,	Sakulsky,
Bonner,	Goldstein, J. H.,	Manbeck,	Scarcelli,
Bossert,	Goldstein, M. H.,	Marsh,	Schaaf,
Bower,	Goodrich,	May,	Seltzer,
Bowman,	Gramlich,	Maxwell,	Shelton,
Branca,	Gray,	McCandless,	Sherman,
Breth,	Greenlee,	McCann,	Shupnik,
Buchanan,	Gremminger,	McCormack,	Simmons,
Bush,	Gross,	McDevitt,	Slack,
Capano,	Guesman,	McDonald	Snare,
Capitolo,	Guthrie,	McKeever,	Stank,
Cauley,	Hamilton,	McLaughlin,	Steckel,
Cianfrani,	Hankins,	McNally,	Stimmel,
Cioffi,	Hartley,	Meholchick,	Stiteler,
Clarke,	Haudenshield,	Merry,	Stone,
Comer,	Heavey,	Mihm,	Sullivan, J. A.,
Cooley,	Heffner,	Miller,	Sullivan, T. F.,
Crossin,	Helm,	Monroe,	Taylor,
Curwood,	Henzel,	Morley,	Thompson,
Davis,	Hocker,	Mullen,	Tomascik,
Dengler,	Holl,	Munley,	Ujobai,
Dennison,	Holman,	Murphy,	Varner,
Donaldson,	Horst,	Murray,	Verona,
Dougherty,	Irvis,	Needham,	Wall,
Doughten,	Isaacs,	O'Dell,	Walsh,
Down,	Jim,	O'Donnell, J. A.,	Wargo,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Weidner,
Eilberg,	Jones,	Odorisio,	Welsh,
Elvey,	Kamyk,	Ogilvie,	Wescott,
Eshback,	Keiser,	Parlante,	Whittaker,
Eshleman,	Kelly,	Pashley,	Willard,
Ewing,	Kessler,	Perry,	Williams, A. D.,
Farabaugh,	King,	Petrosky,	Williams, E. S.,
Fetterolf,	Kistler,	Piper,	Wilt,
Filo,	Klein,	Polaski,	Wood,
Fineman,	Knecht,	Polen,	Worley,
Flynn,	Kooker,	Prendergast,	Wynd,
Foerster,	Kornick,	Price,	Yetter,
Foor,	Kramer,	Pursley,	Zember,
Fox,	Lamb,	Reibman,	Zimmerman,
Frascella,	Lawson,	Reidenbach,	Andrews,
Fry,	Lee, A. M.,	Renwick,	Speaker

NAYS—0

NOT VOTING—19

Anderson, J. H.	Jenkins,	Markley,	Strausser,
Ashton,	Johnson, A. W.,	McInroy,	Tompkins,
Auker,	Kernaghan,	Mills,	Trusio,
Esler,	Korns,	Musto,	Willaredt,
Holliday,	Lippincott,	Schuster,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

RETIREMENT BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1214, entitled:

An Act amending the "Public School Employees' Retirement Code of 1959" approved June 1, 1959 (P. L. 350), further defining "school employe" to include certain municipal employes and providing further for the purchase of credit for past service.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—190

Adams,	Gallagher,	Leonard,	Riley,
Anderson, S. A.,	Gelfand,	Limper,	Rovansek,
Arlene,	George,	Long, Wm. Jas.,	Royer,
Bachman,	Gibb,	Long, Wm. Jos.,	Rubin,
Backenstoe,	Gibbons,	Lutty,	Rudisill,
Blair,	Goldstein, J. H.,	Magee,	Rutherford,
Boles,	Gramlich,	Manbeck,	Sakulsky,
Bonner,	Gray,	Markley,	Scarcelli,
Bowman,	Greenlee,	Marsh,	Schaaf,
Branca,	Gremminger,	Maxwell,	Seltzer,
Breth,	Gross,	May,	Shelton,
Buchanan,	Guesman,	McCandless,	Simmons,
Bush,	Guthrie,	McCann,	Sherman,
Capano,	Hamilton,	McCormack,	Shupnik,
Capitolo,	Hankins,	McDevitt,	Slack,
Cauley,	Hartley,	McDonald,	Snare,
Cianfrani,	Haudenshield,	McKeever,	Stank,
Cioffi,	Heavey,	McLaughlin,	Steckel,
Clarke,	Heffner,	McNally,	Stimmel,
Comer,	Helm,	Meholchick,	Stiteler,
Cooley,	Henzel,	Merry,	Stone,
Crossin,	Holl,	Mihm,	Strausser,
Curwood,	Holman,	Miller,	Sullivan, J. A.,
Davis,	Horst,	Monroe,	Sullivan, T. F.,
Dengler,	Irvis,	Morley,	Taylor,
Dennison,	Isaacs,	Mullen,	Tomascik,
Donaldson,	Jenkins,	Munley,	Thompson,
Dougherty,	Jim,	Murphy,	Tompkins,
Doughten,	Johnson, A. W.,	Murray,	Trusio,
Down,	Johnson, R. P.,	Musto,	Ujobai,
Edwards,	Jones,	Needham,	Varner,
Eilberg,	Kamyk,	O'Dell,	Verona,
Elvey,	Keiser,	O'Donnell, J. A.,	Walsh,
Eshback,	Kelly,	O'Donnell, J. P.,	Wargo,
Eshleman,	Kernaghan,	Odorisio,	Weidner,
Ewing,	Kessler,	Ogilvie,	Welsh,
Farabaugh,	King,	Parlante,	Wescott,
Fetterolf,	Kistler,	Pashley,	Whittaker,
Filo,	Klein,	Perry,	Willard,
Fineman,	Knecht,	Petrosky,	Williams, A. D.,
Flynn,	Kooker,	Polaski,	Williams, E. S.,
Foerster,	Kornick,	Polen,	Worley,
Foor,	Korns,	Prendergast,	Wynd,
Fox,	Kramer,	Price,	Yetter,
Frascella,	Lamb,	Reibman,	Zember,
Fry,	Lawson,	Reidenbach,	Zimmerman,
Fulmer,	Lee, A. M.,	Renwick,	Andrews,
Gailey,	Lee, K. B.,		Speaker

NAYS—12

Auker,	Goldstein, M. H.,	Holliday,	Wall,
Bossert,	Goodrich,	Piper,	Wilt,
Bower,	Hocker,	Pursley,	Wood,

NOT VOTING—8

Anderson, J. H.,	Esler,	McInroy,	Schuster,
Ashton,	Lippincott,	Mills,	Willaredt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1803, entitled:

An Act relating to certain charitable organizations requiring the registration of such organizations regulating the solicitation of moneys and property by or on behalf of charitable organizations establishing a Commission on Charitable Organizations and an Advisory Council on Charitable Organizations and placing duties upon the Department of State.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. BOWMAN. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. BOWMAN asked unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the clerk for information.

Amend Sec. 4, page 12, by inserting between lines 2 and 3:

(7) Hospitals which are required by law to file reports at least annually with the Auditor General.

The SPEAKER. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Bowman.

Mr. BOWMAN. Mr. Speaker, the amendments that I am offering exclude hospitals which are required by law to file reports at least annually with the Auditor General, from the provisions of this bill. I believe that it is just as logical to exclude this group of organizations as it is to exclude libraries that report to the State as to their finances, and schools and universities which report to the State as to their finances. As I understand, one of the major purposes of this legislation is to provide to the State financial information concerning charitable institutions. Under the existing law, hospitals do report in detail to the State with respect to their finances, and if libraries are excluded because of that reason, and if schools and universities are excluded because of that reason, it is equally logical that hospitals should likewise be excluded from the provisions of this act.

I therefore request all the members of the House to support these amendments.

Mr. McCANN. Mr. Speaker, the amendment is agreed to and it is my understanding that it will make this a non-controversial bill.

Mr. Speaker, would the gentleman from Dauphin, Mr. Bowman, permit himself to be interrogated?

The SPEAKER. Will the gentleman from Dauphin, Mr. Bowman, permit himself to be interrogated?

Mr. BOWMAN. I shall, Mr. Speaker.

Mr. McCANN. I would like to ask the gentleman, Mr. Speaker, surely he has not inserted amendments into the bill to then fight and contest and oppose the bill?

Mr. BOWMAN. Very frankly, Mr. Speaker, I inserted the amendments in the bill to improve it in the event the bill would pass, even though I am not particularly fond of the bill.

Mr. McCANN. I thank the gentleman, Mr. Speaker.

The SPEAKER. As I understand, the House has agreed to the amendments.

On the question recurring,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Mr. HELM IN THE CHAIR

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1818, entitled:

An Act amending the "Unemployment Compensation Law" approved December 5, 1936 (1937, P. L. 2897), redefining State and modifying certain provisions as to eligibility of individuals while in training or when permanently separated or when separated from a family enterprise.

On the question,

Will the House agree to the bill on third reading?

Mr. GELFAND asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Title, page 2, sixth line of Title, by inserting after "STATE": excluding remuneration from a family enterprise as wages

Amend Title, page 2, last line of Title, by striking out "or when separated from a family enterprise"

Amend Sec. 2, page 3, lines 2 to 4, by striking out "AND SUBSEC-" in line 2, all of lines 3 and 4, and inserting: amended December 17, 1959 (P. L. 1893), is amended, and subsection (x) of said section is amended by adding at the end thereof a new paragraph to read:

Amend Bill, page 4, by inserting between lines 16 and 17:

(x) "Wages" means all remuneration (including the cash value of mediums of payment other than cash), paid by an employer to an individual with respect to his employment, except that the term "wages" shall not include:

* * *

(10) The amount of any payment made after October first, 1961, to an individual by any corporation, partnership, association or other business entity in which fifty per centum (50%) or more of the proprietary interest is owned by such individual, his spouse, father, mother, brother, sister or any combination of such persons unless the tax imposed by the Federal Unemployment Tax Act is payable with respect to such payment or payments.

Section 3. Subection (d) of section 401 of the act, amended December 17, 1959 (P. L. 1893), is amended to read:

Amend Sec. 2 (Sec. 401), page 5, lines 13 to 20; page 6, lines 1 to 3, by striking out all of said lines.

Amend Sec. 3, page 6, lines 4 to 13, by striking out all of said lines.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Gelfand.

Mr. GELFAND. Mr. Speaker, I yield the floor to the gentleman from Washington, Mr. Capano, for the present. I had the impression that these were not controversial.

The SPEAKER pro tempore. The gentleman from Philadelphia, Mr. Gelfand, yields to the gentleman from Washington, Mr. Capano. The Chair recognizes the gentleman from Washington, Mr. Capano.

Mr. CAPANO. These amendments are not controversial. I thought maybe he wanted to explain the amendments for the benefit of the House.

The SPEAKER pro tempore. That was the purpose of the Chair in recognizing the gentleman from Philadelphia, Mr. Gelfand.

Mr. GELFAND. Mr. Speaker, on page 6, lines 9 to 13 of this bill deal with family enterprises in which they would provide that if a family enterprise were in existence, those people who are related to the major stockholder in a family relationship of brother, sister, brother-in-law, sister-in-law, father or mother, would not be covered by the unemployment compensation law, despite the fact that the employer had paid contributions to the unemployment compensation fund. This to me seems to be patently unfair, and as a consequence I have had a conversation and several conferences with the department, and, as the end result, reached these amendments which would provide that insofar as Pennsylvania is concerned this act would not require family enterprises of the nature involved to make contributions to the unemployment compensation fund wherein the Federal statute does not govern the situation. In short, that would mean that if the family enterprise had four or less employes, it would not be required to pay contributions to the unemployment compensation fund so that, in the event an employe in a close family relationship in this type of family enterprise would be released from employment, he would not be entitled to unemployment compensation nor would the employer make any contributions to the unemployment compensation fund.

However, if the Federal statute governed the situation and the employer had more than four employes, then, of course, the employer would have to make contributions to the fund despite the fact that one who was in a close family relationship in this enterprise would not be entitled to payment from the unemployment compensation fund in the event he was let out from employment through no fault of his own and because of business circumstances.

As I say, I think this is at least fairer and more just than the provision presently in this bill, because, in situations where the Pennsylvania statute controls, at least the employer will not be making contributions to the fund and therefore the employe would have no right to expect any payment from the unemployment compensation fund in the event he were released. I thank you.

Mr. CAPANO. Mr. Speaker, we have no objections to these amendments and I will ask the members to vote favorably. They have been cleared with the department and a satisfactory arrangement has been reached on them, so I ask the members to vote "aye."

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

Mr. BOWMAN asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Title, page 2, sixth line of Title, by inserting after "REDEFINING": base year and

Amend Title, page 2, last line of Title, by inserting after "enterprise": requiring additional reports by employers; further regulating payment of compensation and the charging of employers' accounts for such payments; further regulating qualifications required to secure compensation and the rate and amount of compensation.

Amend Sec. 1, page 2, line 1, by striking out "Subsection" and inserting: Subsections (a) and

Amend Sec. 1, page 2, line 4, by striking out "IS."

Amend Sec. 1 (Sec. 4), page 2, by inserting between lines 7 and 8:

(a) "Base Year" means the [first four of the last five completed calendar quarters] first fifty-two of the last fifty-four completed calendar weeks immediately preceding the first day of an individual's benefit year, provided that with respect to an individual who, on the effective date of this subsection, is in a current benefit year, his next succeeding base year shall be the first four of the last five completed calendar quarters immediately preceding the first day of such individual's next succeeding benefit year which begins within ninety days after the end of the current benefit year.

Amend Sec. 2, page 3, lines 2 and 3, by striking out "AND SUBSECTIONS (D) AND (F) OF SECTION 401"

Amend Sec. 2, page 3, line 4, by striking out "ARE" and inserting: is

Amend Bill, page 4, by inserting between lines 16 and 17:

Section 3. Section 206 of the act, amended May 23, 1949 (P. L. 1738), is amended to read:

Section 206. Records of and Reports by Employers. Each employer, (whether or not liable for the payment of contributions under this act), shall keep accurate employment records containing such information as may be prescribed by the rules and regulations adopted by the department. Such records shall be open to inspection by the department and its agents at any reasonable time and as often as may be deemed necessary, but employers need not retain such records more than four (4) years after contributions relating to such records have been paid. The department may require from such employers such reports as it deems necessary which shall be sworn to if required by the department.

Information thus obtained shall not be made public or be open to public inspection other than to the members of the board, the officers and employes of the department, and other public employes in the performance of their public duties, but any employe or employer at a hearing on an appeal shall, upon request, be supplied with information from such records to the extent necessary for the proper presentation and consideration of the appeal.

Any officer or employe of the department or the board or any other public employe who shall violate any of the provisions of this section shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than twenty nor more than two hundred dollars, and in default of the payment of such fine and costs of prosecution shall be sentenced to imprisonment for not longer than thirty days.

Each employer who has been determined by the department to be subject to the reporting provisions of this act shall furnish among other reports wage and separation

information upon request of the secretary. Such request shall be made upon a form prescribed by the department. Every employer receiving such request shall furnish all information required on the form and mail or deliver it to the department within seven days from the date on which such request was made. If any employer fails to furnish the information requested within the seven days period, the secretary or his deputy may make a determination of the claimant's benefit rights based upon all available information, and shall use the claimant's certified statement as to his wages and reason of separation as to the employment not reported.

Any employer who has been determined by the department to be subject to the reporting provisions of this act and has been so notified and who neglects or refuses to file or to complete, in such manner as the department may prescribe, [either] the periodic report required by the department to establish the amount of such contributions [or the periodic report required by the department, showing the amount of wages paid to each employe or both] on or before the date such reports are required to be filed, shall pay a penalty of one hundred (100) per centum of the total amount of contributions paid or payable by the employer for the period; Provided, That such penalty shall be not less than one dollar ($1.00) or more than five dollars ($5.00). Such penalty shall apply to the reports for each period with respect to which such reports are required to be filed; Provided, That such penalty shall not apply to reports for any period with respect to which the last day for filing such reports is prior to a date on which the department has notified the employer that he has been determined an employer subject to the reporting provisions of this act, unless the reports for such prior periods are not filed within thirty days after the employer has been so notified. The penalties provided by this section shall be in addition to all other penalties provided for in this act.

Section 4. Subsection (f) of section 302 of the act, amended September 3, 1955 (P. L. 556), is amended to read:

Section 302. Establishment and Maintenance of Employer's Reserve Accounts. The department shall establish and maintain for each employer a separate employer's reserve account in the following manner:

* * *

(f) [Subsequent to June, thirtieth, one thousand nine hundred forty-nine] With respect to benefit years commencing prior to January 1, 1962, such account shall be charged with all compensation by even dollars paid to each individual who received from such employer wage credits constituting the base of such compensation in the proporation that such wage credits with such employer bears to the total wage credits received by such individual from all employers. With respect to compensation paid for benefit years beginning on and after January 1, 1962, such compensation shall be charged to the account of the base year employers of such individual as follows: The account or accounts of the employer or employers who provided the last day of employment to such individual during his base year shall be charged with all compensation paid to him until the total of such compensation paid equals but does not exceed fifty per centum of the base year wages paid by such employer or employers. Any additional compensation paid shall be charged in the same manner and to the same extent to the remaining base year employer or employers in the inverse of the chronological order in which such individual's employment occurred: Provided, That if the department finds that such individual was separated from his most recent work for such employer due to being discharged for [willful misconduct connected with] misconduct affecting such work, or due to his leaving such work without good cause attributable to his employment [or if the department finds that such individual's unemployment exists because of his loss of work with such employer due directly to a disaster by reason of which the Governor has declared a state of emergency], thereafter no compensation paid to such individual with respect to any week of unemployment occurring subsequent to such separation [or due to such disaster as the case may be] which is based upon wages paid by such employer with respect to employment prior to such separation [or loss of work] shall be charged to such employer's account under the provisions of this subsection (f), provided such employer has filed a notice with the department in accordance with its rules and regulations and within the time limits prescribed therein. The findings and determinations of the department under this subsection (f) shall be subject to appeal in the manner provided in this act for appeals from determinations of compensation. [The provisions of this subsection (f) as hereby amended shall become effective with respect to charges arising out of any benefit year which commences after the thirtieth day of September, one thousand nine hundred fifty-one.]

The department shall remove from the account of each employer all charges based upon benefit for which the department has been or will be reimbursed by the Federal Government.

* * *

Section 5. Subsections (a), (d) and (f) of section 401, and subsection (b) of section 402, of the act, amended December 17, 1959 (P. L. 1893), are amended to read:

Amend Bill, page 4, by inserting between lines 19 and 20:

(a) Has, within his base year, been paid wages for employment equal to not less than [thirty (30)] forty (40) times his weekly benefit rate: Provided, however, That (1) an employe whose base year wages are less than six hunderd dollars ($600.00) shall not be eligible under the provisions of this subsection, unless such wages were earned during eighteen (18) different weeks within such base year, which weeks need not be consecutive, or more than fifty per centum (50%) of such wages were earned while engaged in a full-time occupation in a full-time industry or enterprise while attached to the labor market for permanent full-time employment, and (2) wages earned by a full-time day student in temporary employment during holidays or periods of vacation, or in employment which is an integrated part of a cooperative educational curriculum, shall not be considered base year wages within the meaning of this subsection and section four hundred four of this act.

The secretary shall define, by rule and regulation, full-time occupation, full-time industry and permanent full-time employment for the purposes of this subsection. Such rule and regulation shall include, inter alia, provisions excluding casual workers, persons who, at their own option, work less than full-time, and persons who, at their own option, work irregularly rather than in permanent employment.

Amend Bill, page 6, by inserting between lines 3 and 4:

Section 402. Ineligibility for Compensation. An employe shall be ineligible for compensation for any week

* * *

(b) (1) In which his unemployment is due to voluntarily leaving work without cause of a necessitous and compelling nature, irrespective of whether or not such work is in "employment" as defined in this act: Provided, That a [voluntary] leaving work [because of pregnancy whether or not the employer is able to provide] because the employer did not provide requested other work shall be deemed not a cause of a necessitous and compelling nature: And provided further, That no employe shall be deemed to be ineligible under this subsection where, as a condition of continuing in employment, such employe would be required to join or remain a member of a company union or to resign from or refrain from joining any bona fide labor organization, or to accept wages, hours or conditions of employment not desired by a majority of the employes oin the establishment or the occupation, or would be denied the right of collective bargaining under generally prevailing conditions, and that in determining whether or not an employe has left his work voluntarily without cause of a necessitous and compelling nature, the department shall give consideration to the same factors insofar as they are applicable, provided, with respect to the determination of suitable work under section four (t): And provided further, That the provisions of this subsection shall not apply in the event of a stoppage of work which exists because of a labor dispute within the meaning of subsection (d).

(2) In which his or her unemployment is due to leaving work (I) to accompany or to join his or her spouse in a new locality, or (II) because of a maritial filial or other domestic obligation or circumstance, whether or not such work is in "employment" as defined in this act: Provided, however, That the provisions of this subsection (2) shall not be applicable if the employe, during a substantial part of the six months either prior to such leaving or the time of filing either an application or claim for benefits was the sole or major support of his or her family, and such work is not within a reasonable commuting distance from the new locality to which the employe has moved.

* * *

Amend Sec. 3, page 6, line 4, by striking out "3" and inserting: 6

Amend Bill, page 6, by inserting between lines 13 and 14:

Section 7. Section 404 of the act, amended May 14, 1949 (P. L. 1355), September 29, 1951 (P. L. 1580), March 30, 1955 (P. L. 6), and December 17, 1959 (P. L. 1893), is amended to read:

Section 404. Rate and Amount of Compensation. Compensation shall be paid to each eligible employe in accordance with the following provisions of this section, except that compensation payable with respect to weeks ending in benefit years which begin prior to the first day of [January, one thousand nine hundred sixty] October, one thousand nine hundred sixty-one, shall be paid on the basis of the provisions of this section in effect at the beginning of such benefit years. [Provided, however, That with respect to benefit years which begin on or after the first day of January, one thousand nine hundred sixty, and prior to the first day of July, one thousand nine hundred sixty, the maximum weekly benefit rate of compensation shall not be in excess of thirty-eight dollars ($38.00), nor the maximum amount of compensation payable with respect to such year in excess of eleven hundred forty dollars ($1140.00).]

(a) The employe's weekly [benefit] compensation rate shall be [computed as (1) one twenty-fifth of his "highest quarterly wage" in accordance with Part A of the Table Specified for the Determination of Rate and Amount of Benefits, or (2) fifty per centum (50%) of his full-time weekly wage, whichever is greater, or if his base year wages are insufficient to qualify him for compensation by either of these methods, his weekly benefit rate shall be determined as (3) that rate appearing in Part B of the table on the line on which in Part C appears the amount of qualifying wages which most nearly approximates but does not exceed his base year wages] that rate which appears in Part B of the table set forth in subsection (e) hereof, and which is on the same horizontal line in Part A as the interval which includes his highest quarterly wage.

(b) The "highest quarterly wages" of an employe shall be the total wages (computed to the nearest dollar) which were paid to such employe in that calendar quarter in which such total wages were highest during the base year.

(c) Any otherwise eligible employe shall be entitled during his benefit year to [the amount appearing in Part D of the Table Specified for the Determination of Rate and Amount of Benefits on the line on which in Part B appears his weekly benefit rate: Provided, That he has sufficient qualifying wages in Part C, and provided further, That an employe whose weekly benefit rate has been determined under clause (3) of subsection (a) of this section shall be entitled to compensation only if his base year wages are at least thirty times the weekly benefit rate as computed under clause (1) of subsection (a)] an amount equal to his weekly benefit rate, multiplied by the number which appears on the table set forth in subsection (e) hereof at the top of a column under Part C of such table to be ascertained by locating on the same horizontal line in which his weekly benefit rate appears the maximum amount which does not exceed the total wages paid to him during his base year: Provided, That an individual who has received a reduction in compensation for one or more weeks of unemployment because of eligibility for a private or public pension or pensions, as provided in subsection (d) hereof, shall have such benefit year entitlement debited in the amount by which such compensation payment or payments were reduced in addition to the amount of compensation actually paid.

(d) Notwithstanding any other provisions of this section, each eligible [employe] individual who is unemployed with respect to any week ending subsequent to the [first] thirtieth day of [January, one thousand nine hundred sixty] September, one thousand nine hundred sixty-one, shall be paid with respect to such week, compensation in an amount equal to his weekly benefit rate, less the total of (1) that part of the remuneration, if any, paid or payable to him with respect to such week which is in excess of his partial benefit credit, and [also (2) that part] (2) the amount of a retirement pension or annuity if any [received by him] which he has received, is receiving, is entitled to receive, or, upon application, is eligible to receive with respect to such week, under a private pension plan to which [a base-year] an employer of such employe has contributed [which is in excess of the maximum weekly benefit rate provided for in this act], and (3) the amount of the retirement pension or annuity which he has receive, or, upon application, is eligible to receive with respect to such week under the provisions of either or both of the Federal Old Age Survivors and Disability Insurance Act and the Federal Railroad Retirement Act. If such retirement pension or annuity payments deductible under the provisions of this subsection are received on other than a weekly basis, the amount thereof shall be allocated and pro-rated in accordance with the rules and regulations of the department. [Retirement pension or annuity payments received by the employe under the Federal OASI program, the Federal Railroad Retirement program, or under any private retirement plan to which the employe was the sole contributor, shall not be considered a deductible retirement pension or annuity payment for the purposes of this subsection.] Such compensationfi if not a multiple of one dollar ($1.00), shall be computed to the next higher multiple of one dollar ($1.00).

[(e) Table Specified for the Determination of Rate and Amount of Benefits

Part A Highest Quarterly Wage	Part B Rate of Compensation	Part C Qualifying Wages	Part D Amount of Compensation
$120-262	$10	$320	$300
263-287	11	333	330
288-312	12	367	360
313-337	13	402	390
338-362	14	439	420
363-387	15	476	450
388-412	16	514	480
413-437	17	553	510
438-462	18	592	540
463-487	19	633	570
488-512	20	675	600
513-537	21	718	630
538-562	22	763	660
563-587	23	808	690
588-612	24	855	720
613-637	25	903	750
638-662	26	952	780
663-687	27	1003	810
688-712	28	1055	840
713-737	29	1109	870
738-762	30	1164	900
763-787	31	1221	930
788-812	32	1280	960
813-837	33	1341	990
838-862	34	1403	1020
863-887	35	1468	1050
888-912	36	1534	1080
913-937	37	1603	1110
938-962	38	1675	1140
963-987	39	1748	1170
988 or more	40	1825	1200]

(e) Table Specified for the Determination of Rate and Amount of Compensation

Part A Highest Quarterly Wages	Part B Weekly Compensation Rate	Part C Minimum Base Year Wages										
		20	21	22	23	24	25	26	27	28	29	30
$120-262	$10	$400	$420	$440	$460	$480	$500	$520	$540	$560	$580	$600
263-287	11	440	462	484	506	528	550	572	594	616	638	660
288-312	12	480	504	528	552	576	600	624	648	672	696	720
313-337	13	520	546	572	598	624	650	676	702	728	754	780
338-362	14	560	588	616	644	672	700	728	756	784	812	840
363-387	15	600	630	660	690	720	750	780	810	840	870	900
388-412	16	640	672	704	736	768	800	832	864	896	928	960
413-437	17	680	714	748	782	816	850	884	918	952	986	1020
438-462	18	720	756	792	828	864	900	936	972	1008	1044	1080
463-487	19	760	798	836	874	912	950	988	1026	1064	1102	1140
488-512	20	800	840	880	920	960	1000	1040	1080	1120	1160	1200
513-537	21	840	882	924	966	1008	1050	1092	1134	1175	1218	1260
538-562	22	880	924	968	1012	1056	1100	1144	1188	1232	1276	1320
563-587	23	920	966	1012	1058	1104	1150	1196	1242	1288	1334	1380
588-612	24	950	1008	1056	1104	1152	1200	1248	1296	1344	1392	1440
613-637	25	1000	1050	1100	1150	1200	1250	1300	1350	1400	1450	1500
638-662	26	1040	1092	1144	1196	1248	1300	1352	1404	1456	1508	1560
663-687	27	1080	1134	1188	1242	1296	1350	1404	1458	1512	1566	1620
688-712	28	1120	1176	1232	1288	1344	1400	1456	1512	1568	1624	1680
713-737	29	1160	1218	1276	1334	1392	1450	1508	1566	1624	1682	1740
738-762	30	1200	1260	1320	1380	1440	1500	1560	1620	1680	1740	1800
763-787	31	1240	1302	1364	1426	1498	1550	1612	1674	1736	1818	1860
788-812	32	1280	1344	1408	1472	1530	1600	1664	1728	1792	1856	1920
813-837	33	1320	1386	1452	1518	1584	1650	1716	1782	1848	1914	1980
838-862	34	1360	1428	1496	1564	1632	1700	1768	1836	1904	1972	2040
863-887	35	1400	1470	1540	1610	1680	1750	1820	1890	1960	2030	2100
888-912	36	1440	1512	1584	1656	1728	1800	1872	1944	2016	2088	2160
913-937	37	1480	1554	1628	1702	1776	1850	1924	1998	2072	2146	2220
938-962	38	1520	1596	1672	1748	1824	1900	1976	2052	2126	2204	2280
963-987	39	1560	1638	1716	1794	1872	1950	2028	2106	2184	2262	2340
988-1012	40	1600	1680	1760	1840	1920	2000	2080	2160	2240	2320	2400
1013-1037	41	1640	1722	1804	1886	1968	2050	2132	2214	2296	2378	2460
1038-1062	42	1680	1764	1848	1932	2016	2100	2184	2268	2352	2436	2520
1063-1087	43	1720	1806	1892	1978	2064	2150	2236	2322	2408	2494	2580
1088-1112	44	1760	1848	1936	2024	2112	2200	2288	2376	2464	2552	2640
1113 or more	45	1800	1890	1980	2070	2160	2250	2340	2430	2520	2610	2700

(f) For purposes of this section and of section four hundred one (a), wages paid with respect to employment performed under Shipping Articles shall be considered as having been paid in the respective calendar quarters in which the services of the employe were being performed.

Amend Sec. 4, page 6, line 14, by striking out "4 This" and inserting: 8. Except as otherwise provided, this

Amend Sec. 4, page 6, by inserting after line 18:

The amendments provided by this act to clause (a) of section 4, section 206, and subsection (f) of section 302, shall take effect January 1, 1962.

The amendments provided by this act to subsection (a) of section 401, subsection (b) of section 402, and section 404, shall take effect with respect to benefit years commencing on and after October 1, 1961.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Bowman.

Mr. BOWMAN. Mr. Speaker, today the unemployment compensation fund is literally broke. The benefits being paid at the present time are from borrowed money—money borrowed from the Federal Government. My amendments have a two-fold purpose. They are designed to restore, to a certain degree, solvency to the fund, and at the same time increase the maximum weekly benefits to a recipient of unemployment compensation.

On the surface this appears to be impossible. However, by closing three loopholes in the existing law, with respect to benefits, the total savings effected will be in excess of the total amount of additional money necessary to provide for the additional $5-per-week compensation.

Briefly I would like to explain each of the three major loophole closings. First, I would like to speak about the provision which will modify, not change in its entirety, but modify, the existing law with respect to the payment of unemployment compensation in relation to pensions. My amendments would do this, and it is indeed a compromise. Other legislation I introduced would completely eliminate unemployment compensation if pensions equaled or exceeded such compensation payments. I have compromised that position in this bill.

Briefly this bill would do this in respect to pensions and would be exactly like the Federal law on this same subject: Social security payments or railroad retirement or other Federal pension payments would not be offset against your otherwise unemployment compensation benefits, but private pensions or pensions from employers would be set off against the unemployment compensation benefits to which you would otherwise be entitled. In other words, under my amendments, a person on retirement would get his social security or railroad retirement in full and his unemployment compensation in full. There would be no offset one against the other. The offset would be exclusively in the area of the so-called private pension or employer pension. By making that change, and I think it is eminently fair, the fund could save—and I have reliable statistics here, I believe—approximately $8.5 million.

It is an odd fact in our unemployment compensation law today that many people on retirement and who get unemployment compensation receive more tax-free dollars than they did when they were employed. How did this come about? By the obvious reason that unemployment compensation benefits, social security payments and like payments are tax free. I think there is something fundamentally wrong with a system which will enable a man to receive unemployment compensation benefits which result in his total income being in excess—tax-free income—being in excess of that which he received when he was employed. In this way we can restore some sense of solvency to the fund and still maintain the concept of social security being separate and apart from unemployment compensation benefits.

The second major change that I would propose is in the field of what is normally considered "second dippers." Now, second dippers, I think most people will admit, is an anomaly. It was a mistake. It just happened. It certainly was never originally contemplated in the law.

Now a second dipper, or a person who can get a second crack at unemployment compensation payments without further work, comes about by a reporting system which I propose to change. In effect, by changing the reporting system of employes' wages for particular quarters, the result of second dippings, or second time around, would be eliminated.

I do not think anyone can disagree that the so-called "second dip" provisions were basically not understood and certainly a mistake as we members of the legislature, or our predecessors, amended this law over the years. The second dip elimination would allow the fund to have approximately $12 million additional per annum.

The third major provision of my amendments deals with the matter of variable duration of benefits. Now, if my memory serves me correctly, benefits were of variable duration when the bill was originally adopted, and, I believe, perhaps in the early 50's, the standard duration of benefits was changed. That is, the law was changed to

establish standard duration of benefits. I, in effect, propose to restore the previous law providing for variable duration of benefits.

Now this is basically brought about by changing the tables that are in the existing law, and the philosophy of this amendment is that the people who work longest and have the best employment record are the ones who receive the maximum benefits. This amendment would go against people who are casually employed, temporarily employed, because it would substantially reduce the maximum duration of their benefits.

Now I believe that when we have a fund in this dire financial condition that our thoughts and our ideas should be for protecting the workers who, unfortunately, are not employed but who have a good employment record.

This amendment would save the fund approximately $20 million. In other words, these three amendments, these three major changes, with respect to benefits, would produce approximately $40 million. As I said before, I feel to make this bill attractive, these amendments attractive, and to point out that we can do something in the way of increasing benefits if we at the same time recognize the folly of some of the dipping into the fund at the present time, we can increase the benefits by $5 which costs $25 million a year or save the fund and increase its stature financially by approximately $15.5 million to $16 million per year.

These benefits, I think, the ones that I am eliminating, are not logical; they are not within the original contemplation of workmen's unemployment compensation and certainly have no place in the fund particularly today when the fund is literally broke and when at the same time the employers of Pennsylvania are paying the highest average contribution rate of any State in the Union which has any industry at all.

I have statistics and comparisons of our adjoining States, and Pennsylvania stands at the top of the list on cost of contributions by the employers.

If we are to create and if we are to give sense, if we are to give meaning, to our oft-repeated statements that we are making and trying to make Pennsylvania attractive for industry, let us do something in a constructive way which will both help the bona fide unemployed man by increasing his benefits and, at the same time, make this fund—at least a step in the right direction towards making this fund—a sound fund and something that Pennsylvania can be proud of rather than ashamed of, which I think we all are today. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Capano.

Mr. CAPANO. Mr. Speaker, this amendment is, in effect, House bill 1705. Of course, the real purpose of it is to eliminate as much as possible the payments of unemployment compensation.

We realize, of course, that the fund is now in a precarious position, financially embarrassed. However, it is still keeping within the scope for which it was created, for which it was intended, to provide payments to individuals who find themselves out of employment in a period of slack work through no fault of their own. These amendments would create a great deal of hardship to people. Now, if the intent is to try to save money and forget about the needs of these people, then what we should do is repeal the act entirely.

None of us can deny that had it not been for the Unemployment Compensation Act and fund in 1957 we would have suffered one of the worst depressions we have ever had in the State of Pennsylvania. It was the unemployment compensation fund which made it possible for people to have income so that we could at least prevent a depression.

While there may be some abuses which have developed in the unemployment compensation fund, nevertheless, it still serves the purpose and the needs of the people in times of a bad economic condition or a depression. H.B. 1705 would have a drastic effect in the steel areas where today we are undergoing a great deal of unemployment due to the change in the economic system. Certainly we would not want to take those people today and force them to go on relief rather than to receive unemployment compensation by which they can maintain their dignity as workers. This is too drastic an action to take at this particular time.

The fund finds itself in a dangerous position today, not because of the so-called loopholes to which the gentleman referred, rather it finds itself in this position today because of the fact that employers paid themselves money in good times when we should have created a reserve so as to have funds available in times of depression.

Therefore, I ask the members of the House to vote down these amendments.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Bowman.

Mr. BOWMAN. Mr. Speaker, the gentleman very adroitly avoided any specifics and spoke in generalities as to the desirability of unemployment compensation. There is not a man in this House who questions his general statements. We all recognize the need for a sound, attractive unemployment compensation system. That nobody denies.

However, he was strangely silent on the justification for people on pension receiving unemployment compensation. He was strangely silent on double dippers, and he was equally silent on justifying the variable duration, that is, the present standard duration, of benefits regardless of your past earning record and your past employment record.

I must say one other thing: This is not House bill 1705. I modified House bill 1705, for example, and among other things, completely set off social security, railroad retiremen and all types of retirement benefits against unemployment compensation. The amendments before you today follow the Federal law exactly. Is the Federal law bad? Are the employers of Pennsylvania getting away with murder in the amount they are contributing to this fund? I think the statistics will prove to the contrary. The employers of Pennsylvania for a period of at least 10 years have had the highest rate of contribution of any State in this union having any industry at all. The employers have not robbed the fund; they have paid in higher than any other employer in any other State in the Union which has industry.

Mr. Speaker, we have a single issue, a sole issue here today, not generalities. The issue is: Shall these off-shoots of unemployment compensation continue or shall we get

back to the basic fundamentals of the payment of unemployment compensation? Equally important, shall this fund be made sound or shall we end up in the near future in a chaotic condition as bad or worse than that of the State of Michigan's fund and other general finances of that State?

It is today, not tomorrow, not next year; it is today when we face up to the fact that the unemployment compensation fund is broke. It owes the Federal Government. Where are we going to get the money? We certainly cannot increase the employer's rate if we are going to at the same time blithely say, "Pennsylvania is good for industry." It cannot be done. We have to face up to the facts and do it today.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Capano.

Mr. CAPANO. Mr. Speaker, the gentleman makes reference to the double dip. What is the injustice about the double dip? There is nothing wrong about the double dip, which means a second round of unemployment compensation. Why does an individual receive a second round? He receives a second round because he is unemployed.

Of course, the big cry is about those who have reached the age of 65 and who are on social security benefits. Even considering those people, the courts have justified it; the courts have said it is perfectly legal. There have been a number of cases on it just recently, decisions, which say that the man who retires against his own wishes is eligible for unemployment compensation. Then let us consider the other angle of it, when a man reaches 65 and 70 he goes on retirement. He is going from a high standard of living to a lower standard of living, a much lower standard of living. I think this bill serves a good purpose, because it gives that individual an opportunity to adjust himself to a lower standard of living. Besides that, we all recognize that today there are many people who at the age of 65 still have dependents and, therefore, since the courts have found it perfectly legitimate, I think there is nothing morally or legally unjust about unemployment compensation being paid to those individuals whether they are on social security or not. I think while that may not have been the original intent, the interpretations over the years have been for the best interests of our workers.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Schaaf.

Mr. SCHAAF. Mr. Speaker, I find myself in a rather peculiar position today and I would like the privilege of making a few comments on it.

Mr. Speaker, I do not think any one will take issue with the words of the gentleman from Washington, Mr. Capano, when he describes the condition of this fund as "precarious." I do not think anyone would seriously take issue with the facts as recited by the gentleman from Dauphin County, Mr. Bowman, to the effect that this does bear on this Commonwealth's relationships with business and industry within this State.

Mr. Speaker, I was a co-sponsor of House bill 1705, and I want everybody in this House to know that I did it out of a sense of conviction. It was not an easy thing for me to do, I realize full well, as do the other members of this House who are the principal proponents of this particular piece of legislation.

Mr. Speaker, time will show, I suspect, that what we put off today we will have to do tomorrow. If nothing is done this year—and I seriously suspect and suggest to my colleague from Dauphin County that he is tilting at windmills this afternoon—eventually we are going to have to face up to this bill. I agree that this seriously affects the growth of business and industry in this Commonwealth. I think we should seriously consider that fact in view of the fact that we have lost a major industry. I should not say we have lost it, but we have certainly seen the decline of the coal industry in Pennsylvania. The whole pattern of our Pennsylvania economy has shifted over the past two decades.

Mr. Speaker, the only thing that I am seriously concerned about is that there is a lack of detail, a lack of knowledgeable detail, from this administration on the position of this fund. For that reason, Mr. Speaker, a few minutes ago I offered a question under House Rule 19B. It is directed to the Secretary of Labor and Industry. I suspect the question will not be answered, particularly in view of our present plans for next week.

I am a realist, Mr. Speaker; I do not know what the outcome of this argument is going to be. I am going to vote on this issue with the administration, because I feel that we are tilting at windmills if we try to adopt the amendments of the gentleman from Dauphin. But I want to repeat that I do not believe that the unemployment compensation fund should be used as a vehicle of general assistance. There seems to be, and, unjustly, a feeling that the public assistance program in this Commonwealth is undignified. My recollection is that the preamble of the 1937 Public Assistance Law mentions the phrase "dignity of the individual." It is about time, Mr. Speaker, that we should seriously consider handling basic public assistance problems brought about by unemployment or otherwise, from the general fund, and not by what I consider, at least, an unfair burden on the employers of this Commonwealth when we need, we desperately need, the expansion of business and industry. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Auker.

Mr. AUKER. I am rising in support of these amendments, and coming from a labor district, that possibly could mean that I could be in some trouble. But I am still reiterating my song and dance that I have reiterated not only in the last session but in this session, that the primary problem facing Pennsylvania today is unemployment. We still have close to 400,000 people unemployed in this State, on relief rolls, not counting those receiving unemployment compensation.

The main obstacle, one of the main obstacles, to attracting new industry into Pennsylvania, to getting industry to expand in Pennsylvania, is the shape that our unemployment compensation is in today. And if you talk with the Chambers of Commerce, the secretaries of the Chambers of Commerce over this State, if you talk with the main employers over this State and the people who are in the position where they talk with people who are thinking of attracting industry into this State and establishing an industry, or expanding industry in this State, they will tell you that same thing, that one of the main obstacles of their expansion in this State, one of the main

obstacles or the main drawbacks to industry coming into this State, is this unemployment compensation law, which has been allowed to degenerate, as the gentleman from Erie said, into an assistance law in many respects, which was never intended to be. And we have got to face up to the problem. If labor is fair, if the labor leaders are fair, if they are sincere, and I say it's sincere, in the welfare of their own people, they would back these amendments, and not play to the crowds and the mob, and try to show justification for their leadership and the dollars that they draw.

I am really sincere about this thing. I want to see unemployment payments increased in Pennsylvania. It is very vital; it is very vital to our tax structure; it is very vital to the excess moneys that we are trying to raise for the educational program. You are at a level now where you are going to tax estates of widows and orphans to pay for an educational program which is unfair. And if we had the ratio of employment in this State, as an industrial State like Pennsylvania has a right to and should have, in comparison to the like industrial States over this Nation, we would not have to go to such a tax program as you are proposing now to finance the educational program. We would be able to have it because we would have the employables in this State; we would be able to pay the bill and not tax the widows and orphans who are relying on a fixed income for subsistence. So I say to you, if we are sincere in attacking this problem of unemployment, which I still say is the main problem facing Pennsylvania, in all sincerity I ask you to examine your conscience and vote for these amendments and let's start on the road back to make Pennsylvania the prosperous State that it should be. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Sullivan.

Mr. T. F. SULLIVAN. Mr. Speaker and members of the House, I say these amendments which we claim are 1705 should be voted down. It is easy for people to get up and say that it has degenerated into a system of relief and I resent the fact that some of our less fortunate people are called second dippers. These people are unemployed, not through their own choosing, but because of industry. And if anyone in this House has ever tried to collect unemployment compensation, he will find that it is no easy task. The law is very stringent and they just do not have a bushel basket sitting in the unemployment office full of silver dollars for you to walk in and pick up. Or if anyone in this House has ever attended unemployment compensation hearings and found out just how strict the rules of the department and the law are, he will find this State's unemployment compensation law or the benefit which the people derive from it is not easy.

Now, some people say that they degenerate into a system of relief. Let's look at the fact that if unemployment is as bad as it is in Pennsylvania today, when the Unemployment Compensation Law benefits run out—and let's be aware of the fact that not all people, not all unemployed people, are entitled to two rounds of benefits. They are entitled to a round of benefits based on the amount of money they earned in a certain period of quarters. And not all of the other poor people, as I say, are entitled to a second round. But after these rounds run out—they are entitled to what? They are entitled to relief. And has anybody in this House ever applied for relief, or do they know what they get, and how much they get? And do we understand that widows, or rather the pensioners, which Mr. Bowman objected to, how much do they get when they are on pension from the corporations of Pennsylvania plus the social security? Is there enough to live on in the manner to which they are accustomed to living when they have their own job?

Unemployment is not caused by the unemployed people. It is caused by the industry or the change in the economic picture. I will bet it is safe to say, if you checked the records you will find that the industry in Pennsylvania is making more money today and more profit with less people than it ever had in the annals of its history, with the changing times of automation. I know in the steel industry that half the people who have been laid off for the last two years will never be called back, because the changing of work in the steel industry has made it such that they will not need these people. And I have no pity for these people who shed crocodile tears for industry. They are making huge profits out of the people of Pennsylvania and I think they should pay their fair share. If the people of this House, or some of them, do not like the Unemployment Compensation Law and some of its aspects, then maybe we would be better off if we legislators in this House guaranteed an annual wage for the people of Pennsylvania. Thank you.

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. I would like to interrogate the gentleman from Erie, Mr. Schaaf, please.

The SPEAKER pro tempore. Will the gentleman, Mr. Schaaf, permit himself to be interrogated?

Mr. SCHAAF. I shall, Mr. Speaker.

Mr. A. W. JOHNSON. Mr. Speaker, Mr. Schaaf, we on this side of the House are rather intrigued by your argument and I would like to explore it a little bit further. I believe you said you were not very cognizant of the condition of the fund. Do you recall from the last statement that we received from Labor and Industry what the cash balance is in the fund at the present time?

Mr. SCHAAF. I do not have the last statement. The last statement that I personally have was that of May 31.

Mr. A. W. JOHNSON. And what was the balance on May 31?

Mr. SCHAAF. I would have to look. Excuse me.

Mr. A. W. JOHNSON. Would you get it please?

Mr. SCHAAF. This, of course, Mr. Speaker, is without the second quarter return, as I understand the law. And the fund balance as of May 31 was $124.7 million, however, subject to or inclusive rather . . .

Mr. A. W. JOHNSON. Now just a minute. Are you reading and have you got the chart there with the graph which shows that one time there was half a billion dollars in the fund?

Mr. SCHAAF. Mr. Speaker, I am not going to analyze the graph for the gentleman from McKean. I will answer his question as best I can. The fund balance as of May 31 was $124.7 million, subject to or inclusive, rather, of a Federal loan of $111.2 million. So the actual employer contributions in the $124.7 million balance would amount to, as I do quick arithmetic, $15.5 million.

Mr. A. W. JOHNSON. The net balance, in other words, would be around $13.5 million as of the end of May 1961?

Mr. SCHAAF. As of the end of May 1961.

Mr. A. W. JOHNSON. Now, are you familiar with the balance owing the Federal Government? Will that loan of over $100 million have to be repaid?

Mr. SCHAAF. Mr. Speaker, I do not know. My understanding is, and I am not precise on this, but my understanding is that this loan was authorized in 1959 and any money borrowed from this allocated money must be repaid, as I recall it, within five years from the date of the loan.

Mr. A. W. JOHNSON. And is it not true that if it is not repaid that there will automatically be some type of a Federal payroll tax go on in order to pay off that loan?

Mr. SCHAAF. I cannot answer that question, Mr. Speaker.

Mr. A. W. JOHNSON. Now, I believe you stated that you are for the amendments and you realize that industry is beleaguered on this, but so we will understand why is it then that you are going to vote against the amendments—I mean you are for the amendments, yet I believe you said you were going to vote against the amendments. Is that true?

Mr. SCHAAF. For two reasons, Mr. Speaker. In the first instance, as I indicated, this is tilting at windmills. Secondly, I am a Democrat and I am very proud of it.

Mr. A. W. JOHNSON. I am still intrigued by your statement . . .

Mr. SCHAAF. I want to elaborate on my last comment. I stand with this administration, right or wrong.

Mr. A. W. JOHNSON. Thank you.

Mr. SCHAAF. The purpose I might say of offering 1705, the purpose in the first instance of my offering 1705 as a co-sponsor was to add my own personal weight based on, as I said, my conviction, thinking that perhaps in the months ensuing something could come out of the Department of Labor and Industry by way of remedial legislation which I personally think is necessary.

Mr. A. W. JOHNSON. Mr. Speaker, in commenting on your reasons, I would say that it is the most masterful political statement that I have ever heard, and I think you are pretty clever, I will say that.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. BOWMAN and CAPANO and were as follows:

YEAS—93

Adams,	Gibbons,	Kooker,	Snare,
Anderson, J. H.	Goldstein, J. H.,	Korns,	Steckel,
Auker,	Goodrich,	Lee, A. M.,	Stimmel,
Backenstoe,	Gramlich,	Lee, K. B.,	Stiteler,
Blair,	Gross,	Magee,	Thompson,
Bossert,	Guthrie,	Manbeck,	Tompkins,
Bower,	Haudenshield,	Markley,	Ujobai,
Bowman,	Helm,	Marsh,	Varner,
Bush,	Henzel,	May,	Wall,
Davis,	Hocker,	McCandless,	Weidner,
Dengler,	Holl,	Merry,	Wescott,
Donaldson,	Holliday,	Miller,	Whittaker,
Down,	Holman,	O'Dell,	Willard,
Edwards,	Horst,	Odorisio,	Williams, A. D.,
Elvey,	Isaacs,	Ogilvie,	Williams, E. S.,
Eshback,	Johnson, A. W.,	Piper,	Wilt,
Eshleman,	Johnson, R. P.,	Price,	Wood,
Ewing,	Keiser,	Pursley,	Worley,
Fetterolf,	Kernaghan,	Royer,	Wynd,
Foor,	Kessler,	Rutherford,	Yetter,
Fox,	King,	Seltzer,	Zember,
Fulmer,	Kistler,	Simmons,	Zimmerman,
George,	Knecht,	Slack,	Andrews,
Gibb,			Speaker

NAYS—103

Anderson, S. A.,	Fry,	Long, Wm. Jos.,	Prendergast,
Arlene,	Galley,	Lutty,	Reibman,
Bachman	Gallagher,	McCann,	Reidenbach,
Boles,	Gelfand,	McCormack,	Renwick,
Bonner,	Gray,	McDevitt,	Riley,
Branca,	Greenlee,	McDonald	Rovansek,
Breth,	Gremminger,	McKeever,	Rubin,
Capano,	Guesman,	McLaughlin,	Rudisill,
Capitolo,	Hamilton,	McNally,	Sakulsky,
Cauley,	Hankins,	Meholchick,	Scarcelli,
Cianfrani,	Hartley,	Mihm,	Schaaf,
Cioffi,	Heavey,	Monroe,	Schuster,
Clarke,	Irvis,	Morley,	Shelton,
Comer,	Jenkins,	Mullen,	Sherman,
Cooley,	Jim,	Munley,	Shupnik,
Crossin,	Jones,	Murphy,	Stank,
Curwood,	Kamyk,	Murray,	Stone,
Dougherty,	Kelly,	Musto,	Sullivan, J. A.,
Doughten,	Klein,	Needham,	Sullivan, T. F.,
Ellberg,	Kornick,	O'Donnell, J. A.,	Taylor,
Farabaugh,	Kramer,	Parlante,	Tomascik,
Filo,	Lamb,	Pashley,	Trusio,
Fineman,	Lawson,	Perry,	Verona,
Flynn,	Leonard,	Petrosky,	Wargo,
Foerster,	Limper,	Polaski,	Welsh,
Frascella,	Long, Wm. Jas.,	Polen,	

NOT VOTING—14

Ashton,	Goldstein, M. H.,	McInroy,	Strausser,
Buchanan,	Heffner,	Mills,	Walsh,
Dennison,	Lippincott,	O'Donnell, J. P.,	Willaredt,
Esler,	Maxwell,		

So the question was determined in the negative and the amendments were not agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

The SPEAKER pro tempore. For what purpose does the gentleman from Philadelphia, Mr. O'Donnell, rise?

Mr. J. P. O'DONNELL. Mr. Speaker, being in the hall of the House, I wish to be recorded as voting "no."

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record.

The SPEAKER pro tempore. For what purpose does the gentleman from Allegheny, Mr. Walsh, rise?

Mr. WALSH. To make an inquiry, Mr. Speaker. Was I recorded on the last roll call?

The SPEAKER pro tempore. The gentleman is not recorded.

Mr. WALSH. I voted "no." My light was on. I do not know what happened.

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record of the House.

INTERROGATION

Mr. A. W. JOHNSON asked and obtained unanimous consent to interrogate Mr. Polen.

Mr. A. W. JOHNSON. Mr. Speaker, inasmuch as we are going to break for caucus pretty soon, so that our caucus will understand the financial picture in the State better, as a result of the interrogation of Mr. Polen last evening, I would like to interrogate Mr. Polen on this question.

The SPEAKER pro tempore. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. A. W. JOHNSON. Mr. Speaker, I wish you had before you the statement you gave me this morning of the re-estimate of the revenue estimates so that I can interrogate on the question.

Mr. POLEN. I have the statement, Mr. Speaker.

Mr. A. W. JOHNSON. Mr. Speaker, there is some misunderstanding on our part as to what some of the bills already passed really do. With respect to House bill 1663, which passed the House yesterday: We know that it had incorporated within it House bill 95, which took away from the merchants their two percent commission. How much would that bill bring in the remaining 10 months of the biennium?

Mr. POLEN. $6,500,000.

Mr. A. W. JOHNSON. About $6.5 million. Now there was an acceleration amendment in H.B. 1663 which put into this 13 month-fiscal period additional payments under the sales tax. How much was that supposed to have brought in? Do you have those figures handy?

Mr. POLEN. There were two accelerations, the monthly acceleration and the quarterly acceleration. The quarterly acceleration will bring in $11 million additional which was not in the estimate previously furnished. The monthly acceleration of $17.6 million, which is also in H.B. 1663 now, was used in the original revenue estimates.

In other words, in your full rental $411,700,000, that included the $17.6 million on the acceleration of the monthly payments.

Mr. A. W. JOHNSON. All right. Let us not go too fast.

Then the Governor in his budget in January estimated that the sales tax for the 13 months should bring in $411,700,000, and you say included in that was $17.6 million which was in the acceleration bill of yesterday?

Mr. POLEN. That is correct.

Mr. A. W. JOHNSON. But $11 million was not in the Governor's budget, so that would be additional money that was not figured in the Governor's budget?

Mr. POLEN. That is correct.

Mr. A. W. JOHNSON. Then this statement that you have given to me showing that during this 13-month period there will be $17.5 million more sales tax coming in, or a total of $429,200 of the $17.5 million, $11 million is in the acceleration of yesterday, and where is the other $6.5 million?

Mr. POLEN. Six and a half million was what was originally in H.B. 95 and was put into H.B. 1663.

Mr. A. W. JOHNSON. So then there is $17.5 million increase in the sales tax take that was not in the original budget?

Mr. POLEN. That is correct.

Mr. A. W. JOHNSON. Now the statement you have given to me also shows that corporate taxes which were estimated to bring in $250 million in the Governor's budget will now bring in $27,900,000 more money—$5 million by reason of changes in existing law and an increase in the estimates, owing to better economic conditions, of $22.9 million, is that correct?

Mr. POLEN. That is correct.

Mr. A. W. JOHNSON. So that we will know in our caucus, let us break this down in three parts.

The increase in the estimates of $22.9 million, what is that money going to be used for?

Mr. POLEN. That money will be used for general purposes, but we would, in effect, say that it is going to match the loss of $21,337,000, which I spoke of yesterday, which was the amount we were short in the tax collections from business taxes in the previous fiscal year. The reason we feel we can safely use that figure is that the majority of the corporations took advantage of paying on the first three months' profit of 1961 and they were at very low ebb. With the acceleration of business and the normal amount that we would receive under fair business conditions, as I told you yesterday, it was felt it would be in excess of the $21,337,000 which we were short, so therefore the $21,337,000 is offset by a slight increase up to $22,900,000.

Mr. A. W. JOHNSON. Could the gentleman tell the House, without our having to look it up—it is a matter of record—how much the tax program of January, the acceleration from the new tax on insurance premiums, et cetera, how much that was estimated to bring in in January when you passed that tax program in that all-night session?

Mr. POLEN. Mr. Speaker, I—

Mr. A. W. JOHNSON. I am not talking about the two-cent gas tax; I am talking about the other tax.

Mr. POLEN. I do not have the figures on those previous tax bills, but it runs in my mind it was something like $140-some million.

Mr. A. W. JOHNSON.. Yes, between $130 million and $140 million.

Mr. POLEN. Yes, that is right.

Mr. A. W. JOHNSON. Then you say, in addition to this $130 million-$140 million of new taxes which were enacted and accelerated and paid into the last biennium, that there was in addition to that a $21 million deficit from the end of the biennium, May 31?

Mr. POLEN. Yes, the estimated taxes on business were $21,337,000 less than the estimates, which we held as an additional deficit.

Mr. A. W. JOHNSON. Then you are now resorting to the fiat of re-estimating and adding on certain taxes to wipe out that particular deficit. That is, in effect, what you are doing?

Mr. POLEN. Yes, based on the fact that we feel the reductions were due to the majority of the corporations that availed themselves of the privilege of using the first three months of 1961, that was considerably under what they would have been if they were going on the previous year or on the anticipated business and profits expected in this year.

Mr. A. W. JOHNSON. Thank you. Now another question:

Now we have increased the revenue estimates and we have wiped out the deficit and we still have this figure of $17.5 million more money coming in from the sales tax than was anticipated. Can we not use this $17.5 million for this school subsidy bill of $18.7 million so that we will not have to put on a new tax at this time?

Mr. POLEN. No, we could not, Mr. Speaker.

Mr. A. W. JOHNSON. What are you going to do with that money?

Mr. POLEN. That money will go into the general fund to take care of all the bills we have authorized in this House. Let me put it this way: My estimates, my figures, based upon these additions that you have here and what was in the original revenue estimates in the budget, show that we are going to have tax revenues of around $1,023,000,000 to $1,024,000,000. The bills that have passed this House or are in the process of being passed are approximately in the same amounts. In other words, we should be in balance if we have no additional spending. If we

are going to go above that amount, such as the subsidy of which you speak of $18.1 million, or any other educational bills, we will have to raise additional taxes to cover them.

Mr. A. W. JOHNSON. Mr. Speaker, I was saying that we have passed, or will have passed, appropriation bills which will be in excess of the Governor's budget by $17.5 million, so that this $17.5 million will be absorbed?

Mr. POLEN. We have not passed them all. They are in the process of being passed.

Mr. A. W. JOHNSON. When they are passed . . .

Mr. POLEN. Let me put it this way: the bills coming out of the Appropriations Committee are just about even with the amount of the estimated taxes as revised.

Mr. Speaker, as I stated yesterday, we have not received the official revenue figures that are certified to by the Department of Revenue. They will certify them in due course, and, of course, they will be the final figures. The figures I used are the budget figures based upon the additional taxes passed and the increase of $22.9 million in the business taxes.

Mr. A. W. JOHNSON. Mr. Speaker, the sales tax, as we recall it, by law is earmarked for education. How can you take this $17.5 million that we accelerated yesterday and the denial of a commission to the merchants, which makes up the $17.5 million, and use it for general fund purposes when it is earmarked for education and, if it is earmarked for education, why is it not available for the $18.7 million subsidy bill we have on our calendar?

Mr. POLEN. Because, in addition to the amount that will be produced by the sales tax, which is earmarked for education, it will take many millions of dollars of other taxes to make up that amount. The amount of money that is earmarked will not pay the bill for education.

Mr. A. W. JOHNSON. Now, another question: You say there are appropriation bills languishing in your committee which will be moved which will absorb the $17.5 million. But you . . .

Mr POLEN. Mr. Speaker, let me correct that. I said the bills which we have reported. There are a lot more than that languishing, but on the ones that we have reported, my figures are practically in balance with the estimated revenues as I have revised them.

Mr. A. W. JOHNSON. Mr. Speaker, did we not understand on the day we passed the general appropriations bill and passed these non-proferred bills that they were exactly equal to the Governor's budget and, unless they equaled the Governor's budget, that you cut down elsewhere in the Governor's budget so they would exactly equal the Governor's budget?

Mr. POLEN. The cuts that we made were offset by non-budgeted bills which we passed, such as the teachers' retirement for the old teachers. The statement then is the same as the statement now, that the bills that we have reported from committee, or were committed for, were approximately equal to the revenue. But let me state, in those figures, and it was brought out on the floor, included what was in House bills 95 and 573 which is now H.B. 1663. Those figures which were the estimates were included. So the situation did not change by passing them. It simply made it possible by passing H. B. 1663, previously H.B. 95 and H.B. 573 that the non-preferred appropriations could be signed in full.

Mr. A. W. JOHNSON. I thank the gentleman.

I would like to make just a few brief remarks on this, if I have unanimous consent.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. A. W. JOHNSON. I believe there will be opposition on this side of the House following our caucus, and we will discuss it at length in our caucus. I am not completely satisfied with the explanation of Mr. Polen. I would say that he has been an outstanding chairman of Appropriations and has done a yeoman job for the administration in explaining these revenues. But it seems to me there is still $17.5 million, at least, floating around here that is available, earmarked for education under the sales tax.

When H.B. 1789 comes up for a vote, I wish that the chairman of the Appropriations Committee would have a real, sound, lucid explanation of where that $17.5 million is going to, because it appears to us that that money is free and avialable and at present is unappropriated.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, I do not know how I could have made it any clearer than I did. In our revenue estimates was this $17 million, $17.5 million. In fact, it was $1.5 more than that, which was the loss in House bill No. 95.

All of this $17.5 million, in fact, all of the sales tax, $429.2 million, is earmarked for education, but that is far less than the amount that we have appropriated. The rest of the money will come from the general fund. This $17 million is not available for any new appropriations because it is a part, and has been a part, of our revenue estimates at all times. They were higher than this but dropped due to the loss each month through H. B. 95.

I will be glad to try to explain, if the gentleman will tell me just what he is not clear on.

Mr. A. W. JOHNSON. Mr. Speaker, what we would like to know is, has this $17.5 million been appropriated by this House and have the bills gone to the Senate? If they have not and there are bills in committee that are going to absorb that, we would like to know what they are. They might not be as important as this subsidy to the school districts, and we may be inclined to say, we will pass this subsidy to the school districts and those appropriations can die in committee, because the whole spirit around this State is that something has to be done for education. That is the hammer that is over our heads right now.

I will ask you again, is the $17.5 million represented by appropriation bills that have left this House and are over in the Senate?

Mr. POLEN. Mr. Speaker, I answered that question before. The $17 million is a part of the $1.023 billion bills which have passed this House. There are no bills in committee that have any relation to this. There would be, in addition to that, maybe a few thousand dollars, in the final analysis of bills that might not pass.

The bills that have passed this House are covered by the estimated revenues I have given. There are no revenues available above those amounts. There are no taxes above those amounts. The bills that we have processed between $1.023 billion and $1.024 billion is the amount of the estimated revenues. They are practically in balance at this time. That has been the situation all along.

That is the reason for the conference in the Select Committee on Education, and the reason for tax bill 1789 is to provide the money to pay for the educational program.

Now, so far as the money going to education, certainly the $17.5 million will go to education. There is no question about it. There is no question but what is in H.B. 1789 will also go for education. It is earmarked.

Mr. A. W. JOHNSON. Then to wrap this up, Mr. Polen, if, as you stated, the $17.5 million was not originally in the Governor's estimate but has been added to it, then we have sent appropriation bills to the Senate in excess of $17.5 million of the Governor's original budget? That must be true.

Mr. POLEN. Mr. Speaker, that is true, and the floor leader, Mr. McCann, has reiterated on several occasions, and I have told many members and I have written many letters, that if House bill 95 and House bill 573 did not pass the Senate, it would be necessary to cut appropriations for the non-preferreds approximately 42 percent, and that was correct.

Now, those bills have been passed by both Houses. We concurred in them yesterday and they have gone to the Governor and, when he signs them, it will permit him to sign all the non-preferreds.

Mr. A. W. JOHNSON. Mr. Speaker, do you have the areas in which we exceeded the Governor's budget by $17.5 million?

Mr. POLEN. Mr. Speaker, it is not a question of our exceeding. I do not think the bills that were non-budgeted amounted to that much, but the deficit was increased due to the fact that the revenues did not come in, either in the sales tax or in the business taxes. They were under in both cases. The amount of $17.5 million is only what was contained in two tax bills which we had in our figures for many, many months. I think House bill 95 passed this House on January 26.

Mr. A. W. JOHNSON. I thank the gentleman.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. McCANN asked and obtained permission for the Committee on Rules to meet during the session of the House.

DEMOCRATIC CAUCUS

Mr. McCANN. I will request a meeting of the Committee on Rules immediately when I make the motion. I will ask if there is anything to clear on the desk. We will recess for one hour and fifteen minutes.

I ask the Democratic members that they eat first and immediately come to the caucus room. We will caucus within 30 minutes and return to the floor in one hour and fifteen minutes for special orders of business.

RESOLUTION INTRODUCED AND REFERRED

By Mr. SCHAAF.

Questions raised under Rule 19-1 as amended February 1, 1961 requesting from department head information relating exclusively to departmental legislation pending on the House Calendar.

Referred to the Committee on Rules.

REPUBLICAN CAUCUS

Mr. TOMPKINS. I would like to notify the Republican members that upon recess we will first eat and then caucus. We would like to have everyone come to caucus. Bring your calendars with you.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 354.

An Act authorizing business corporations engaged in community industrial development whose stock is owned exclusively by a nonprofit corporation to amend their charters to be converted into nonprofit corporations engaged in similar purposes with court approval and prescribing procedure.

Referred to the Committee on Rules.

SENATE BILL No. 574.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" increasing the portion of the fee received from learners' permits appropriated to the Department of Public Instruction for carrying out a standardized program of teaching safe driving of motor vehicles.

Referred to the Committee on Rules.

SENATE BILL No. 598.

An Act enabling the Commonwealth through the Department of Forests and Waters or any political subdivision of the Commonwealth to acquire by purchase lease gift bequest devise or otherwise conservation easements for park or reservoir purposes and providing for the assessment and sale of such property interests.

Referred to the Committee on Rules.

SENATE BILL No. 779.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" providing that the payment of a fine and costs for violation of this act shall not constitute an admission of guilt and shall not be admissible in any hearing relating to suspension of an operator's license or learner's permit or in any appeal therefrom.

Referred to the Committee on Judiciary.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 137.

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the repair and restoration of the Caleb Pusey House subject to certain conditions.

HOUSE BILL No. 206.

An Act amending the act of October 14, 1959 (P. L. 1314), entitled "An act to regulate and establish the fees to be received by the clerk of oyer and terminer and quarter sessions of the peace and the municipal court of Philadelphia in counties of the first class" further regulating the fees to be received by the clerk of oyer and terminer and quarter sessions of the peace and the municipal court of Philadelphia in counties of the first class.

HOUSE BILL No. 517.

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58), prohibiting certain acts relating to registration plates and counterfeit plates numbers or markers.

HOUSE BILL No. 727.

An Act amending "The County Code" approved August 9, 1955 (P. L. 323), providing for expense in going to and returning from meetings.

HOUSE BILL No. 763.

An Act making an appropriation to the Trustees of the Mary Bailey Foundation for Heart and Great Vessel Research.

HOUSE BILL No. 764.

An Act making an appropriation to the Department of Health for the use of the Institute for Cancer Research Incorporated Fox Chase, Philadelphia, Pennsylvania.

HOUSE BILL No. 765.

An Act making an appropriation to the Department of Health for the diagnosis treatment and study of cerebral palsy at St. Christopher's Hospital.

HOUSE BILL No. 771.

An Act making an appropriation to the Department of Public Instruction for aid to free public non-sectarian county libraries and for the purchase and transportation of books.

HOUSE BILL No. 772.

An Act making an appropriation to the Department of Public Instruction for the improvement of library services.

HOUSE BILL No. 774.

An Act making appropriations to the Trustees of the University of Pittsburgh for the general maintenance and operation of the University for the School of Medicine for the Library School.

HOUSE BILL No. 776.

An Act making appropriations to the Trustees of Temple University at Philadelphia Pennsylvania for the general maintenance and operation of the University and for the School of Medicine.

HOUSE BILL No. 777.

An Act making an appropriation to the Trustees of the College of Lincoln University, Chester County.

HOUSE BILL No. 778.

An Act making an appropriation to the Women's Medical College of Pennsylvania, East Falls, Philadelphia, Pennsylvania.

HOUSE BILL No. 779.

An Act making an appropriation to the Jefferson Medical College of Philadelphia, Pennsylvania.

HOUSE BILL No. 780.

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia, Pennsylvania.

HOUSE BILL No. 782.

An Act making an appropriation to the Philadelphia Textile Institute at Philadelphia, Pennsylvania.

HOUSE BILL No. 783.

An Act making an appropriation to The Franklin Institute of the State of Pennsylvania at Philadelphia Pennsylvania.

HOUSE BILL No. 784.

An Act making an appropriation to the Moore Institute of Art Science and Industry Philadelphia Pennsylvania.

HOUSE BILL No. 786.

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania.

HOUSE BILL No. 788.

An Act making an appropriation to the Orlando S. Johnson Industrial School of Scranton Pennsylvania for maintenance and purchase of supplies and equipment.

HOUSE BILL No. 789.

An Act making an appropriation to the Williamson Free School of Mechanical Trades.

HOUSE BILL No. 790.

An Act making an appropriation to the Philadelphia Commercial Museum Philadelphia.

HOUSE BILL No. 791.

An Act making an appropriation to the Pennsylvania Museum School of Art Philadelphia.

HOUSE BILL No. 792.

An Act making an appropriation to the Philadelphia Academy of Natural Science of the State of Pennsylvania at Philadelphia Pennsylvania.

HOUSE BILL No. 793.

An Act making an appropriation to the Carnegie Museum for maintenance and the purchase of apparatus supplies and equipment.

HOUSE BILL No. 794.

An Act making an appropriation to the Drexel Institute of Technology of the State of Pennsylvania at Philadelphia Pennsylvania.

HOUSE BILL No. 796.

An Act making an appropriation to the Department of Public Welfare to reimburse State-aided hospitals and the Philadelphia General Hospital for part of the cost of training nurses in approved schools of nursing and making a deficiency appropriation for the same purpose.

HOUSE BILL No. 797.

An Act making an appropriation the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school.

HOUSE BILL No. 798.

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic.

HOUSE BILL No. 800.

An Act making an appropriation to the Glen Mills School in Delaware County Pennsylvania.

HOUSE BILL No. 801.

An Act making an appropriation to Sleighton Farm School for Girls in Delaware County Pennsylvania.

HOUSE BILL No. 924.

An Act making an appropriation to the Trustees of the University of Pittsburgh for the maintenance of a professorship in the School of Medicine.

HOUSE BILL No. 1013.

An Act making an appropriation to the Cystic Fibrosis Laboratory at the Albert Einstein Medical Center in Philadelphia.

HOUSE BILL No. 1050.

An Act making an appropriation to the Paoli Memorial Association for improvements and repairs and for reerection of a wall on the Paoli Parade Ground situate in Malvern Borough Chester County.

HOUSE BILL No. 1162.

An Act amending "The C P A Law" approved May 26, 1947 (P. L. 318), further regulating the certification and public practice of certified public accountants.

HOUSE BILL No. 1177.

An Act making an appropriation to the Department of Public Welfare for certain training courses at John J. Kane Hospital and other institutions.

HOUSE BILL No. 1279.

An Act amending "The Penal Code" approved June 24, 1939 (P. L. 872), prohibiting the removal of mobilehomes or house trailers to evade certain taxes and penalizing mobilehome or house trailer court operators for failure to make certain reports.

HOUSE BILL No. 1280.

An Act amending the "Local Delinquent Tax Return Law" approved May 29, 1931 (P. L. 280), providing for the sale as real estate of certain mobilehomes and house trailers subject to tax lien and providing for notice to the encumbrance holders of record.

HOUSE BILL No. 1281.

An Act amending the "Motor Vehicle Sales Finance Act" approved June 28, 1947 (P. L. 1110), further regulating the contents of installment sales contracts and the effect of certain tax sales of real estate.

HOUSE BILL No. 1415.

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58), exempting Jewish Community Centers from payment of title or registration fees.

HOUSE BILL No. 1431.

An Act making an appropriation to the Pennsylvania State College of Optometry Philadelphia Pennsylvania for maintenance and support.

HOUSE BILL No. 1549.

An Act amending "The Military Code of 1949" approved May 27, 1940 (P. L. 1903, discontinuing restricted use of funds realized from sale of armories and providing for expenditure of remaining balance in such restricted funds.

HOUSE BILL No. 1600.

An Act amending the act of April 12, 1951 (P. L. 90), known as the "Liquor Code" providing for an increase in application filing and transfer fees and for the annual transfer of certain moneys from the State Stores Fund to the State Employes' Retirement Fund.

HOUSE BILL No. 1610.

An Act making an appropriation to the Supreme Court of Pennsylvania for a portrait of Chief Justice Charles Alvin Jones.

HOUSE BILL No. 1708.

An Act making an appropriation to the Department of Public Welfare for the maintenance of certain homes.

HOUSE BILL No. 1830.

An Act amending the "Parking Authority Law" approved June 5, 1947 (P. L. 458), authorizing the sale or leasing of the space above any parking facility for commercial purposes other than the sale of gasoline or automobile accessories.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEE

Mr. McCANN from the Committee on Rules, re-reported as amended, House bill No. 56, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177), authorizing departments boards and commissions to train personnel.

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 923, entitled:

An Act amending the act of August 4, 1959 (P. L. 587), entitled "An act creating and establishing the Legislative Budget and Finance Committee providing for its membership . . ." further providing for the personnel to be appointed by the Legislative Budget and Finance Committee.

Mr. McCANN from the Committee on Rules, reported as committed, House bill No. 689, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), authorizing boards of school directors to arrange, with the authorities conducting private or parochial schools in their districts, to furnish transportation to pupils attending such schools under certain circumstances and providing how the costs shall be met.

Mr. McCANN from the Committee on Rules, reported as committed, House Resolution (Not Printed) re: Philadelphia Inquirer.

The SPEAKER pro tempore. The clerk will read the resolution.

The resolution was read by the clerk as follows:

In the House of Representatives, March 20, 1961.

In 1951 The Philadelphia Inquirer, a newspaper of general circulation, commenced the waging of a vigorous campaign to compel the Trustees of the Barnes Foundation, located in Merion, Montgomery County, Pennsylvania, to open to the general public its multi-million dollar collection of paintings.

The Barnes Foundation, depsite the fact that it enjoys tax immunity as an educational institution, has successfully resisted every attempt made to open its gates to the public as well as to artists, students, and critics, because of rules laid down by its founder, Dr. Albert C. Barnes.

In further pursuit of its campaign on behalf of the public, the aforesaid newspaper instituted lawsuits in the Common Pleas and Orphans' Courts of Montgomery County to compel the trustees of the aforesaid Foundation to open its doors to the public.

Through the personal efforts and intervention of the Attorney General of the Commonwealth of Pennsylvania who relentlessly, and with diligence unparalleled in the history of the Attorney General's office, prosecuted on

behalf of the public the aforementioned lawsuit in the Orphans' Court of Montgomery County.

On December 12, 1960, it was announced that an agreement had been reached between the Attorney General and the Trustees of the Barnes Foundation wherein and whereby the fabulous gallery would be open to the public.

On Saturday, March 18, 1961, the gallery was open to the public for the first time in thirty-eight years.

The Attorney General has stated publicly that the campaign to open the doors of the Barnes Foundation gallery to the public would never have started were it not for The Philadelphia Inquirer; therefore be it

Resolved (the Senate concurring), That The Philadelphia Inquirer and the Attorney General of the Commonwealth of Pennsylvania be given the highest commendation in bringing to a successful conclusion their untiring and public-spirited campaign for the good of the public in causing the gallery of the Barnes Foundation to be open to the public; and be it further

Resolved, That a copy of this resolution be transmitted to The Philadelphia Inquirer and to the Attorney General of the Commonwealth of Pennsylvania.

s/ Thomas J. McCormack
Joshua Eilberg
James J. Dougherty

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, that the clerk present the same to the Senate for its concurrence.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 689, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), authorizing boards of school directors to arrange, with the authorities conducting private or parochial schools in their districts, to furnish transportation to pupils attending such schools under certain circumstances and providing how the costs thereof shall be met.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 923, entitled:

An Act amending the act of August 4, 1959 (P. L. 587), entitled "An act creating and establishing the Legislative Budget and Finance Committee providing for its membership . . ." further providing for the personnel to be appointed by the Legislative Budget and Finance Committee.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

REPORT FROM COMMITTEE

Mr. McCANN from the Committee on Rules, reported as committted, Senate Concurrent Resolution (Sine Die).

The SPEAKER pro tempore. The resolution will lie on the Speaker's table.

RECESS

The SPEAKER pro tempore. Without objection, the Chair will now declare a recess for one hour and 15 minutes.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 503, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" authorizing the purchase and resale of books by the Historical and Museum Commission.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—203

Adams,	Galley,	Lee, K. B.,	Riley,
Anderson, J. H.	Gallagher,	Leonard,	Rovansek,
Anderson, S. A.,	Gelfand,	Limper,	Royer,
Arlene,	George,	Long, Wm. Jas.,	Rubin,
Auker,	Gibb,	Long, Wm. Jos.,	Rudisill,
Bachman	Gibbons,	Lutty,	Rutherford,
Backenstoe,	Goldstein, J. H.,	Magee,	Sakulsky,
Blair,	Goldstein, M. H.,	Manbeck,	Scarcelli,
Boles,	Goodrich,	Markley,	Schaaf,
Bonner,	Gramlich,	Marsh,	Schuster,
Bossert,	Gray,	Maxwell,	Seltzer,
Bower,	Greenlee,	May,	Shelton,
Bowman,	Gremminger,	McCandless,	Sherman,
Branca,	Gross,	McCann,	Shupnik,
Breth,	Guesman,	McCormack,	Simmons,
Buchanan,	Guthrie,	McDevitt,	Slack,
Bush,	Hamilton,	McDonald	Snare,
Capano,	Hankins,	McKeever.	Stank,
Capitolo,	Hartley,	McLaughlin,	Steckel,
Cauley,	Haudenshield,	McNally,	Stimmel,
Cianfrani,	Heavey,	Meholchick,	Stiteler,
Cioffi,	Heffner,	Merry,	Stone,
Clarke,	Helm,	Mihm,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Mills,	Taylor,
Crossin,	Holl,	Monroe,	Thompson,
Curwood,	Holliday,	Morley,	Tomascik,
Davis,	Holman,	Mullen,	Tompkins,
Dengler,	Horst,	Munley,	Trusio,
Dennison,	Irvis,	Murphy,	Ujobai,
Donaldson,	Isaacs,	Murray,	Varner,
Dougherty,	Jim,	Musto,	Verona,
Doughten,	Johnson, A. W.,	Needham,	Wall,
Down,	Johnson, R. P.,	O'Dell,	Walsh,
Edwards,	Jones,	O'Donnell, J. A.,	Wargo,
Eilberg,	Kamyk,	O'Donnell, J. P.,	Weidner,
Elvey,	Keiser,	Odorisio,	Welsh,
Eshback,	Kelly,	Ogilvie,	Wescott,
Eshleman,	Kernaghan,	Parlante,	Whittaker,
Ewing,	Kesaler,	Pashley,	Willard,
Farabaugh,	King,	Perry,	Williams, A. D.,
Fetterolf,	Kistler,	Petrosky,	Williams, E. S.,
Filo,	Klein,	Piper,	Wilt,
Fineman,	Knecht,	Polaski,	Wood,
Flynn,	Kooker,	Polen,	Worley,
Foerster,	Kornick,	Prendergast,	Wynd,
Foor,	Korns,	Price,	Yetter,
Fox,	Kramer,	Pursley,	Zember,
Frascella,	Lamb,	Reibman,	Zimmerman,
Fry,	Lawson,	Reidenbach,	Andrews,
Fulmer,	Lee, A. M.,	Renwick,	Speaker

NAYS—0

NOT VOTING—7

Ashton,	Jenkins,	McInroy,	Willaredt,
Esler,	Lippincott,	Strausser,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

BILLS CALLED OUT OF ORDER

Mr. McCANN. Mr. Speaker, I request unanimous consent to call up bills out of order.

I call up on page 3, bills on final passage, Senate bill No. 867, printer's No. 1241.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 867, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further classifying school districts and providing for the reorganization of school districts.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—108

Anderson, S. A.,	Gailey,	Maxwell,	Reibman,
Arlene,	Gallagher,	McCann,	Reidenbach,
Bachman,	Gelfand,	McCormack,	Renwick,
Boles,	Goldstein, M. H.,	McDonald,	Riley,
Bonner,	Gray,	McKeever,	Rovansek,
Branca,	Greenlee,	McLaughlin,	Rubin,
Breth,	Gremminger,	McNally,	Rudisill,
Capano,	Guesman,	Meholchick,	Sakulsky,
Capitolo,	Hamilton,	Mihm,	Scarcelli,
Cauley,	Hankins,	Mills,	Schaaf,
Cianfrani,	Hartley,	Monroe,	Schuster,
Cioffi,	Heavey,	Morley,	Shelton,
Clarke,	Irvis,	Mullen,	Sherman,
Comer,	Jim,	Munley,	Shupnik,
Cooley,	Jones,	Murphy,	Stank,
Crossin,	Kamyk,	Murray,	Stone,
Curwood,	Kelly,	Musto,	Sullivan, J. A.,
Dougherty,	Klein,	Needham,	Sullivan, T. F.,
Doughten,	Kornick,	O'Donnell, J. A.,	Taylor,
Eilberg,	Kramer,	O'Donnell, J. P.,	Tomascik,
Farabaugh,	Lamb,	Parlante,	Trusio,
Filo,	Lawson,	Pashley,	Verona,
Fineman,	Leonard,	Perry,	Walsh,
Flynn,	Limper,	Petrosky,	Wargo,
Foerster,	Long, Wm. Jas.,	Polaski,	Welsh,
Frascella,	Long, Wm. Jos.,	Polen,	Yetter,
Fry,	Lutty,	Prendergast,	Andrews, Speaker

NAYS—94

Adams,	George,	Kistler,	Seltzer,
Anderson, J. H.,	Gibb,	Knecht,	Simmons,
Auker,	Gibbons,	Kooker,	Slack,
Backenstoe,	Goldstein, J. H.,	Korns,	Snare,
Blair,	Goodrich,	Lee, A. M.,	Steckel,
Bossert,	Gramlich,	Lee, K. B.,	Stimmel,
Bower,	Gross,	Magee,	Stiteler,
Bowman,	Guthrie,	Manbeck,	Thompson,
Buchanan,	Haudenshield,	Markley,	Tompkins,
Bush,	Heffner,	Marsh,	Ujobai,
Davis,	Helm,	May,	Wall,
Dengler,	Henzel,	McCandless,	Weidner,
Dennison,	Hocker,	McDevitt,	Wescott,
Donaldson,	Holl,	Merry,	Whittaker,
Down,	Holliday,	Miller,	Willard,
Edwards,	Holman,	O'Dell,	Williams, A. D.,
Elvey,	Horst,	Odorisio,	Williams, E. S.,
Eshback,	Isaacs,	Ogilvie,	Wilt,
Eshleman,	Johnson, A. W.,	Piper,	Wood,
Ewing,	Johnson, R. P.,	Price,	Worley,
Fetterolf,	Keiser,	Pursley,	Wynd,
Foor,	Kernaghan,	Royer,	Zember,
Fox,	Kessler,	Rutherford,	Zimmerman,
Fulmer,	King,		

NOT VOTING—8

Ashton,	Jenkins,	McInroy,	Varner,
Esler,	Lippincott,	Strausser,	Willaredt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Mr. McCANN. Mr. Speaker, I call upon page 4 of the calendar, bills on final passage, House bill No. 1789, printer's No. 2666.

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1789, entitled:

An Act to provide revenue for educational purposes by imposing an excise tax on royalties interest dividends and capital gains from investment capital as defined of individual residents and nonresidents of the Commonwealth and of estate and trusts fixing the rates thereon providing for the reporting and payment of tax interest and penalties assessments collections liens reviews appeals refunds and penalties and conferring powers and imposing duties upon the Department of Revenue fiduciaries partnerships associations and individuals.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I would like to interrogate the gentleman from Washington, Mr. Polen.

The SPEAKER. Will the gentleman from Washington permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. A. W. JOHNSON. Mr. Speaker, continuing our interrogation of this morning before the luncheon break, I believe that you stated there was $17.5 million additional revenue from the sales tax and that you felt it had been used up by appropriations over and above the budget. Now have you been able to clarify your thinking on that and is there any change in your answers of this morning?

Mr. POLEN. No, Mr. Speaker. The figures I gave this morning are correct with one exception. It makes no difference in the totals, but, when I spoke of bills in the amount of $1.023 billion, that was the total liabilities because in that figure I had included the deficit of $33 million. The bills were actually $990,630,000, and the deficit was $33,228,000; therefore I used the figure of $1,023,224,000.

Mr. A. W. JOHNSON. Then the confusion this morning, apparently, from what you say, is on the total amount of the deficit? The deficit now at the end of the biennium is $33 million, approximately; it that it?

Mr. POLEN. $33,228,000.

Mr. A. W. JOHNSON. Approximately $33 million?

Mr. POLEN. Right.

Mr. A. W. JOHNSON. Then how are you wiping out this deficit so that we can start the biennium without taxes to cover that?

Mr. POLEN. The way we are working out the deficit and the way we take our total liabilities for which we must have tax revenues is that we start out with a deficit of $33,228,000, and we have reported bills from the Ap-

propriations Committee in the amount of $990,630,623, which makes a total of $1,023,858,623. I used a figure of between $1.023 billion and $1.024 billion. Now that is our liability for which we have to have revenue and our revenues are within the same range. The estimated revenues that I have used are between $1.023 billion and $1.024 billion. In other words, the taxes on the books will take care of the deficit and the bills that we have reported from the Appropriations Committee.

Mr. A. W. JOHNSON. Then what the gentleman is saying now is that the $17.5 million is not available for appropriations at this time.

Mr. POLEN. Yes, Mr. Speaker. That is what I said this morning, too, that it was not available because it took all of these. We must throw them all together to arrive at a balance; as an accountant, the gentleman is familiar with that.

Mr. A. W. JOHNSON. All right. Now I want to ask the gentleman some other questions, not on this subject, but on this education passage. These questions probably should be addressed to Mrs. Reibman, but I believe there is a timidity on her part and I believe that, because of your connection with this tax bill, that I should address this question to you. Now when the meeting of the Select Committee on Education was concluded and you decided that there would be released to the floor these various education bills and tax bills, I have a copy of the minutes of your meeting wherein you made the motion that the above bills be reported out of this committee to either the House or Senate, as above listed. May I ask you this question: These bills, namely, House bills 1789, 1807, 1701 and now Senate bill 867, were released here as a result of this understanding of the committee without their endorsement, necessarily, that those were the bills to be released to the floor. Is that correct?

Mr. POLEN. That is correct, Mr. Speaker.

Mr. A. W. JOHNSON. And in this list of bills that you put in your minutes you have this two percent tax on unearned income, House bill 1789; that is correct, is it not?

Mr. POLEN. That is correct, Mr. Speaker.

Mr. A. W. JOHNSON. Now the motion that you made went further, that any other tax bills introduced for educational purposes be reported out of the appropriate House committees. Did or did not the joint committee agree that you would report out this House bill 1789 and that any other tax bills that were to be reported out for education would also be reported out of the appropriate committees? That was the correct motion, was it not?

Mr. POLEN. My original motion only referred to House bill 1789, but the members of the committee understood that it should include any other tax bills that were properly sponsored. It was my understanding that any other tax bills could be reported out if House bill 1789 was not adopted.

Mr. A. W. JOHNSON. Then it would be the understanding of this joint committee that, if House bill 1789 were to fail today, that pursuant to this motion any other bills introduced would be reported out of the appropriate House committees? Now that it correct, is it not?

Mr. POLEN. Mr. Speaker, that is my understanding.

Mr. A. W. JOHNSON. Then if there is a failure today to vote favorably for House bill 1789, that could not necessarily be construed as being against this education package because you were not for this particular tax bill?

Mr. POLEN. Mr. Speaker, my answer would be that if we are going to pass a package of bills that requires money, that in order to support the educational program you would have to vote for the bill before us or propose an alternate bill.

Mr. A. W. JOHNSON. That is correct. Then we are right in our assumption that if this bill fails, pursuant to this motion made that there would be other tax bills reported out of committee, that would still be the understanding so far as the joint committee is concerned?

Mr. POLEN. Mr. Speaker, of course that is strictly the opinion and the thinking of the select committee, the joint select committee, that considered these matters. We knew that anything we said or did or recommended was purely a recommendation and, of course, was not binding upon the House.

Mr. A. W. JOHNSON. But that was your recommendation, was it not?

Mr. POLEN. Right.

Mr. A. W. JOHNSON. Another question: Since House bill 1789 was reported to the floor there were numerous amendments to it writing it down and saving certain interest; was that ever contemplated by the select committee, and has the select committee approved these alterations in this tax bill?

Mr. POLEN. Mr. Speaker, there were no further meetings of the select committee, and the reductions were not approved to the best of my knowledge. The chairman of the select committee, Mrs. Reibman, told me that she did desire a further meeting of the committee but they refused to meet.

Mr. A. W. JOHNSON. Then this bill that is on our calendar today is not essentially the bill that you recommended on July 28, when it was reported out of the Ways and Means Committee?

Mr. POLEN. It is the same bill but it has been amended.

Mr. A. W. JOHNSON. It has been drastically amended, has it not?

Mr. POLEN. The yield has been reduced by certain amendments.

Mr. A. W. JOHNSON. I believe the gentleman has given me the answer that we wanted. I thank you very much, Mr. Speaker.

Mr. POLEN. Mr. Speaker, I might say that I am very happy that I have this once given the gentleman from McKean, Mr. Johnson, the right answers.

The SPEAKER. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker,

Teeth-gnashing has become quite a fad on Capitol Hill these days.

In this particular case it is not an activity confined to sleeping hours—but more pointedly perhaps, almost exclusively a day-time "avocation."

For the most part you'll find the grinding and gnashing taking place among administration Democrats, who undeniably, in legislative halls at least, have become about as frustrated as any group you'll find anywhere.

There should be plenty of it either today or tomorrow when Lawrence Administration leaders are expected to call up for vote once again Mr. Lawrence's once-defeated education tax measure—a projected two percent tax on investments designed to yield some $25.5 million a year.

At this point it isn't expected to pass the House of Representatives any handier than it didn't last week when it went down to defeat—ignominiously—by the painful score of 74 to 124, with 106 votes needed for passage.

We say "ignominiously" for this reason, which inci-

dentally is also the cause of the nettled and irritated teeth-gnashing on the part of the administration Democrats:

Go back to last year's general election. At that time Pennsylvania Democrats cried lustily to Keystone State voters, in effect, give us the legislative green light, that is control of the legislative branch, and we'll do a job for you.

Pennsylvania's voters did just that last year. They gave Mr. Lawrence control of the House of Representatives and an even-stephen 25-25 split in the Senate but with a Democratic presiding officer holding the 26th vote needed for breaking a tie.

The point to be made is simply this: Pennsylvania Democrats got what they wanted, not as handily as they would have preferred of course—but the book was laid bare.

Now it is a cardinal rule in the legislative game—whether in Harrisburg or Washington—that the majority party holds the responsibility whip. That is, because they are the majority, they have the control.

Back to the $25.5 million two percent education tax proposed by the controlling Democratic administration.

The lineup in the House as it stands at present is 109 Democrats to 101 Republicans—with 106 votes needed to pass legislation. Thus, the "majority" in this case has three votes to spare.

But—House Democratic Majority Leader Stephen McCann, when the education tax bill came up for final vote (and went down to defeat) called for all-out bipartisan support and then complained when lack of Republican help failed to carry the bill, commenting:

> "If they (Republicans) are not for this tax measure, what measure are they for?"

The point is, what do Republican votes as such have to do with it? Twenty-nine of McCann's own fellow Democratic legislative colleagues voted against the measure!

The salient fact is that administration Democrats have within their own majority bloc the needed votes—plus three extras—to carry the legislation. Again the question recurs: what do Republicans have to do with it?

Yet for some obviously inane reason, administration Democratic leaders—including the Governor—are demanding from Republicans, that they either support the present tax measure or propose one of their own!

Administration Democrats of course are calling for a "heads-up overall responsibility outlook" on the part of minority Republicans—forgetting apparently that there was none of this when they were in the minority role!

Mr. Speaker, those are not words of the present speaker on former occasions when he was minority leader on this floor, although he said words substantially to that same effect. Nor are they the words of the speaker who is now at this microphone. They are the words of an impartial observer, quoted from the Bradford Era of August 15, 1961, under the by-line of Mason Denison. I say to you that his observations, so far as we on this side are concerned, are our controlling observations, and, if they have 109 votes over there, trot them out and pass this tax bill.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Adams.

Mr. ADAMS. Mr. Speaker, I am not going to take a lot of time opposing these bills, although I should. I have a folder here full of letters from my constituents in Berks County begging me and pleading with me to oppose these bills and I am going to make known their feelings.

Now this two percent tax apparently is a part of a philosophy believed in by the majority party to take from the haves and give to the have-nots. It is a tax on a class of people, for all the people, and for a program which is of a highly questionable nature. I have gotten a lot of mail against this program. I think more time should be taken to study this program before we enact any kind of tax to do what the program plans to do, when there is so much opposition to it.

Taxing these people on dividends and capital gains—of course, we admit there are some well-to-do people who have stocks and bonds who are going to be hit with this, but those people can very easily pick up and move out of Pennsylvania if they want to. They do not have to stay here and be taxed. They are crowding the people out of Pennsylvania, business and industry. The administration is talking about creating a favorable tax climate and business climate and industry climate; at the same they are talking about it they are trying to nail them to the cross whenever they get the chance.

But let us think about the poor people who, through self denial and thrift, have accumulated a few dollars and put them into stocks and bonds and are trying to live off this money to supplement their meager social security or pensions that they have. They can barely make a go of it. They do not want to go on the public assistance rolls or on relief rolls. They write and they tell me they don't want to go on, but, if we are going to take away the few pennies that they have coming in, they are going to have to go on these relief rolls.

This business of taxing these people and telling them it is a sin to try to save money for their old age and live off of it instead of public assistance, and for us to create a welfare state is all wrong, and I say and I know I am not going to influence the people who are going to vote for this, but I want it on the record that I oppose this bill, and I ask all the members on both sides here to vote against the bill for the benefit of the people.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—107

Anderson, S. A.,	Gailey,	Maxwell,	Reibman,
Arlene,	Gallagher,	McCann,	Reidenbach,
Bachman	Gelfand,	McCormack,	Renwick,
Boles,	Gray,	McDonald	Riley,
Bonner,	Greenlee,	McKeever,	Rovansek,
Branca,	Gremminger,	McLaughlin,	Rubin,
Breth,	Guesman,	McNally,	Rudisill,
Capano,	Hamilton,	Meholchick,	Sakulsky,
Capitolo,	Hankins,	Mihm,	Scarcelli,
Cauley,	Hartley,	Mills,	Schaaf,
Cianfrani,	Heavey,	Monroe,	Schuster,
Cioffi,	Irvis,	Morley,	Shelton,
Clarke,	Jenkins,	Mullen,	Sherman,
Comer,	Jim,	Munley,	Shupnik,
Cooley,	Jones,	Murphy,	Stank,
Crossin,	Kamyk,	Murray,	Stone,
Curwood,	Kelly,	Musto,	Sullivan, J. A.,
Dougherty,	Klein,	Needham,	Sullivan, T. P.,
Doughten,	Kornick,	O'Donnell, J. A.	Taylor,
Eilberg,	Kramer,	O'Donnell, J. P	Tomascik,
Farabaugh,	Lamb,	Parlante,	Trusio,
Filo,	Lawson,	Pashley,	Verona,
Fineman,	Leonard,	Perry,	Wargo,
Flynn,	Limper,	Petrosky,	Welsh,
Foerster,	Long, Wm. Jas.,	Polaski,	Yetter,
Frascella,	Long, Wm. Jos.,	Polen,	Andrews,
Fry,	Lutty,	Prendergast,	Speaker

NAYS—96

Adams,	George,	King,	Seltzer,
Anderson, J. H.	Gibb,	Kistler,	Simmons,
Auker,	Gibbons,	Knecht,	Slack,
Backenstoe,	Goldstein, J. H.,	Kooker,	Snare,
Blair,	Goldstein, M. H.,	Korns,	Steckel,
Bossert,	Goodrich,	Lee, A. M.,	Stimmel,
Bower,	Gramlich,	Lee, K. B.,	Stiteler,
Bowman,	Gross,	Magee,	Thompson,
Buchanan,	Guthrie,	Manbeck,	Tompkins,
Bush,	Haudenshield,	Markley,	Ujobai,

Davis,	Heffner,	Marsh,	Wall,
Dengler,	Helm,	May,	Walsh,
Dennison,	Henzel,	McCandless,	Weidner,
Donaldson,	Hocker,	McDevitt,	Wescott,
Down,	Holl,	Merry,	Whittaker,
Edwards,	Holliday,	Miller,	Willard,
Elvey,	Holman,	O'Dell,	Williams, A. D.,
Eshback,	Horst,	Odorisio,	Williams, E. S.,
Eshleman,	Isaacs,	Ogilvie,	Wilt,
Ewing,	Johnson, A. W.,	Piper,	Wood,
Fetterolf,	Johnson, R. P.,	Price,	Worley,
Foor,	Keiser,	Pursley,	Wynd,
Fox,	Kernaghan,	Royer,	Zember,
Fulmer,	Kessler,	Rutherford,	Zimmerman,

NOT VOTING—7

Ashton,	Lippincott,	Strausser,	Willaredt,
Esler,	McInroy,	Varner,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. A. D. WILLIAMS, Jr. filed the following reasons for his vote:

This bill, which would impose a so-called "Investment Capital Return Tax" of 2 percent, has now been amended in a fashion which makes it even more objectionable than it was in its original version. Originally the tax was imposed upon interest, dividends, royalties, rents and capital gains, payable by all individual residents of the Commonwealth and by estates and trusts of persons domiciled in the Commonwealth at date of death or at the time the trust was created.

The amendment has eliminated interest and rentals so that the bill is now even more selective than it was originally. It now taxes only those persons receiving dividends and royalties or incurring capital gains. It therefore still taxes part of the income of some individuals and not the remainder of the income. Furthermore, it does not tax any of the income of a vast majority of the Commonwealth's citizens.

This tax is purportedly intended to raise money for educational purposes. Such purposes are the concern of the people and logically they should be provided for by a broad base tax on all the people. A relative small segment of the Commonwealth's citizens should not be called upon to bear this burden.

The further sub-classification of what is taxed and what is not taxed increases the possibility that the Act is unconstitutional.

The taxation of capital gains, which the bill would impose, is particularly inequitable and unfair. The bill taxes capital gains returned to and ascertained by the Federal Government. This means that the State is attempting to tax gains which may have accumulated from as far back as 1913 or almost entirely accumulated before the effective date of the bill if passed.

This tax is unfair and I am forced to vote against it.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair notes the presence in the House of Judge David H. Weiss of Westmoreland County, formerly a member of this House, whom you will remember made a great record.

BILLS ON FINAL PASSAGE

BILL PASSED OVER

There being no objection House bill No. 1841,
printer's No. 2668,
was passed over at the request of Mr. McCANN.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 96, entitled:

An Act authorizing the Department of Highways with the approval of the Governor to construct a highway and to erect and maintain a bridge over the Kiskiminetas River in Westmoreland and Armstrong Counties and to provide the necessary approaches and connections with State highways empowering counties to pay certain damages.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—187

Anderson, J. H.	Gelfand,	Lee, A. M.,	Reibman,
Anderson, S. A.,	George,	Lee, K. B.,	Reidenbach,
Arlene,	Gibb,	Leonard,	Riley,
Auker,	Gibbons,	Limper,	Rovansek,
Bachman	Goldstein, J. H.,	Long, Wm. Jas.,	Royer,
Backenstoe,	Goldstein, M. H.,	Long, Wm. Jos.,	Rubin,
Blair,	Goodrich,	Lutty,	Rudisill,
Bonner,	Gramlich,	Magee,	Rutherford,
Bossert,	Gray,	Manbeck,	Sakulsky,
Bower,	Greenlee,	Markley,	Scarcelli,
Bowman,	Gremminger,	Marsh,	Schaaf,
Branca,	Gross,	Maxwell,	Schuster,
Breth,	Guesman,	May,	Seltzer,
Buchanan,	Guthrie,	McCandless,	Shelton,
Bush,	Hamilton,	McCann,	Sherman,
Capano,	Hankins,	McCormack,	Simmons,
Capitolo,	Hartley,	McDevitt,	Slack,
Cauley,	Haudenshield,	McDonald	Snare,
Cianfrani,	Heavey,	McKeever,	Stank,
Cioffi,	Heffner,	McLaughlin,	Steckel,
Clarke,	Helm,	McNally,	Stimmel,
Comer,	Henzel,	Meholchick,	Stiteler,
Cooley,	Hocker,	Merry,	Stone,
Curwood,	Holl,	Mihm,	Sullivan, J. A.,
Davis,	Holliday,	Miller,	Sullivan, T. F.,
Dengler,	Horst,	Mills,	Taylor,
Dennison,	Irvis,	Monroe,	Thompson,
Donaldson,	Isaacs,	Morley,	Tomascik,
Dougherty,	Jenkins,	Mullen,	Tompkins,
Doughten,	Jim,	Munley,	Ujobai,
Down,	Johnson, A. W.,	Murphy,	Varner,
Edwards,	Johnson, R. P.,	Murray,	Verona,
Eilberg,	Jones,	Musto,	Wall,
Elvey,	Kamyk,	O'Dell,	Walsh,
Eshback,	Keiser,	O'Donnell, J. A.,	Weidner,
Eshleman,	Kelly,	Odorisio,	Wescott,
Ewing,	Kernaghan,	Ogilvie,	Whittaker,
Fetterolf,	Kessler,	Parlante,	Willard,
Fineman,	King,	Pashley,	Williams, A. D.,
Flynn,	Klein,	Perry,	Williams, E. S.,
Foor,	Knecht,	Petrosky,	Wilt,
Fox,	Kooker,	Piper,	Wood,
Frascella,	Kornick,	Polaski,	Wynd,
Fry,	Korns,	Polen,	Zember,
Fulmer,	Kramer,	Prendergast,	Zimmerman,
Gailey,	Lamb,	Price,	Andrews,
Gallagher,	Lawson,	Pursley,	Speaker

NAYS—10

Adams,	Filo,	Kistler,	Renwick,
Boles,	Foerster,	O'Donnell, J. P.,	Worley,
Farabaugh,	Holman,		

NOT VOTING—13

Ashton,	McInroy,	Strausser,	Welsh,
Crossin,	Needham,	Trusio,	Willaredt,
Esler,	Shupnik,	Wargo,	Yetter,
Lippincott,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1689, entitled:

An Act regulating the maintenance of junk and scrap yards and prescribing penalties.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. McNally.

Mr. McNALLY. Mr. Speaker, House bill 1689 is a scrap bill for third class cities only. It has to do with erecting a fence around these piles of scrap. It was amended in the last two or three days so the fence could be substituted with shrubbery. It is practically impossible for any third class city to put in any kind of legislation in their own code that would stop the scrap yards from spreading. They were there first and nothing can be done about it.

In the city of Johnstown where I come from, what was 20 years ago one pile of scrap now covers eight acres in the center of our city.

The bill itself gives the scrap dealer 3½ years to get his house in order. If he sees fit to move out where the ground is a great deal cheaper on a railroad siding, he has 3½ years to do it.

This pertains only to third class cities, Mr. Speaker, and I request both sides of the aisle to support this legislation.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—97

Adams,	Galley,	Long, Wm. Jas.,	Polaski,
Anderson, J. H.	Gallagher,	Long, Wm. Jos.,	Prendergast,
Bachman	George,	Lutty,	Price,
Blair,	Gibbons,	Marsh,	Reibman,
Boies,	Greenlee,	Maxwell,	Riley,
Bower,	Gross,	McCann,	Rovansek,
Branca,	Guesman,	McCormack,	Rudisill,
Breth,	Hamilton,	McDonald	Sakulsky,
Capano,	Heavey,	McLaughlin,	Schaaf,
Cauley,	Holman,	McNally,	Shupnik,
Cianfrani,	Irvis,	Meholchick,	Stone,
Cioffi,	Jenkins,	Mihm,	Sullivan, T. F.,
Clarke,	Jim,	Miller,	Tomascik,
Comer,	Kamyk,	Morley,	Trusio,
Curwood,	Kelly,	Mullen,	Verona,
Davis,	Kessler,	Murphy,	Wargo,
Dengler,	King,	Murray,	Welsh,
Dougherty,	Kistler,	Musto,	Willard,
Eilberg,	Kooker,	Needham,	Williams, A. D.,
Farabaugh,	Kramer,	O'Dell,	Williams, E. S.,
Filo,	Lamb,	O'Donnell, J. P.,	Wynd,
Fineman,	Lee, K. B.,	Odorisio,	Yetter,
Flynn,	Leonard,	Pashley,	Zimmerman,
Foerster,	Limper,	Petrosky,	Andrews,
Frascella,			Speaker

NAYS—104

Anderson, S. A.,	Goldstein, J. H.,	Korns,	Schuster,
Arlene,	Goldstein, M. H.,	Lawson,	Seltzer,
Auker,	Goodrich,	Lee, A. M.,	Shelton,
Backenstoe,	Gramlich,	Magee,	Sherman,
Bossert,	Gray,	Manbeck,	Simmons,
Bowman,	Gremminger,	Markley,	Slack,
Buchanan,	Guthrie,	May,	Snare,
Bush,	Hankins,	McCandless,	Stank,
Capitolo,	Hartley,	McDevitt,	Steckel,
Cooley,	Haudenshield,	McKeever,	Stimmel,
Dennison,	Heffner,	Merry,	Stiteler,
Donaldson,	Helm,	Mills,	Sullivan, J. A.,
Doughten,	Henzel,	Monroe,	Taylor,
Down,	Hocker,	Munley,	Thompson,
Edwards,	Holl,	O'Donnell, J. A.,	Tompkins,
Elvey,	Holliday,	Ogilvie,	Ujobai,
Eshback,	Horst,	Parlante,	Varner,
Eshleman,	Isaacs,	Perry,	Wall,
Ewing,	Johnson, A. W.,	Piper,	Walsh,
Fetterolf,	Johnson, R. P.,	Polen,	Weidner,
Foor,	Jones,	Pursley,	Wescott,
Fox,	Keiser,	Reidenbach,	Whittaker,
Fry,	Kernaghan,	Renwick,	Wilt,
Fulmer,	Klein,	Royer,	Wood,
Gelfand,	Knecht,	Rubin,	Worley,
Gibb,	Kornick,	Scarcelli,	Zember,

NOT VOTING—9

Ashton,	Esler,	McInroy,	Strausser,
Bonner,	Lippincott,	Rutherford,	Willaredt,
Crossin,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 736, entitled:

An Act regulating the procedure for petitioning a court to order a safety deposit box opened in furtherance of a criminal investigation or proceeding.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. McCormack.

Mr. McCORMACK. Mr. Speaker, I would like to interrogate someone who is familiar with this Senate bill.

The SPEAKER. Is anybody familiar with the bill?

Mr. McCANN. Mr. Speaker, Senate bill 736, the gentleman from Philadelphia, Mr. Eilberg.

The SPEAKER. Does the gentleman from Philadelphia, Mr. McCormack, desire to interrogate the gentleman from Philadelphia, Mr. Eilberg, and will the gentleman from Philadelphia, Mr. Eilberg, permit himself to be interrogated?

Mr. EILBERG. I shall, Mr. Speaker.

Mr. McCORMACK. Mr. Speaker, I think this is a very significant bill and for that reason there ought to be a little atention given to it. I am not only interrogating for my own information, but for other members of the House who might be a little curious as to just what the present law is and what effect this bill will have on the present law.

If it is just impossible to get any attention here, Mr. Speaker, I would rather not go through with it because it is very exasperating to try to concentrate with this constant noise.

The SPEAKER. Will the gentleman proceed with his interrogation?

Mr. McCORMACK. No, that is all, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Eilberg.

Mr. EILBERG. Since Mr. McCormack has decided not to make any interrogation, I think it would be fitting to make a brief statement on behalf of the bill.

The law presently is, of course, that a search warrant may be obtained for a safe deposit box and the police may examine the box and do what is fitting with the contents, but there is nothing in the present law to notify the holder of the box of the action taken by the police.

Now there have been a few cases where, a search warrant being obtained, the holder of the box has not been informed until some period of time after the actual search took place. He went back to his box, found his box rifled, and in these cases there were valuable papers and the holders of the boxes were concerned by the very obvious going through of their boxes.

In view of these few cases that have occurred, it seems fitting that the holder of a box should be notified when a search is going to be made and he would have 48 hours to answer the petition for the search and, if in the public interest the court felt that no one should touch the box during that period of time, the court could freeze the box, that is, no one could enter the box during that 48-hour period of time.

I think the bill is in the public interest. I ask everyone on both sides of the aisle to vote for the bill.

The SPEAKER. The Chair thanks the gentleman from Philadelphia, Mr. Eilberg, because the Chair itself was confused as to what the bill did.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—120

Adams,	Gailey,	Limper,	Renwick,
Arlene,	Gallagher,	Long, Wm. Jas.,	Riley,
Auker,	Gelfand,	Long, Wm. Jos.,	Rubin,
Bachman,	Goldstein, M. H.,	Lutty,	Rudisill,
Blair,	Gray,	Marsh,	Rutherford,
Bonner,	Greenlee,	Maxwell,	Sakulsky,
Bower,	Gremminger,	McCann,	Scarcelli,
Branca,	Guesman,	McDonald,	Schaaf,
Bush,	Hamilton,	McKeever,	Seltzer,
Capano,	Hankins,	McLaughlin,	Shelton,
Capitolo,	Hartley,	McNally,	Sherman,
Cianfrani,	Haudenshield,	Meholchick,	Shupnik,
Cioffi,	Heavey,	Mills,	Simmons,
Clarke,	Hocker,	Monroe,	Snare,
Comer,	Horst,	Morley,	Stank,
Cooley,	Irvis,	Mullen,	Stone,
Crossin,	Jenkins,	Munley,	Sullivan, J. A.,
Curwood,	Jim,	Musto,	Tomascik,
Donaldson,	Jones,	Needham,	Trusio,
Doughten,	Kamyk,	O'Donnell, J. A.,	Verona,
Down,	Keiser,	O'Donnell, J. P.,	Walsh,
Eilberg,	Kessler,	Odorisio,	Wargo,
Ehleman,	Kistler,	Ogilvie,	Welsh,
Farabaugh,	Klein,	Parlante,	Whittaker,
Filo,	Kornick,	Pashley,	Williams, A. D.,
Fineman,	Kramer,	Perry,	Williams, E. S.,
Flynn,	Lamb,	Polaski,	Wood,
Fox,	Lawson,	Polen,	Worley,
Frascella,	Lee, A. M.,	Prendergast,	Yetter,
Fry,	Leonard,	Reidenbach,	Andrews, Speaker

NAYS—69

Anderson, J. H.,	Gibbons,	Knecht,	Royer,
Backenstoe,	Goldstein, J. H.,	Kooker,	Schuster,
Boies,	Goodrich,	Korns,	Slack,
Bossert,	Gramlich,	Lee, K. B.,	Steckel,
Bowman,	Gross,	Magee,	Stimmel,
Buchanan,	Guthrie,	Manbeck,	Stiteler,
Davis,	Heffner,	May,	Thompson,
Dengler,	Helm,	McCandless,	Tompkins,
Dennison,	Henzel,	Merry,	Ujobai,
Edwards,	Holl,	Miller,	Varner,
Elvey,	Holliday,	Murphy,	Weidner,
Eshback,	Holman,	Murray,	Wescott,
Ewing,	Isaacs,	O'Dell,	Willard,
Fetterolf,	Johnson, A. W.,	Piper,	Wilt,
Foor,	Johnson, R. P.,	Price,	Wynd,
Fulmer,	Kernaghan,	Pursley,	Zember,
George,	King,	Rovansek,	Zimmerman,
Gibb,			

NOT VOTING—21

Anderson, S. A.,	Foerster,	McDevitt,	Strausser,
Ashton,	Kelly,	McInroy,	Sullivan, T. F.,
Breth,	Lippincott,	Mihm,	Taylor,
Cauley,	Markley,	Petrosky,	Wall,
Dougherty,	McCormack,	Reibman,	Willaredt,
Esler,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, I am going to announce at this point that there will be no session tomorrow and we are going to release everyone, but I do inform them that beginning Monday I ask for full attendance and we will not work the normal hours. Conference committee reports will go to the printer while we recess and then come back after dinner, striving to finish the work. At the hotels, of course, there will be no charge for overtime from what I understand, if you are in the Harrisburger or the Penn-Harris. Had the tax measure not passed it would have been a different situation.

PERMISSION TO ADDRESS HOUSE

Mr. BOIES asked and obtained unanimous consent to address the House.

Mr. BOIES. Mr. Speaker, I would like to take this opportunity to express my thanks for one of the nicest things that has happened to me in this House in my 25 years of service. Today the members of my committee presented me with a very fine gift and a card expressing regards to me. I appreciate it very much and I would like the House to know that I appreciate it.

RESOLUTION

CONDOLENCE

Messrs. DONALDSON, WILT, GIBB, THOMPSON, HAUDENSHIELD, SIMMONS, M. H. GOLDSTEIN, EWING, CLARKE, McLAUGHLIN, WALSH, MURRAY, GUESMAN, KAMYK, LUTTY, LEONARD, FILO, BOIES, MIHM, FOERSTER, IRVIS, CAULEY, SCHUSTER, KRAMER, LAMB and T. F. SULLIVAN offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and unanimously adopted as follows:

In the House of Representatives, August 23, 1961.

The Honorable Willard F. Agnew, Jr., representative from the seventeenth legislative district of Allegheny County since his election to the House of Representatives in 1954, died on March 14, 1961.

Mr. Agnew was born in Pittsburgh, December 30, 1924, son of Willard F. and Jean (Fisher) Agnew, the oldest of four children; married Norma Ann Graham of Fox Chapel on September 13, 1952; was graduated from Aspinwall High School in 1942, Pennsylvania State University in 1948 and University of Pittsburgh School of Law in 1951; admitted to practice of law in Allegheny County in 1952; member of Allegheny County and Pennsylvania Bar Associations; admitted to practice in the Supreme and Superior Courts in Pennsylvania; member of Aspinwall Borough Council since 1953 and was president of council since 1958. Mr. Agnew was a member of Sigma Phi Epsilon, Delta Theta Phi, Lions Paw, Kiwanis Club, Aspinwall, Playhouse, University Club and American Legion Post No. 77.

The high point of Mr. Agnew's career in government was his election as Republican floor leader in the House of Representatives for the 1961 session of the General Assembly. The excellence of his leadership for the period in which he held that position is a testimonial to his high character, courage and intellectual honesty and ability.

Throughout his career in government and as an attorney, Mr. Agnew distinguished himself as a true and devoted man of high principle who dedicated himself to advancing the public good. He was highly esteemed by all who knew him for his attainments, dedication to duty, and a humility which endeared him to his co-workers; therefore be it

Resolved, That the members of this House of Representatives hereby express their deeply felt individual sorrow at the death of the Honorable Willard F. Agnew, Jr., and extend their sympathy and condolences to his widow, Mrs. Norma Ann Agnew, and to his parents Mr. and Mrs. Willard F. Agnew, Sr.; and be it further

Resolved, That copies of this resolution be forwarded to Mrs. Norma Ann Agnew and to Mr. and Mrs. Willard F. Agnew, Sr., at their homes.

COMMUNICATION FROM GOVERNOR

The secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 320, 718, 802, 945, 1098, 1099, 1101, 1163, 1190, 1386, 1402, 1510, 1663, and 1664.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg.
August 23, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 320, printer's No. 2553, entitled "An Act amending the act of May 29, 1956 (P. L. 1804), entitled 'An act providing for the establishment of police pension funds or pension annuities in certain boroughs towns and townships and the regulation and maintenance thereof providig for an actuary continuance of existing funds or transfer thereof to funds herein established prescribing rights of beneficiaries contributions by members providing for expenses of administration continuation of existing authority to provide annuity contracts credit for military service refunds exempting allowances from judicial process and repealing certain acts' changing the age at which a member of a police force may retire."

DAVID L. LAWRENCE.

August 23, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 718, printer's No. 2212, entitled "An Act amending the act of May 27, 1937 (P. L. 926), entitled 'An act relating to the manufacture repair renovating cleansing sterilizing and disinfecting of mattresses pillows bolsters feather beds and other filled bedding cushions and upholstered furniture intended for sale or lease and to the sale or lease thereof requiring the placing of tag and adhesive stamp on such material providing for the sale of adhesive stamps authorizing and requiring the Department of Labor and Industry to adopt rules and regulations providing penalties and repealing certain acts' adding a definition changing tag stamp and registration provisions providing for licenses and certain fees REPORTS and prescribing penalties."

DAVID L. LAWRENCE.

August 21, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 802, printer's No. 875, entitled "An Act making an appropriation to the Department of Public Welfare for payment of grants to political subdivisions for juvenile delinquency programs."

DAVID L. LAWRENCE.

August 23, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 945, printer's No. 1046, entitled "An Act amending the act of March 6, 1956 (P. L. 1228), entitled as amended 'Selective Sales and Use Tax Act' clarifying the method of tax collections on liquor sales and imposing duties on persons making liquor sales by the bottle."

DAVID L. LAWRENCE.

August 21, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1098, printer's No. 2513, entitled "An Act amending the act of May 17, 1921 (P. L. 789), entitled as amended 'The Insurance Department Act of one thousand nine hundred and twenty-one' extending the provisions requiring the licensing of agents to include domestic mutual fire insurance companies and prescribing penalties."

DAVID L. LAWRENCE.

August 23, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1099, printer's No. 1216, entitled "An Act amending the act of May 17, 1921 (P. L. 682), entitled 'The Insurance Company Law of 1921' requiring domestic mutual fire insurance companies conducting certain kinds of insurance to license their agents."

DAVID L. LAWRENCE.

August 23, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1101, printer's No. 1738, entitled "An Act amending the act of May 17, 1921 (P. L. 682), entitled 'The Insurance Company Law of 1921' subjecting domestic mutual fire insurance companies to the provisions thereof requiring approval of policies contracts or certificates of insurance by the Insurance Commissioner."

DAVID L. LAWRENCE.

August 23, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day

approved and signed House bill No. 1190, printer's No. 2420, entitled "An Act reenacting and amending the act of June 11, 1947 (P. L. 551), entitled 'The Fire Marine and Inland Marine Rate Regulatory Act' including domestic mutual fire insurance companies and domestic reciprocals or exchanges within the provisions of the act and providing for a uniform classification of accounts and records."

DAVID L. LAWRENCE.

August 23, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1386, printer's No. 1652, entitled "An Act amending the act of June 1, 1959 (P. L. 392), entitled 'State Employes' Retirement Code of 1959' clarifying the provisions relating to the computation of allowances payable to members of the joint coverage group and to the filing of applications for withdrawal allowances."

DAVID L. LAWRENCE.

August 23, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1402, printer's No. 2192, entitled "An Act to provide for the creation and administration of an Anthracite AND BITUMINOUS Coal Mine Subsidence Fund within the Department of Mines and Mineral Industries for the insurance of compensation for damages to subscribers thereto declaring false oaths by the subscribers to be misdemeanors providing penalties for the violation thereof and making an appropriation."

DAVID L. LAWRENCE.

August 23, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1510, printer's No. 2059, entitled "An Act amending the act of May 17, 1921 (P. L. 682), entitled 'The Insurance Company Law of 1921' requiring certain domestic mutual insurance companies to accumulate unearned premium reserves within a prescribed period."

DAVID L. LAWRENCE.

August 23, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1663, printer's No. 2634, entitled "An Act amending the act of March 6, 1956 (P. L. 1228), entitled as amended 'Selective Sales and Use Tax Act' defining and creating an exemption for processing AND FURTHER REGULATING THE TIME OF MAKING RETURNS AND PAYMENT THEREOF AND ELIMINATING THE PROVISION FOR COMMISSIONS FOR COLLECTION AND REMITTANCE OF THE TAX AND CHANGING THE FEE TO BE CHARGED WHEN CHECKS ISSUED IN PAYMENT OF TAX OR FOR OTHER PURPOSES ARE RETURNED AS UNCOLLECTIBLE."

DAVID L. LAWRENCE.

August 23, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1664, printer's No. 2635, entitled "An Act amending the act of June 1, 1889 (P. L. 420), entitled 'A further supplement to an act entitled "An act to provide revenue by taxation" approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine' creating an exemption for processing as defined and limited with regard to capital stock tax and franchise tax on domestic and foreign corporations joint-stock associations limited partnerships and companies."

DAVID L. LAWRENCE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1283, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing that certain area technical schools for vocational education may be established and operated by board of directors of second class school districts jointly with county boards of school directors.

On the question,

Will the House agree to the bill on third reading?

Mrs. REIBMAN and Mr. WHITTAKER asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 1, fifth line of Title, by striking out "CERTAIN"

Amend Title, page 1, sixth line of Title, by striking out "board" and inserting: certain boards

Amend Title, page 1, seventh line of Title, by inserting after "second": or third

Amend Title, page 2, fifth line of Title, by inserting after "TRICTS": individually or

Amend Section 1 (Section 1841), page 2, line 1, by striking out "1841" and inserting: 1844

Amend Section 1 (Section 1841), page 2, lines 4 to 12, by striking out all of said lines.

Amend Section 1 (Section 1841), page 3, lines 1 to 14, by striking out all of said lines and inserting: Section 1844. Establishment of Schools.—(a) The county board of school directors of each county shall call a convention of school directors of the school districts of each attendance area, to meet separately by attendance areas, on or before the first day of April, one thousand nine hundred fifty-four, to discuss and vote on the establishment of area technical schools. If approved by a majority of all the school directors of the districts within an attendance area, the county board of school directors shall proceed to organize, establish and operate an area technical school in the attendance area on or sucbsequent to the first day of June, one thousand nine hundred fifty-five. School districts voting against participating in the area technical school shall again vote on the question at least one during each two years thereafter.

(b) In cases where a second or third class school district maintains an approved vocational program individually or jointly, such district or districts, individually or jointly, may enter into an agreement with a county board or boards of school directors to organize and operate an area technical school in accordance with a plan approved by the State Board for Vocational Education, in which event the county board or boards of school directors shall not be required to call a convention of school directors as herein provided.

Section 2. This act shall take effect immediately.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question.

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

EDUCATION BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1836, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), further classifying school districts and providing for the reorganization of school districts.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Education.

The motion was agreed to.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 200.

An Act amending the act of June 24, 1937 (P. L. 2051), entitled as amended "Public Assistance Law" making eligible for assistance certain persons in public medical institutions and regulating obligations for and payment of certain funds.

SENATE BILL No. 401.

An Act amending the act of May 1, 1933 (P. L. 103), entitled "The Second Class Township Code" authorizing increase in the number of meetings for which supervisors may be paid without the prior approval of the auditors further providing for the attendance of supervisors or employes at road meetings and conventions imposing duties on township secretaries changing the time which may be expended by auditors in the completion of audits authorizing managers to attend meetings of county associations of township officers further providing for the parties who may protest a change in zoning.

SENATE BILL No. 605.

An Act amending the act of January 29, 1844 (P. L. 25), entitled "An act supplementary to an act to incorporate the president and directors of the water pipes in Aaronsburg" permitting additional persons to vote for the directors further providing who shall be taxed increasing one tax providing for flat rates and tap on charges and repealing inconsistent legislation.

SENATE BILL No. 628.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" classifying film film strips transparencies records and tapes as school supplies of the first class.

SENATE BILL No. 735.

An Act amending the act of December 22, 1951 (P. L. 1726), entitled "Pennsylvania Loyalty Act" excluding from the provisions of the act certain teachers who are citizens or subjects of foreign countries.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 640, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949" further providing for payments on account of closed schools.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. ADAMS. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. ADAMS asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Sec. 1 (Sec. 2511), page 2, line 19, by inserting after "MADE" where it appears the second time: by any school district

Amend Sec. 1 (Sec. 2511), page 2, line 20; page 3, lines 1 to 3, by striking out "INCURRED BY THE DISTRICT" in line 20, page 2, all of lines 1 to 3, page 3, and inserting: existing on the effective date of this amending act, or on the date when a school closing occurs not later than July 1, 1965, whichever is later.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Mr. HELM IN THE CHAIR.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 254

Mr. McCANN (for Mr. Sakulsky). Mr. Speaker, I present the report of the Committee on Conference on House bill No. 254.

The SPEAKER pro tempore. The report will lie over for printing under the Rules.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 255

Mr. McCANN (for Mr. Sakulsky). Mr. Speaker, I present the report of the Committee on Conference on House bill No. 255.

The SPEAKER pro tempore. The report will lie over for printing under the Rules.

COMMUNICATION FROM GOVERNOR AND BILL LAID ON TABLE

The SPEAKER pro tempore. The communication from

the Governor returning House bill No. 1273 in accordance with a House Concurrent Resolution adopted by the House and Senate will lie on the Speaker's table.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The clerk of the Senate being introduced presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 869.

An Act amending the act of October 2, 1959 (P. L. 1251), entitled "An act relating to officers and employes of the General Assembly fixing the number qualifications compensation mileage and duties of the officers and employes of the Senate and of the House of Representatives . . ." further providing that one postmaster shall be employed on an annual basis and providing for the appointment of stenographers by the President pro tempore of the Senate.

Referred to the Committee on Rules.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 601.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" permitting motor vehicles owned and used by certain persons engaged in collecting news to be especially equipped with a warning light.

and has appointed Messrs. DEVLIN, STAISEY and WADE a Committee of Conference to confer with a similar committee of the House of Representatives (if the House shall appoint such committee) on the subject of the difference existing between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 601 and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 601

The SPEAKER pro tempore. The Speaker has appointed as a Committee of Conference on the part of the House, Messrs. FILO, FOERSTER and EWING.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

The clerk of the Senate being introduced, presented extracts from the Journal of the Senate:

Amended House Bill returned for concurrence No. 1438.

INTERROGATION

Mr. A. W. JOHNSON. Mr. Speaker, I would like to interrogate the majority leader.

The SPEAKER pro tempore. Will the majority leader permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. A. W. JOHNSON. Mr. Speaker, please do not misinterpret this interrogation, but today was reported out of Rules Committee the sine die resolution and we thought it was going to be offered today. I am just asking the majority leader, will this sine die resolution appear on the calendar, the printed calendar, on Monday, inasmuch as it was not adopted today?

Mr. McCANN. Mr. Speaker, as you recall, when we reported it out it was laid on the Speaker's table. When we returned from caucus after we voted on these bills, it was my intention to bring it up for a vote at any time, but, being occupied with the major bills here, I did not bring it up. I will ask now that it be taken from the table, placed on the calendar and we will vote on it Monday, if it is satisfactory with you, or I will take it off the table on Monday and vote on it, whichever way you desire. We were going to vote today on the sine die resolution.

The SPEAKER pro tempore. For the information of the respective floor leaders, it is not necessary for this resolution to appear on the calendar. It will lie on the table.

Mr. A. W. JOHNSON. Mr. Speaker, if the resolution is on the table in proper custody and is not in the hands of a member of the Rules Committee for the purpose of reporting it out, that is perfectly all right, but I think a motion should be made to lay the sine die resolution on the table so that we know somebody has custody of it.

The SPEAKER pro tempore. The resolution has already passed over the desk and is on the Speaker's table and in the custody of the Speaker.

Mr. A. W. JOHNSON. I thank the Speaker.

APPROPRIATION BILL ON THIRD READING

(NON-PREFERRED)

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 773, entitled:

A Supplement to the act of April 1, 1863 (P. L. 213), entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural Colleges" making an appropriation for carrying the same into effect.

On the question,

Will the House agree to the bill on third reading?

Mr. POLEN asked unanimous consent to offer an amendment at this time.

The SPEAKER pro tempore. The amendment will be read by the clerk for information.

Amend Sec. 1, page 2, lines 6 and 7, by striking out "eighteen million five hundred seven thousand seven hundred sixty dollars ($18,507,760)" and inserting: twenty million seven thousand seven hundred sixty dollars ($20,007,760)

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS AND RESOLUTIONS PASSED OVER

Mr. McCANN. Mr. Speaker, I request that all bills and resolutions on today's calendar not acted upon be passed over.

The SPEAKER pro tempore. The Chair hears no objection.

ADJOURNMENT

Mr. McCANN. Mr. Speaker, I move that this House do now adjourn until Monday, August 28, 1961, at 1 p.m., e. s. t.

The motion was agreed to, and (at 4:51 p.m., e. s. t.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1961. 145th of the General Assembly.

Vol. 38. HARRISBURG, PA., MONDAY, AUGUST 28, 1961. No. 94.

SENATE

MONDAY, August 28, 1961.

The Senate met at 2:30 p. m., Eastern Standard time.

The PRESIDENT (Lieutenant Governor John Morgan Davis) in the Chair.

PRAYER

The Chaplain, Rev. JACK P. WISE, Assistant Pastor of Market Square Presbyterian Church, Harrisburg, offered the following prayer:

Let us pray.

Our Heavenly Father, Thou who art our Creator and Redeemer, we pray that Thou wilt lead each of us in this Chamber to act as whole men. May we not be guilty of divorcing our consciences, our best moral selves, and our own God-given convictions from our activities this day.

We would not be so naive as to ask Thee to keep us from compromise, but may our necessary compromises be made on the highest moral level; on that level which we know will please Thee, and which will be best for the people of our Commonwealth.

As the men of this Senate work together today, may they each seek to know the will of the living God and follow it.

We pray in the Master's Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WEINER and Mr. LANE, further reading was dispensed with, and the Journal was approved.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor, advising that the following Senate Bills had been approved and signed by the Governor:

SB 104 and **860.**

SENATE BILL RETURNED WITHOUT APPROVAL

He also presented communication in writing from His Excellency, the Governor, advising that the following Senate Bill had been returned without approval:

SB 496.

The PRESIDENT. The communication and bill will be laid on the table.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBER OF THE BOARD OF TRUSTEES OF KUTZTOWN STATE COLLEGE

August 28, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Bessie V. Bast, College Hill, Kutztown, Berks County, for appointment as a member of the Board of Trustees of Kutztown State College, until the third Tuesday of January 1967, and until her successor shall have been appointed and qualified, vice Alvin F. Kemp, Mertztown, deceased.

DAVID L. LAWRENCE.

MEMBER OF THE DELAWARE RIVER PORT AUTHORITY

August 28, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ted Schlanger, New Britain Road, Doylestown, Bucks County, for reappointment as a member of the Delaware River Port Authority, until July 5, 1966, and until his successor is appointed and qualifies.

DAVID L. LAWRENCE.

MEMBERS OF THE BOARD OF TRUSTEES OF CALIFORNIA STATE COLLEGE

August 28, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for appointment as members of the Board of Trustees of California State College:

James H. Adamson, 335 Pennsylvania Avenue, North Charleroi, Charleroi, Washington County, until the third Tuesday of January, 1967, and until his successor is appointed and qualified, to fill a vacancy.

Mrs. Grace Clyde, 514 Hutchinson Avenue, Canonsburg,

Washington County, until the third Tuesday of January 1963, and until her successor is appointed and qualified. (Reappointment)

DAVID L. LAWRENCE.

JUSTICE OF THE PEACE

August 28, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Anne M. Buchner, R. D. 1, Albion, Erie County, for appointment as Justice of the Peace in and for the Township of Conneaut, Erie County, to serve until the first Monday of January 1962, to fill a vacancy.

DAVIL L. LAWRENCE.

JUSTICE OF THE PEACE

August 28, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Fred C. Rapp, 323 Main Street Sharpsville, Mercer County, for appointment as Justice of the Peace in and for the Borough of Sharpsville, Mercer County, to serve until the first Monday of January 1962, vice William O. Weldon, Sr., deceased.

DAVID L. LAWRENCE.

JUSTICE OF THE PEACE

August 28, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Jesse E. Chapman, Aleppo, Greene County, for appointment as Justice of the Peace in and for the Township of Aleppo, Greene County, to serve until the first Monday of January 1962, vice Roger V. Courtwright, resigned.

DAVID L. LAWRENCE.

BILLS SIGNED

The President (Lieutenant Governor John Morgan Davis) in the presence of the Senate signed the following bills:

SB 503, 736 and **852.**

UNANIMOUS CONSENT GRANTED FOR IMMEDIATE CONSIDERATION OF THE CALENDAR

Mr. WEINER. Mr. President, I request unanimous consent that we now proceed to the consideration of today's Calendar.

The PRESIDENT. There being no objection, we will proceed with consideration of today's Calendar.

CALENDAR

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS, OVER IN ORDER

SB 96—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

SB 867—Mr. BERGER. Mr. President, I request that Senate Bill No. 867 go over in its order.

Mr. WEINER. Mr. President, I have no objection to Senate Bill No. 867 going over in its order today. However, I believe I would like to have some expression of opinion from the gentleman on the other side as to when we might be able to work on this bill— preferably tomorrow.

Mr. BERGER. Mr. President, I think probably we can work on it tomorrow.

The PRESIDENT. There being no objection, the bill will go over in its order.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SILVERT. Mr. President, I request a five minute recess in order for the Committee on Finance to hold a meeting, to be held in the Appropriations Committee Room. We have only one bill to consider and we should not be longer than five minutes. The business of the Senate may continue while this committee meets.

The PRESIDENT. There being no objection, the Committee on Finance will proceed with its meeting.

CALENDAR

REPORT OF COMMITTEE OF CONFERENCE

SB 111 (Pr. No. 1253)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 111, entitled:

An Act revising the procedure to be followed concerning arrest detention and bail substituting criminal summons for warrant of arrest in certain criminal cases and fixing penalties.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	**Hays,**	**Mullin,**	**Stevenson,**
Berger,	**Kalman,**	**Murray,**	**Stiefel,**
Camiel,	**Keller,**	**Pechan,**	**Stroup,**
Chapman,	**Kessler,**	**Propert,**	**Taylor,**
Confair,	**Kromer,**	**Ripp,**	**Van Sant,**
Devlin,	**Lane,**	**Rooney,**	**Wade,**
DiSilvestro,	**Madigan,**	**Sarraf,**	**Wagner,**
Donolow,	**Mahady,**	**Scott,**	**Ware, III,**
Ehrgood,	**Mallery,**	**Sesler,**	**Weiner,**
Flack,	**McCreesh,**	**Seyler,**	**Wolfe,**
Fleming,	**McGinnis,**	**Shafer,**	**Yatron,**
Haluska,	**McMenamin,**	**Silvert,**	**Staisey,**
Hawbaker,	**Miller,**		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE, OVER IN ORDER

SB 312—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER TEMPORARILY

SB 413—Without objection, the bill was passed over in its order temporarily at the request of Mr. WEINER.

BILL OVER IN ORDER

SB 801—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON FINAL PASSAGE DEFEATED

SB 877 (Pr. No. 1152)—On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occured:)

Mr. SEYLER. Mr. President, may we be at ease a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—20

Camiel,	Kalman,	McMenamin,	Seyler,
DiSilvestro,	Lane,	Miller,	Silvert,
Donolow,	Mahady,	Mullin,	Staisey,
Haluska,	McCreesh,	Murray,	Stiefel,
Hays,	McGinnis,	Sesler,	Weiner,

NAYS—30

Bell,	Hawbaker,	Ripp,	Taylor,
Berger,	Keller,	Rooney,	Van Sant,
Chapman,	Kessler,	Sarraf,	Wade,
Confair,	Kromer,	Scott,	Wagner,
Devlin,	Madigan,	Shafer,	Ware, III,
Ehrgood,	Mallery,	Stevenson,	Wolfe,
Flack,	Pechan,	Stroup,	Yatron,
Fleming,	Propert,		

Less than a majority of all the Senators having voted "aye," the question determined in the negative, and the bill was defeated.

GUEST OF SENATE FRED B. ROONEY PRESENTED TO SENATE

Mr. ROONEY. Mr. President, I would like to interrupt consideration of the Calendar for just a minute to introduce a very distinguished guest who just arrived.

The young lady, Mr. President, who I am about to introduce has been my secretary for the past three and one-half years. She came to me when she was a senior in high school. She was a straight A student, and has been my right arm ever since she graduated from high school.

At this time, I would like to present to the Senate of Pennsylvania my secretary, Miss Nancy Brown.

The PRESIDENT. Miss Brown, will you rise, please?

We are very happy to have you with us today, Miss Brown.

REPORT FROM COMMITTEE

Mr. SILVERT, by unanimous consent, from the Committee on Finance, reported, as committed, **HB 1001.**

PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, I know that we are confronted with a race for adjournment sine die. However, what I am doing now is something which I failed to do earlier in the Session, and which I feel I am duty bound to do.

This resolution is a tribute to a resident of Harrisburg, who, on January 1st, retired as Acting Executive Director of the Fish Commission of Pennsylvania after serving the State for thirty-seven years.

This man became a legend because of his humility, dedication and continuity of service to the Commonwealth of Pennsylvania.

Henry Reid Stackhouse is no doubt one of those persons who contributed to the leadership of Pennsylvania in the field of fish propagation. Wherever there are now industries and fisheries maintained for fish propagation, the credit comes back to Pennsylvania, because Pennsylvania is the world leader. It was the service of Mr. Stackhouse which made this possible.

I feel when a person serves the Commonwealth of Pennsylvania for thirty-seven years faithfully and well, he has established an example for emulation and it should be our duty to pay him high tribute.

SENATE RESOLUTION

COMMENDING HENRY REID STACKHOUSE FOR HIS LONG PUBLIC SERVICE

Mr. STIEFEL, by unanimous consent, offered the following resolution **(Serial No. 3a)**, which was read, considered and adopted:

In the Senate, August 28, 1961.

Henry Reid Stackhouse (affectionately known to sportsmen throughout Pennsylvania generally and to fishermen in particular as "Stackie" and to Pennsylvania's citizenry as "Mr. Fish Commission") retired on January 1, 1961, after almost five decades of continous service, leaving a post he first took in 1913.

His deep anchorage in the finest traditions of Pennsylvania State public service, his inspiring dedication to the cause of Pennsylvania's world-leadership and concomitant dissemination of knowledge in the field of fish culture, his continuous and exemplary attainments in various important positions under every Executive Director of the Fish Commission except one, beginning with the "long ago" of 1923 and ending in 1960 when he was appointed Acting Executive Director, constitutes H. R. Stackhouse (as he prefers to be known), a living legend that should be paid homage by the Senate of Pennsylvania in behalf of the people of Pennsylvania.

A person of profound humility, affable, thoughtful, courteous and considerate, speaking in monosyllables and always self-effacing, Henry Reid Stackhouse comes squarely within Emerson's immortal definition of what constitutes a true gentleman. Those who have met and known Mr. Stackhouse have become richer, for no one could escape the ennobling touch of warmth, charm and dignity with which this fine gentleman was abundantly blessed and endowed.

The high regard in which public servant "Stackie" is held is illustrated by the fact that sportsmen's organizations throughout the State urged his appointment as full Executive Director. The Pennsylvania Fish Commission offered him the top spot in that agency, but he has declined. "I've had a full and compensating life with the Commission; I'm not ambitious; I'm happy as I am," replied unusual public servant Henry Reid Stackhouse.

Having retired after nearly five decades of public service that have witnessed Pennsylvania's steady march in the very vanguard of our Nation's progress, Mr. Stackhouse owes to the people of Pennsylvania a duty of reducing his rich memoirs to a book that could enrich our lives with its inspiring contents.

BE IT THEREFORE RESOLVED, that the Senate of Pennsylvania, on behalf of the people of Pennsylvania, pay homage to a great Pennsylvanian, Henry Reid Stackhouse, whose invaluable public services have contributed over almost five decades to Pennsylvania's progress by enriching our economy and setting an unexcelled example for emulation by our State employees.

AND BE IT FURTHER RESOLVED, that the Secretary of the Senate forward a copy of this resolution upon its passage to Henry Reid Stackhouse, now a resident of Harrisburg, Pennsylvania.

REPORT FROM COMMITTEE

Mr. YATRON, by unanimous consent, from the Committee on Agriculture, rereported, as committed, **SB 668.**

The PRESIDENT. At this time, the Chair is going to turn the gavel over to the capable hands of the gentleman from Centre, Senator Hayes, to preside.

The PRESIDING OFFICER. (Jo Hays) in the Chair.

THIRD READING CALENDAR

HB 1335 CALLED UP OUT OF ORDER

HB 1335 (Pr. No. 2453)—Without objection, the bill was called up out out of order, from page 11 of the Third Reading Calendar, by Mr. WEINER.

BILL ON THIRD READING AMENDED, OVER IN ORDER TEMPORARILY

HB 1335 (Pr. No. 2453)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WADE. Mr. President, I request unanimous consent to offer a series of amendments to House Bill No. 1335, on behalf of Senator Propert, Senator Stevenson, Senator Kessler and myself.

The PRESIDING OFFICER. The Chair hears no objection, and the gentleman will proceed.

Mr. WADE. Mr. President, first I would like to recall the amendments offered by this same group of Senators when this bill was previously before us for consideration.

The PRESIDING OFFICER. The Senator from Cumberland requests the recall, from the table, of amendments previously presented.

Mr. WEINER. Mr. President, is this a series of amendments?

Mr. WADE. The answer, Mr. President, is yes. There are a series of six amendments.

The PRESIDING OFFICER. These are the six amendments that have been on the table since last week.

Mr. WADE. No, that is not correct, Mr. President.

The first amendment was offered last week and laid on the table. After that, there was no further consideration of the bill. I now want to withdraw that amendment, which was the first of a series of amendments.

The PRESIDING OFFICER. The amendment has formally been recalled and you may proceed now with the new amendments, Senator Wade.

Mr. WADE. Mr. President, I have no doubt that the Members of this Body recall that it was expressed to this Body that this series of amendments would put in certain mileposts or restrictions in the General State Authority Bill, and that the amendments which were offered and that we propose to offer were to set these forth.

At the same time, I explained to the Members, generally, that if we were to take this bill in toto and all of the funds that the bill would then provide for the General State Authority were loaned, it would require about $52,600,000 in annual rentals to be raised by the Members of this Body and the House of Representatives. Taxes would have to be levied to that extent.

The first amendments of this group, which Senator Kessler, Senator Propert,Senator Stevenson and myself propose, are amendments to change the amount of borrowing power. On page 39 and page 40 of the bill, these amendments would take out the amount of $846,629, which is proposed in the bill for the purpose of constructing driver examination points throughout the Commonwealth.

It is our belief that this is not necessary in the General State Authority Bill. These funds, which are relatively small, could be taken from current funds, considering the amount available to the Highways Department which can be called upon through the Revenue Department where this money is paid.

Therefore, I rise in place, on behalf of the Senators mentioned, and present these amendments, which would eliminate the driver examination points from House Bill No. 1335.

The PRESIDING OFFICER. The Clerk will read the amendments.

The amendments were read by the Clerk as follows:

> Amend Sec. 1 (Sec. 4), page 4, lines 16 to 18, by striking out all of lines 16 and 17, and "201)" in line 18, and inserting: eight hundred sixty-four million one hundred eleven thousand thirteen dollars ($864,111,013)
>
> Amend Sec. 2, page 39, lines 5 to 19; page 40, lines 1 to 11, by striking out all of said lines.
>
> Amend Sec. 2, page 40, line 14, by striking out "XI" and inserting: X
>
> Amend Sec. 2, page 41, line 6, by striking out "XII" and inserting: XI
>
> Amend Sec. 2, page 42, last line on page, by striking out "XIII" and inserting: XII
>
> Amend Sec 2, page 45, line 13, by striking out "XIV" and inserting: XIII
>
> Amend Sec. 2, page 45, line 15, by striking out "12,178,540" and inserting: 12,133,981

On the question,

Will the Senate agree to the amendments?

Mr. SEYLER. Mr. President, I desire to interrogate the gentleman from Cumberland, Senator Wade.

The PRESIDING OFFICER. Will the gentleman from Cumberland, Mr. Wade, permit himself to be interrogated?

Mr. WADE. I will, Mr. President.

Mr. SEYLER. Mr. President, for the sake of getting the record straight, we have discussed various approaches to what the Senator is now doing. At the last opportunity I had to confer with the Senator, his amendments at that time would not have removed these from the bill, but rather would have made the provision that they could not be constructed until such time as an agreement was signed by the Department of Revenue so that these construction costs could be paid from highway funds.

I would like now to ask him whether it is true that the first amendment he is offering is no longer on that tack, but rather does actually eliminate these items from the bill.

Mr. WADE. Mr. President, the gentleman is correct. That was our original intention. The next amendment which we will offer will provide as he stipulates. It will provide that construction of these driver examination points remain in the General State Authority Bill if this amendment falls. Then the funds for the amortization of the $846,000 would be taken out of the Motor License Fund.

However, these amendments are different. These were created today. These provide that the examination points be taken out of this bill. The Highways Department would

then be privileged to go ahead and establish these points of examination without going through the General State Authority.

Mr. SEYLER. Mr. President, I thank the gentleman for his answer.

I now understand what his amendments do. I would like to call to the attention of my colleagues in the Senate that if these amendments as presently offered succeed, there would be no program at all for these examination points.

Since, Mr. President, in my opinion, — and I think in the opinion of many people in the Commonwealth — this problem of highway safety is a very important one and these are considered to be essential aspects of a good highway safety program, I would advise my colleagues, if they are interested in having this program go forward, to vote against the amendments offered by the Senator from Cumberland.

Mr. WADE. Mr. President, on behalf of the amendments, I might say to this Body that it is my understanding that the Highways Department could go ahead or the Department of Revenue could go ahead and rent — if not buy — these points for examination of applicants and drivers. They could rent spots and go ahead with the program, without going to the General State Authority.

Therefore, I ask all of the Members of this Senate to support these amendments.

Mr. WEINER. Mr. President, there is only one problem that I have and it has caused me great difficulty. If the gentleman can explain it to me I will be happy to hear from him. I am not going to interrogate him. I just think he ought to tell the Members of this Senate the sole purpose of these amendments.

This Act goes back to 1949. If we go over this very carefully, you will find that during that period of time, up until about 1954, the gentlemen on the other side had complete control of the legislative machinery — in the House, in the Senate, and they were even pretty well situated in the Front Office. It seems to me that during all of this time no amendments were offered, no policy changes such as these were made, and the amendments that Senator Wade is offering are all policy changes. Why were these not made at that time? Was it because they were in control? Was it because they were in charge of the machinery?

I would hate to think this is what is motivating the gentleman from Cumberland, because I know him to be an eminently fair man. However, it seems to me at this late date, when for the first time the situation is changed and when the aflairs of the State seem to be moving in a different direction, — and yet, at the very same time, the institutions need this type of help which they can get only from the State in order to help them grow for this population explosion that we are facing — certainly the timing is bad, and the motivation behind it does not seem to be of the highest type.

I would like the gentleman to please advise me why they waited all of this time to do this, when the machinery was completely under their control and they could have done it at will at another time.

Mr. BERGER. Mr. President, it is true that these amendments are policy amendments. It is true that the General State Authority Bills were in the control of the Republicans during the past several years.

As a matter of policy, Mr. President, the functions of the General State Authority have been greatly expanded over the past two or three Sessions.

I want to say, Mr. President, that the General State Authority was created primarily to provide buildings and State institutions which the borrowing power of the Commonwealth could not support without the device of the General State Authority. That, fundamentally, is the reason for the existence of the General State Authority.

Now these amendments, Mr. President, — although they are in somewhat different form than I anticipated they would be, and I am glad to know there are going to be other amendments offered — simply relates to structures which could be just as well built by the funds of the Highway and Bridge Authority or out of highway funds themselves.

Mr. President, they intend to build certain examination points, for the safety of the people on the highways, where the examinations can be taken at these buildings and areas which will cover the examination courses. However, Mr. President, I can see no reason why they should be built out of funds provided by bonds issued by the General State Authority when they are for highway safety purposes.

It is for that reason, Mr. President, that I am sure the amendments were offered.

Mr. WADE. Mr. President, I thank the gentleman for the statement he has just made in answer to the Majority Leader's question.

To substantiate what he has said, it would seem to me that the Majority Leader well understands that most of the bills that we consider are amendments to other Acts. For example, the next four or five are all amending Acts. When we pass laws in this Body, with the cooperation of the House of Representatives, certainly they are not perfect. Over the eleven years of the history of the G. S. A., we know that many pitfalls or weaknesses developed in that law, and this series of amendments which I propose to offer are all for the purpose of making it a better law and a better agency, affording better service to the Commonwealth.

These particular amendments apply to $846,629 to be used for highway examination points. Certainly it would seem to me to be poor business, in view of the fact that the Highways Department has this year been granted some seventy to eighty million dollars in additional funds. These points could be established out of current funds rather than paying for these examination points over a period of thirty years, — forty years, I am corrected — which is the borrowing time permitted for G. S. A. obligations.

I cannot make a quick calculation as to how much would be paid back by the taxpayers. However, I believe, over a forty year period, they would pay back more than $2,000,000 for this $846,000 that they now want and, no doubt, should have for the re-examination of drivers and for the examination of those obtaining learners' permits.

Mr. WEINER. Mr. President, I could not help but note the coincidence which the Senator still has not explained; namely, that this policy happened to come at the same time when there has been a change in the administration of this Body.

I am sure that the situation, as he pointed out under his first amendment, was as true the very day the G. S. A.

went into existence as it is today. If it is true and applicable now, it certainly was true and applicable then. I fail to understand why it has suddenly come as a shock to this Senate that we have been doing this thing over this period of time.

I might also point out to the gentleman that this is the only way we have of financing these projects. I am sure the gentleman knows that those among us, who are not able to finance on a dollar basis the things that we need now and have to borrow to do so, must pay for that money and we try to buy it as cheaply as we possibly can. I would say that generally that bond issue of recent date, of which I am somewhat familiar, have been rather not only reasonably but I think cheap, in the sense that we speak of the market and buying money as being cheap.

I think this is the basis. The most important thing is to get these buildings constructed so that we can proceed in the Commonwealth with the Commonwealth's business, rather than to try to find some other way or means of doing it which may not work as well or be as expedient.

Mr. WADE. Mr. President, I desire to interrogate the Majority Leader.

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Mr. Weiner, permit himself to be interrogated?

Mr. WEINER. I will, Mr. President.

Mr. WADE. Mr. President, may I remind the gentleman that he has just implied that this is a change from the past policy of the G. S. A.? May I interrogate the gentleman in respect to previous legislation concerning driver examination points? Has he ever known of a bill to be introduced or an amendment introduced to the G. S. A. law for this purpose?

Mr. WEINER. Mr. President, I have not made a survey of this. However, as far as may memory serves me, there have been no bills introduced for that purpose. That is correct.

Mr. WADE. I thank the gentleman.

Therefore, Mr. President, we can conclude that this is a venture of the Commonwealth of Pennsylvania to establish driver licensing points.

My point to this Body is this: Since this is a comparatively small amount of money, — less than $1,000,000 — it certainly would not seem to me to be good business to send it through the General State Authority, which, as was pointed out a few minutes ago, perhaps would require taxpayers' funds to the extent of $2,000,000 to liquidate it over a period of forty years.

I repeat that the Highways Department has been granted very substantial increases for the Motor License Fund this year, and this small item, compared to that increase, certainly should come out of current funds. If you would pass these amendments which have been offered, they would simply do that. They would put it on a current basis instead of over a long, long thirty to forty year period.

Mr. WEINER. Mr. President, will the gentleman from Cumberland, Senator Wade, permit himself to be interrogated?

The PRESIDING OFFICER. Will the gentleman from Cumberland, Mr. Wade, permit himself to be interrogated?

Mr. WADE. I will, Mr. President.

Mr. WEINER. Mr. President, will the gentleman advise if there have been any of these examination points built with G. S. A. funds during his term in the Senate?

Mr. WADE. No. Mr. President. As I understand it, we have no driver examination points in the Commonwealth at the present time. This is an entirely new venture, as I understand it.

Mr. WEINER. Mr. President, were these projects ever suggested in prior years, other than this year which the gentleman is concerned about?

Mr. WADE. Mr. President, I would be unable to answer as to whether or not they have ever been suggested. To my knowledge, they have not. We have never attempted to set up driver examination points in the Commonwealth.

Mr. WEINER. Mr. President, will the gentleman further advise us if he has been aware of this present danger in previous times or has it just come to his attention?

Mr. WADE. Mr. President, we never instituted, to the best of my knowledge and belief, a general re-examination of all licensed drivers in the Commonwealth. On account of our present policy to do that, these drivers examination points become necessary.

Mr. WEINER. Mr. President, I want to thank the gentleman. I also want to point out that his last statement is the one that I think is crucial; that these driver examination points are necessary and there is no way to get them built unless we go ahead and do it with the type of funds that are available to us, and by using the credit of the Commonwealth to help move in this direction.

Mr. BERGER. Mr. President, may I interrogate the Majority Leader?

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Mr. Weiner, permit himself to be interrogated?

Mr. WEINER. I will, Mr. President.

Mr. BERGER. Mr. President, did I understand the gentleman to say there is no other place where these funds can be obtained except through General State Authority borrowing?

Mr. WEINER. Mr. President, I did not say that. I said that the reason we want to use these funds is because we feel this is a better way of doing it and financing these projects, along with the other projects being built by the State.

Mr. BERGER. Mr. President, am I incorrect when I say that I understood him to say that this is the only place where these funds could be obtained?

Mr. WEINER. Mr. President, I believe that the gentleman will find, if he looks at the record, that he is incorrect. I did not say that.

Mr. BERGER. Mr. President, would the gentleman care to enlighten us as to whether or not there are other available funds from which these structures might be built?

Mr. WEINER. Mr. President, there may be many other areas where this money may be obtained; to wit., the Motor License Fund. From my impression of it and from everything that I have seen, I do not think this is a proper place or a good place from which to take these funds. This is based on the fact that we have found that our building projects in the State of Pennsylvania have been successful and we have moved ahead in the making of capital improvements and further completing the various buildings that we need in the Capitol for the capital

improvement program of the State through this program that was set up back in 1949. I see no reason to change it unless there is something wrong with this system, or it does not operate correctly, or it does not produce the desired result. This, no one has addressed himself to so far in this discussion.

Mr. BERGER. Mr. President, there the gentleman has stated the fundamental defect in the attitude toward the General State Authority. If we can borrow it through the General State Authority, do not use our present cash on hand to provide what we might need. That seems to be the entire attitude.

Mr. President, I want to go on record publicly as differing very, very definitely with that attitude.

Mr. SEYLER. Mr. President, I would just like to remind the Minority Leader and Senator Wade that if you take $1,000,000 from the money that is budgeted for building roads for some other purpose, it will mean that we have $1,000,000 less to spend for the purpose for which we have decided we need the money—to build roads. In other words, is he going to take the $1,000,000 away from our primary road program, which matches Federal funds and, therefore, means that we lose—if it is on the basis of nine to ten—$9,000,000 of Federal matching funds? Or does he prefer to take it from our secondary road system, which builds the roads in counties like mine and which is so important because it maintains the secondary type of roads that are needed in our rural areas? Is he going to take the $1,000,000 from that fund?

In other words, both of those gentlemen know, Mr. President, it seems to me, that this money is budgeted for road building. If you take it for some other purpose, you will have less for road building. I think it is up to the gentlemen to specify just what kind of stealing we are going to do from that fund. "Stealing" probably is too strong a word. Therefore, let us say purloining from that fund, the purpose of the fund being to build roads. Which direction does he want to go? Is he going to take it from the secondary roads? Is he going to take it from funds to match Federal funds? Just from where is he going to take it?

It seems to me, Mr. President, in other words, that here we have a project which is a capital improvement project. This is what the G.S.A. has been established for.

It is a legitimate project. It has to do with highway safety, but it is not in the Department of Highways. It is in the Department of Revenue.

If we pass these amendments, as Senator Wade has suggested, we just are not going to be able to build these projects unless we take funds which we have hitherto designated as needed for building the roads that Pennsylvania wants and needs.

Mr. BERGER. Mr. President, I believe that the objective of these structures is as essential, certainly, as it is to build roads for the same amount of money.

The whole purpose of the General State Authority, I repeat, is to provide structures needed by the Commonwealth of Pennsylvania when no other funds can be made available for that purpose, and that the borrowing power of the Commonwealth was so limited that it was necessary to resort to the General State Authority device in order to provide adequate mental hospitals, adequate surgical and medical hospitals, adequate dormitories in our State Colleges, and things of that sort.

However, here are projects where there is no necessity to go out and borrow the money to build them. The money is there in hand. It is available, and it can be legitimately used for this purpose.

Mr. WADE. Mr. President, just so we have the record straight, the gentleman from York made some appeal about the funds we have for distribution or expenditure in the Highways Department this year and the loss of those funds during the current year. I, frankly, am sorry to say before this Body that I never knew the rural roads to need money or need work. They do not need money, because the funds are here.

When you talk about an expenditure of around $500,000,000—which is the present amount of money available to the Highways Department for expenditures in this year, not considering the $300,000,000 increase in the Highway and Bridge Authority—against the sum of $846,000 which is less than the $1,000,000 that he used, then you are talking about one-fifth of one per cent. One per cent of the $500,000,000 would be $5,000,000. One-fifth of that would be $1,000,000. So, you are talking about one-fifth of one per cent of the amount available, not considering the $300,000,000 available to the Highway and Bridge Authority.

It is a very minor expenditure. Certainly the gentleman would not advocate to pass this burden, multiplied by two and one-half, on to his grandchildren. If you vote to keep this in the General State Authority, that is exactly what you are doing because you are requiring the future Members of the Legislature to vote for the rental from year to year, which in toto, if all of the money were borrowed, would amount to some $52,600,000 annually and you would be passing that obligation on to your grandchildren. I am sure that neither Senator Seyler nor any other Member of this Senate wants to do that for a comparatively small expenditure of this kind.

Mr. WEINER. Mr. President, I wonder if the gentleman from Cumberland, Senator Wade, would allow himself to be interrogated.

The PRESIDING OFFICER. Will the gentleman from Cumberland, Mr. Wade, permit himself to be interrogated?

Mr. WADE. I will, Mr. President.

Mr. WEINER. Mr. President, I wonder if the gentleman would advise us how he proposes that this fund be used to erect these buildings.

Mr. WADE. Mr. President, as we all know, it perhaps was a legislative mistake over the past years, but when we set up the Motor License Fund and the Constitution was amended in 1943, we said that all funds derived from motor vehicles and other methods of transportation of that kind would be isolated. When we did that, we separated it from legislative control. That money is placed in the Motor License Fund and we have practically no control over it.

However, subsequent legislation passes on a certain amount of that to the Revenue Department for certain functions in connection with driver safety, issuing automobile licenses, issuing drivers' permits, et cetera. Therefore, there are funds, as I see it, which are unattached, and could be used for this purpose because, as this bill sets forth, it is for the highway safety program.

Mr. WEINER. Mr. President, I want to thank the gentleman. He did not quite answer my question. I will

try again. It is probably my fault in that I did not state it very clearly.

How would you go about this? Would you float a bond issue? Would you just use the money right out of the fund and pay for it directly? Just how would you handle this?

Mr. WADE. Mr. President, I am not as well informed on the law as the Majority Leader, certainly. However, I do not believe there is any limitation in our present law which would prevent the Highways Department from setting up these driver examination points by either rentals or purchases to continue with the program as suggested in this bill.

Mr. WEINER. Mr. President, I will try to ask my question a little more clearly so that I get an answer.

Would you do it by a bond issue, or would you take the money right out of the fund to pay for the buildings when they were completed?

Mr. WADE. Mr. President, I certainly would not extend a bond issue for a small amount of money like this, considering the fact that we have raised the revenue available to the Motor License Fund or to the Highways Department to some seventy to eighty million dollars this particular year.

Mr. WEINER. Mr. President, I want to thank the gentleman. I just want to ask him one other question, if he will allow himself to be interrogated further.

Mr. President, would the gentleman support a constitutional amendment, raising the borrowing capacity of the State so that we would not need this kind of measure or this kind of subterfuge?

Mr. WADE. Mr. President, we have a measure such as that on our Calendar today, and I propose to vote for it. However, certainly it is not necessary to extend the borrowing power a penny to meet a small expenditure of this kind.

Mr. WEINER. Mr. President, I want to thank the gentleman, and I want to ask my colleagues to vote "no" on these amendments.

Mr. BERGER. Mr. President, may I interrogate the Majority Leader?

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Mr. Weiner, permit himself to be interrogated?

Mr. WEINER. I will, Mr. President.

Mr. BERGER. Mr. President, will the Majority Leader inform the Senate as to whether he considers this expenditure in the nature of highway safety?

Mr. WEINER. Mr. President, I would say no. This is in the nature of a capital improvement. When you build a building, you can use it for many purposes, and I am sure these buildings will not be built and set up just for the purpose of highway safety, or eye examinations, or whatever else it is.

Suppose within three or four years, the Legislature decides to amend the action that was taken or to overrule the action that was taken. In some subsequent Legislature, the Members who are here today might not be here, and that Legislature decides no longer to require this type of action and finds that it is not necessary. What happens? You do not go along and tear the buildings down. The Highways Department would use them for some other purpose.

I think we build all of our buildings as multi-purpose buildings. I would hope that we would do this in the interest of good housekeeping, and not just use a building for one specific purpose. Therefore, I think everyone would consider this as a capital improvement and not part of the highway safety program.

Mr. BERGER. Mr. President, I would gather from the answer that the gentleman made that his answer was: "No, it was not for highway safety." Is that correct?

Mr. WEINER. Mr. President, I would say not primarily for highway safety.

Mr. BERGER. Mr. President, may I ask the gentleman whether or not the amendment to the Constitution prohibits the use of money out of the highway fund for the construction of such buildings in the interest of highway safety?

Mr. WEINER. Mr. President, I have not perused the Constitution. I would like an opportunity to look at it before I give an answer that might not be consistent with the facts.

I would like to put to the gentleman, if I may just for a moment, the fact that we have built buildings around here that contain auditoriums for the use of these departments that might have something to do with this type of facility. We later on find, as the years go by, that there is no longer any use for it and some other department may take it over, or some other area may move into it.

If you ask me if this is allowed or should we have done this, I cannot answer that question because it depends, with good and efficient housekeeping, whether this fits in with the over-all picture and the money expended.

Mr. BERGER. Mr. President, with all of that dissertation, it is my understanding—and I believe it is the understanding of the Members of this Senate and it is the understanding of the Members of the House of Representatives—that the construction of the highway driver examination centers and points was intended to be a part of the highway safety program or certainly, at least, to be conducive to highway safety in Pennsylvania.

I want to read, Mr. President, very briefly a portion of the amendment to the Constitution, which says that the money shall be ". . . used solely for construction, reconstruction, maintenance and repair of and safety on public highways . . . ."

And the question recurring,

Will the Senate agree to the amendments?

Mr. WADE. Mr. President, I ask for a roll call on these amendments.

(During the calling of the roll, the following occurred:)

Mr. WEINER. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. MURRAY. Mr. President, not having heard my name called, I desire to be recorded as voting "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were required by Mr. WADE and were as follows, viz:

YEAS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Corbett,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

NAYS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Donolow,	McMenamin,	Sarraf,	Weiner,
Haluska,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Hays,
Lane,			Presiding Officer

Less than a majority of the Senators having voted "aye," the question was determined in the negative and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WADE. Mr. President, I rise now to offer a further amendment. Certainly, after our rather lengthy debate on the other amendments, this should not require a long discussion.

This amendment now being offered would simply provide—since the amendments were not approved and this provision is still in the bill—that the Department of Revenue would enter into an agreement with the G.S.A., which would provide that all funds to amortize the rentals or amortize the money borrowed for this purpose would come from the Motor License Fund.

Therefore, Mr. President, I present, on behalf of Senator Stevenson, Senator Kessler, Senator Propert and myself, the following amendment.

The PRESIDING OFFICER. The Clerk will read the amendment. The amendment was read by the Clerk as follows:

> Amend Sec. 2, page 40, by inserting between lines 13 and 14:
>
> The allocation of the proceeds of the increased borrowing capacity for the projects and in the amounts set forth in this item X shall be contingent upon the adoption of an agreement between the Department of Revenue and the Authority providing for amortization of the complete cost of any such project from the Motor License Fund, and as much as may be necessary is hereby appropriated from the Motor License Fund to the Department of Revenue for such purposes

On the question,

Will the Senate agree to the amendment?

Mr. WADE. Mr. President, I ask for a roll call vote on this amendment.

The PRESIDING OFFICER. A roll call being requested, the Clerk will call the roll.

The yeas and nays were required by Mr. WADE and were as follows, viz:

YEAS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

NAYS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Donolow,	McMenamin,	Sarraf,	Weiner,
Haluska,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Hays,
Lane,			Presiding Officer

Less than a majority of the Senators having voted "aye," the question was determined in the negative and the amendment was defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WADE. Mr. President, these amendments that I shall offer, on behalf of the same Senators, would provide that the Authority shall not undertake any project which has been rejected by the General Assembly.

That is the substance of the amendments which I herewith submit.

The PRESIDING OFFICER. The Clerk will proceed to read the amendments.

The amendments were read by the Clerk as follows:

> Amend Title, page 2, third from last line of Title, by inserting after "act": prohibiting the undertaking of any project which has been rejected by the General Assembly
>
> Amend Sec. 1 (Sec. 4), page 4, line 6, by inserting brackets before and after "and the" and inserting immediately thereafter: The Authority shall not undertake any project which has been rejected by the General Assembly The

On the question,

Will the Senate agree to the amendments?

Mr. BERGER. Mr. President, these amendments should receive the very gravest consideration by all the Members of this Senate.

It has been the practice—and contrary to my vote as a Member of the General State Authority—for the General State Authority, in executive meeting, to sanction, approve and contract for projects which have been deleted from the bills presented as amendments to the General State Authority Act by the Legislature.

Mr. President, in my opinion, it is a very grave usurpation of the legislative prerogative when an agency, a commission or an authority created by the Legislature itself can and does override the considered judgment of all the Members of the House and the Senate in the consideration, desirability and the necessity for the expenditure of moneys through this authority device. In all sincerity, I would ask the Members of this Senate to consider these amendments with the very gravest consideration, as I believe they should be adopted and become a part of the Authority Law.

Mr. LANE. Mr. President, that was a wonderful speech from the Minority Leader. However, I have been around here a long time when the Republicans had control, and I cannot recall the offering of similar amendments when the Republicans had control of the Administration.

Mr. BERGER. Mr. President, I want to call the gentleman's attention to this. In prior Sessions, neither side has ever seen fit to designate or remove from a bill projects which have been suggested. The prior amendments to this Act, Mr. President, have been very brief, by simply increasing the borrowing capacity of the General State Authority.

Here we have projects presented seriatim and in detail, and the General Assembly looks over them and says: "What do we want to do and what do we not want to do?" When we have decided that, the bill goes to the Authority and that is their authority.

However, Mr. President, when the General Assembly has refused to sanction a project, in my opinion,—and I believe it should be the opinion of every Member of this General Assembly—then an agency or commission should not override the wishes of the General Assembly.

Mr. SESLER. Mr. President, I think we will give this

the same grave consideration that was given to the very grave question of whether or not we should call a Constitutional Convention, which, in all probability, if a new Constitution were formed would eliminate the General State Authority.

Mr. WEINER. Mr. President, I did not want to take too much time and I still do not. However, I think the grave issue that we face here today on this bill relates to a desire on the part of the Leader Administration to set out in detail what they were going to do under the G.S.A. Prior to that,—the Senator was absolutely correct and I concur in it—it was just a lump sum that was allocated to the General State Authority, and from that point on the money was allocated however the Authority saw fit.

Beginning with the Leader Administration, they set out not only a capital budget and a capital improvement program, but also listed line by line what they were going to do. I am happier with that type of a situation. I think it is the way things should be done. However, it also causes a great many problems because then, without trying to hurt anyone or without trying to favor anyone, you are bound to leave out some favorite project in someone's home county, and you are bound to do something for someone that needs to be done in various areas.

You will find that over the years the G.S.A. has been in existence, in some areas they have done very well and in other areas they have done very poorly. Therefore, some people have termed this a "pork barrel," which it is not. It has looked that way to many people. This is one of the reasons the thing causes great difficulty, great concern, and people think it is mixed in with partisan politics.

If you look this bill over, you will find as many Republican projects as there are Democratic projects. You will also see that this will remain.

Mr. BERGER. Mr. President, when the Majority Leader says this was done under the Leader Administration and that all of these projects were set out so that everybody could see what they were, my question is why? They simply ignored what the Legislature did. When the Legislature removed certain projects from a bill, the first thing they did was approve those projects for construction by the General State Authority.

Mr. President, if they are going to set them out in the bill, what for? The Legislature has a chance to look at them, yes, but when they disapprove them, the General State Authortiy goes right ahead and builds them anyhow.

Mr. President, I agree this is not a "pork barrel" proposition. The General State Authority, in its inception, was designed to construct those buildings for which there was necessity and for which the State could not otherwise get the money. Of that I have no criticism. However, now, they have gone far afield in the projects which the General State Authority wishes to undertake. Many of them, some of us feel, are not proper projects for a borrowing agency to undertake.

For that reason, Mr. President, these amendments are offered so that our creature, the General State Authority, may not go ahead and override what the General Assembly says we do not approve.

Mr. WEINER. Mr. President, so that the record will be absolutely clear, the project about which the gentleman was speaking, and which the General State Authority allegedly overruled, was the building of a forestry camp for delinquent children. This is the only area in which they went beyond what the General Assembly stated.

This was in the bill, but had been cut out by the Members of the Senate—which at that time was controlled by the gentleman on the other side—for reasons best known to themselves.

The General State Authority, Feeling this was such an imminent matter,—that juvenile delinquency was a serious problem and that the people who were involved were not being put in the best areas where they could be retrained or rehabilitated—undertook to go ahead with this project.

I say to the gentlemen that—and it is not original with me—if this be treason, I believe they are making too much of it.

Mr. KESSLER. Mr. President, I would like to correct the Majority Leader slightly because I happened to be on the Conference Committee on House Bill No. 2386, in 1959, which deleted some of these projects from the bill. Included in the items were a youth forestry camp program, improvements to Racoon Creek State Park and the Presque Isle Park Marina.

If you check the 1961-1963 Capital Budget, submitted on March 20, 1961, in part 1-A, there are listed capital improvements, projected, committed or under construction, and there we have Raccoon Creek State Park Youth Forestry Camp, $339,438. In addition, the rehabilitation of the beach area for $249,096; Hickory Run State Park Youth Forestry Camp, $339,438; Trough Creek State Park Youth Forestry Camp, $339,438; and Presque Isle State Park Marina, $561,604.

All of those items were taken out by this Legislative Body, the bill was approved by both Houses, and yet the work proceeds just the same. If we are of no concern as a legislative body, why do we bother to meet here? It is the people's money we are spending. It seems to me that we are responsible, and we must decide what G.S.A. is going to do and not G.S.A., itself.

Mr. WEINER. Mr. President, I desire to interrogate the gentleman from Lancaster, Senator Kessler.

The PRESIDING OFFICER. Will the gentleman from Lancaster, Mr. Kessler, permit himself to be interrogated?

Mr. KESSLER. I will, Mr. President.

Mr. WEINER. Mr. President, will the gentleman please advise us where the funds came from to complete these projects?

Mr. KESSLER. Mr. President, as I understand it, there is a surcharge of approximately thirty-five per cent on every G.S.A. project, a large portion of which returns to the General State Authority. I can give you the details on it. However, I think you are familiar with it. There are various charges that are added to the actual cost.

Much of this money comes back to G.S.A., and G.S.A. is using those funds for projects which it, alone, determines.

Mr. WEINER. Mr. President, I hope the gentleman will correct me if I am incorrect.

Is it not correct, Senator, that we are taking these funds out of moneys that come back to the G.S.A. which have not been allocated by the General Assembly? To put it another way, this is money that has been saved in projects which the G.S.A. has completed, and this is sort of a surplus they are using to carry out these other projects.

Mr. KESSLER. Mr. President, this is not money that has been saved, because the charges are ten per cent for contingency, plus another amount for bond retirement. These are the figures: Architects' fees, six per cent; administration, five per cent; contingency, ten per cent; interest, four per cent; and the load factor, one per cent. Some of that money is required by the bonding agents. However, it would not be used except in real emergency.

The thing that annoys me, Mr. President, is that even though this money has not been spent on projects which have been designated by the General Assembly, it is spent by G.S.A. for other projects and not used to retire the bonds. Also, they do not come back to the General Assembly and say, "We want to spend this money for this purpose," and get legislative approval for it.

Mr. WEINER. Mr. President, I would like to remind the gentleman that many times when this comes before the Authority, the General Assembly is not in Session, and they would have no way of coming to the General Assembly or getting anybody to deal with this problem.

If the projects that we have built were a waste of money or were some foolishness, rather than the saving of the delinquent and emotionally disturbed children of this Commonwealth, I would say that the gentleman's criticism was well-taken. However, when you are talking about people who are mentally ill who are posing problems in our communities, and who are sent to a place where they can rehabilitate themselves or be dealt with as sick people are dealt with, I certainly think that this is poor criticism of a project that is well-undertaken.

It might be that in the wisdom of the General Assembly, this problem was not foreseen, and the creature of the Legislature—its arm—undertook to complete this project for it. I think this will bring not only interest on the money, but benefits in the way of saving human beings.

Mr. KESSLER. Mr. President, as I recall, in 1959 when we viewed this youth forestry program in the Appropriations Committee, and also in the committee that was considering the G.S.A. Bill, we had some youth forestry camps that were not filled at that time. The idea was to expand them to increase the capacity. I believe, to fifty persons. However, they were not using the facilities to full advantage.

The Majority Leader always appeals for the underdog and the need for these worthy and underprivileged children, appealing to the emotions. However, let me just point out this fact. Of the approximately $2,000,000 that was spent or allocated, or is in the process of being spent, for projects not approved by the General Assembly, $561,000 is for the Presque Isle Marina, up in Erie. I received in the mail, just the other day, a report from the Pennsylvania Recreation Society. One of the first items states, and I quote:

"Erie. Recently, the city approved a $650,000 bond issue for the construction of a municipal golf course."

Now if Erie needs a marina for Presque Isle, why can they not borrow the money for that purpose, as well as for a golf course, instead of coming down here to the General Assembly to get the money?

Mr. SESLER. Mr. President, I have two points to make.

There is merit to the arguments we have heard from Senator Kessler and Senator Wade. I do not doubt that. However, I doubt whether or not—in view of the circumstances that have happened during the past few years and that have happened during this Session—there are motives other than those of fiscal responsibility.

I felt very strongly about the need for a new Constitution. I still do and I will continue to do so. I believe it is absolutely necessary that we revamp the fiscal structure of this Commonwealth to bring it in line with modern needs and demands. To have, for example, a $1,000,000 debt limit in our Constitution is ridiculous. Yet, we heard arguments before, when we discussed the question of a Constitutional Convention, to the effect that there is something hallowed about our Constitution, and we should consider it very carefully. Yet, we know that certain of these conditions cry out for a change.

We could eliminate this General State Authority, which was created because there was a need, and where there is a need, some structure always comes to rise. In this case, I consider it somewhat haphazard.

The second point I would like to make is this: If we are so concerned about this question of responsibility now, as I understand it, how come these amendments were not presented in prior years? Why this Session? Why, when the G.S.A. was formed, did you not set forth restrictive amendments?

Now, Mr. President, I would like to make a comment on this Presque Isle Marina. Erie is, of course, building a golf course, and that is the prerogative of the city of Erie. However, as to Presque Isle Park, I would beg anyone to walk around this State from any development and compare the expenditure of this money with any other park development.

Last year, Presque Isle had 3.1 million visitors, which was more than double the number of any other State Park. It is one of the most beautiful parks in this Nation, and it offers a tremendous recreational facility. If the G.S.A. in its wisdom saw fit, I would be hard put, if we were to debate the merits point by point, as to whether that money could best be expended in that fashion or be expended in some other park.

Mr. WADE. Mr. President, very briefly, let me remind the Members of this Senate that if this bill were to pass as currently drawn under Printer's No. 2453, it would extend the borrowing power of this loaning agency up to $865,002,201.

Gentlemen, this is not a matter to be played upon the sympathies of the people. It is not for the purpose which the Majority Leader recited a little while ago. These amendments, I remind you, are simply to do this. They are to retain legislative power over the projects. As stated so ably by Senator Berger a few minutes ago, this is to decide whether or not we are to let this loaning agency rise as a monster to haunt succeeding Legislatures, or are we to retain the legislative control given to us under the Constitution of Pennsylvania. The framers of the Constituiton and of our government properly set it up under three branches; the Judicial, the Executive and the Legislative.

Here we propose to or have already passed on much of our legislative power. Here is our opportunity, gentlemen on both sides. Here are amendments that are seemingly somewhat innocent, but are amendments whereby we can retain the legislative power that was given us by our founding forefathers, and very properly so. Instead of just releasing all strings and letting G.S.A. go their way and build whatever they wish, this puts

them within the bounds of the instruction and mandates of the Legislature, and very properly so.

Every Member of this Body can easily vote for these amendments, in particular. In doing so, they are only supporting good government.

The PRESIDING OFFICER. May the Chair plead with the people in this Chamber to keep down their conversations so we may hear the discussions as they take place?

The Chair now recognizes the gentleman from Philadelphia, Senator Weiner.

Mr. WEINER. Mr. President, let us approach this matter in a very logical vein. The gentlemen here had been voting, up until the Leader Administration, for lump sums to the General State Authority. They could use this money as they saw fit. They could build any project they saw fit. They could do anything they wanted; the sky was the limit.

Here we are today, twelve years later, and the situation is somewhat changed. A review is given to the Legislature of every project that is going to be undertaken. These same gentlemen then come back here today and say: "This is bad. This is a bad way to run it. We are not going to let them do that anymore. We are going to run it with a tight rein, and we are going to sit and decide what the General State Authority can and cannot do."

I am also very happy to hear that Senator Wade is concerned about the amount of money this has come to. I would like to point out to the gentleman that it was the gentleman who was chairman of this committee, who, along with the other members of this committee, moved to remove all of the frills from the bill and bring it back to the way the State Planning Commission handed it to the State.

I hope, Senator, that you will join with us when other amendments are introduced, raising the amounts and introducing new projects to this bill so they will not go in and raise the total amount. I will certainly look for you to vote with us when we vote down these additional projects, because you are aware of the danger that exists in raising this any higher. I appreciate the fact that you have taken the opportunity to advise us that you are aware of this.

Mr. BERGER. Mr. President, I would like to point out that in the early days—let us say, up to and including the Leader Administration—it was not felt that the issuance of bonds against growing hedges and cutting trails or one thing and another was a proper place to put money which had been raised by a bond issue.

Mr. President, I want to explain in connection with these amendments one thing more. There is not any intention on the part of the sponsors of these amendments to require pre-legislative approval of the projects to be built by the General State Authority. They do only this. They provide that when the Legislature has refused to sanction a project, then the General State Authority may not override the Legislature and go ahead and do it anyhow.

Mr. LANE. Mr. President, I sat here and listened with a great amount of interest to the debate of Senator Wade and the Minority Leader. I would say to Senator Wade that if he had offered those amendments about twenty years ago, I am quite sure he would have received the vote of every Democrat in the Senate.

However, now since the picture has changed, Mr. President, it appears to me that they want to set up regulations which probably should have been set up a long time ago. We, on this side, cannot buy that suggestion.

I would suggest to the Republican Members of the Senate that if there are any projects which they feel are not proper which are constructed by G.S.A., they should enumerate them and next year campaign with that platform in mind. That would be the thing to do.

I have a great amount of confidence in those who now control the General State Authority. For that reason, I urge my colleagues on both sides to reject these amendments.

Mr. BERGER. Mr. President, I request a roll call vote on the amendments.

The PRESIDING OFFICER. A roll call being requested, the Clerk will call the roll.

(During the calling of the roll, the following occurred:)

Mr. WADE. Mr. President, I did not hear Senator Miller answer to his name. May I inquire as to how he is recorded as voting?

Mr. WEINER. Mr. President, the gentleman was in the room. He may now be on the phone. I will get him, but he was present when the vote was taken.

If we may be at ease just for a moment, I will have the Senator return to the floor.

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

The yeas and nays were required by Mr. BERGER and were as follows, viz:

YEAS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

NAYS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Donolow,	McMenamin,	Sarraf,	Weiner,
Haluska,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Hays,
Lane,			Presiding Officer

Less than a majority of the Senators having voted "aye," the question was determined in the negative and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WADE. Mr. President, I now rise to present amendments to House Bill No. 1335, which would in substance limit the commitment in any one year to $70,000,000.

For the benefit of the Members of the Senate, let me inform them that the highest amount allocated in any one year, to date, has been in the neighborhood of $45,000,000. Over the eleven-year history of the G.S.A., the annual expenditures averaged about $30,000,000. This would put a limitation of $70,000,000 for any one year on the amount allocated, committed or contracted for.

Therefore, Mr. President, on behalf of Senator Propert, Senator Kessler, Senator Stevenson and myself, I offer the following amendments.

The PRESIDING OFFICER. The Clerk will read the amendments.

The amendments were then read by the Clerk as follows:

Amend Title, page 2, next to last line of Title, by inserting after "Authority": limiting the amount which may be borrowed in any one year

Amend Sec. 1 (Sec. 4), page 5, by inserting between lines 8 and 9:

The Authority shall exercise its power to borrow money and to make and issue negotiable notes bonds and other evidences of indebtedness or obligations to the limits set forth in this act in a gradual manner and not more than seventy million dollars ($70,000,000) shall be allocated committed or contracted for during the fiscal period ending June 30 1962 nor shall more than an additional seventy million dollars ($70,000,000) be allocated committed or contracted for during any fiscal year thereafter

On the question,

Will the Senate agree to the amendments?

A voice vote having been taken, the question was determined in the negative, and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WADE. Mr. President, as is known by every Member of this Body, there is a considerable section in this bill which would provide for projects for the Department of Forests and Waters.

The amendment we are now offering would state in substance:

"The allocation of the proceeds of the increased borrowing capacity for the projects and in the amounts set forth in this subdivision A of Item II shall be contingent upon the adoption of an agreement between the Department of Forests and Waters and the Authority for amortization of the complete cost of any such project from funds of the Department of Forests and Waters derived from sources other than State general fund appropriations. . . ."

Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The Clerk will now read the amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 2, page 10, by inserting between lines 3 and 4:

The allocation of the proceeds of the increased borrowing capacity for the projects and in the amounts set forth in this subdivision A of Item II shall be contingent upon the adoption of an agreement between the Department of Forests and Waters and the Authority for amortization of the complete cost of any such project from funds of the Department of Forests and Waters derived from sources other than State general fund appropriations

On the question,

Will the Senate agree to the amendment?

Mr. STROUP. Mr. President, I request a roll call vote on the amendment.

The PRESIDING OFFICER. A roll call being requested, the Clerk will call the roll.

Mr. WEINER. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. STROUP. Mr. President, I wish to withdraw the request for a roll call.

A voice vote having been taken, the question was determined in the negative, and the amendment was defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WADE. Mr. President, I know that you, personally, and all of the Members of the Senate will be somewhat disappointed to learn that these are the last amendments I have to offer.

The PRESIDING OFFICER. Please give the Senator your complete attention. These are the last amendments, and we appreciate that.

Mr. PECHAN. Mr. President, that is what you think.

Mr. WADE. Mr. President, I am speaking for myself alone, and not for the other Members of the Senate.

Mr. President, these amendments would restore some projects of the Fish Commission of which there are several throughout the State. They would also provide that:

"The allocation of the proceeds of the increased borrowing capacity for the projects"—for these Fish Commission recreational projects—"and in the amounts set forth in"—the bill—"shall be contingent upon the adoption of an agreement between the Pennsylvania Fish Commission and the Authority for amortization of the complete cost of any such project from funds of the Pennsylvania Fish Commission derived from sources other than State appropriations . . ."

Therefore, I offer the following amendments.

The PRESIDING OFFICER. The Clerk will read the amendments.

The amendments were then read by the Clerk as follows:

Amend Sec. 1 (Sec. 4), page 3, line 12, by inserting brackets before and after "and lakes on State land."

Amend Sec. 1 (Sec. 4), page 3, line 12, by inserting after "lakes:" reservoirs and lakes

Amend Sec. 1 (Sec. 4), page 4, lines 16 to 18, by striking out all of lines 16 and 17, and "201)" in line 18, and inserting: eight hundred sixty-seven million, six hundred eighty-four thousand, eight hundred fifty-seven dollars ($867,684,857)

Amend Sec. 2, page 13, by inserting after line 19:

II.I Pennsylvania Fish Commission Recreational Facilities Program ($2,548,522)

(1) Baltimore and Ohio Reservoirs Jefferson County (a) Acquisition of Land Construction of Roads Parking Lots Boat Launching Ramps and Sanitary Facilities 271,224

(2) Lily Lake Luzerne County (a) Acquisition of Lake 159,437

(3) Negro Glade Somerset County (a) Construction of Dam 352,009

(4) Hammer Creek Lancaster County (a) Acquisition of Land and Construction of Dam 503,801

(5) East Bangor Dam Northampton County (a) Acquisition of Land and Construction of Dam 226,285

(6) East Branch Martins Creek Northampton County (a) Acquisition of Land and Construction of Dam 327,424

(7) Ohio River Access Beaver Butler and Allegheny Counties (a) Acquisition of Land Construction of Roads Parking Lots and Boat Launching Ramps 148,761

(8) Four Mile Run Dam Site Westmoreland County (a) Acquisition of Land 79,736

(9) Harvey's Lake Luzerne County (a) Acquisition of Land Construction of Boat Launching Ramps Parking Lot and Docking Facilities 37,472

(10) Yellow Creek Indiana County (a) Acquisition of Land and Construction of Dam 442,337

The allocation of the proceeds of the increased borrowing capacity for the projects and in the amounts set forth in this item II.I shall be contingent upon the adoption of an agreement between the Pennsylvania Fish Commission and the Authority for amortization of the complete cost of any such project from funds of the Pennsylvania Fish Commission derived from sources other than State appropriations

Amend Sec. 2, page 45, line 15, by striking out "12,178,540" and inserting: 12,312,674

On the question,

Will the Senate agree to the amendments?

Mr. WEINER. Mr. President, the reason for opposing these amendments is not because we do not think these are worthy projects. However, this bill, House Bill No. 1335, was drawn as the result of people appearing before the Planning Commission and presenting their views. This was a very comprehensive type of hearing. It went into all of the details. As a matter of fact, one of the Members of the Senate serves on that Commission. We found that this matter was not presented to them. This came not only as an afterthought, but as something they thought they would like to have.

You can present these and you can put them in the bill. They are not part of the Commission plan, however. We have reduced this bill to the point where the Commission can handle it and where the General State Authority can handle it, based on the hearings that they held. I think to try and stick this into the bill is just as bad as what you were saying to the effect that someone is doing something the General Assembly did not want them to do.

You may overwhelm us in order to put these in, and you may get the amendments through the Senate. However, I assure you that the Conference Committee which will eventually meet on this bill, if and when it passes the Senate finally, will not consider such amendments very favorably.

I ask you to please reconsider your action on this measure.

Mr. STROUP. Mr. President, I have been assured that these projects will be self-amortizing over a period of years for the full amount of money that will be borrowed in order to initiate the projects and start them at an early date.

In many of the areas where these projects have been contemplated, there have already been arrangements made for the projects themselves, and if they are not included in this particular legislation, the projects will fall. It will be many, many years before anything of this nature can be accomplished.

Since they are self-liquidating or self-amortizing, it creates no additional debt or burden upon the Commonwealth in so far as the General State Authority is concerned. Practically all of the projects will be amortized from various license funds and Federal funds. For that reason, I support the insertion of these projects in House Bill No. 1335.

Mr. McMENAMIN. Mr. President, I do not think the Fish Commission has very much money to work with now. This would be, I believe, a further drain on that fund. Therefore, on behalf of the fishermen of Pennsylvania, I would ask for a "no" vote on these amendments.

Mr. WEINER. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

And the question recurring,

Will the Senate agree to the amendments?

Mr. STROUP. Mr. President, I ask for a roll call on these amendments.

The PRESIDING OFFICER. A roll call being requested, the Clerk will call the roll.

The yeas and nays were required by Mr. STROUP and were as follows, viz:

YEAS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

NAYS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Donolow,	McMenamin,	Sarraf,	Weiner,
Haluska,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Hays,
Lane,			Presiding Officer

Less than a majority of the Senators having voted "aye," the question was determined in the negative and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. PECHAN. Mr. President, I ask unanimous consent to offer an amendment to House Bill No. 1335 at this time.

The PRESIDING OFFICER. There being no objection, the gentleman may proceed.

Mr. PECHAN. Mr. President, I have an amendment to House Bill No. 1335, which will not increase the project. It is just merely an amendment that will spell out what we, as dentists, feel should be done at the University of Pittsburgh.

On page 44, line 16, there is a project for the renovation of Salk Hall for the Schools of Dentistry and Pharmacy. I would like to delete the words "renovation of Salk Hall" and insert the words "designing, planning and construction of a new building."

Mr. President, I was a student at the University of Pittsburgh from 1924 to 1928. At that time, we students were assessed fifty dollars each year for a building fund. Fifty dollars a year, back in 1924, for a guy who was married and who had to work at nights in a laundry, or shining shoes, or as a room clerk, was a little tough. However, we were promised then a new dental school building. Well, it seems for some reason that the School of Dentistry at the University of Pittsburgh has been a stepchild in the healing arts.

At that time, I want to say, Mr. President, even with the poor facilities that we had, the University of Pittsburgh Dental School had the reputation of being one of the finest dental schools in the United States.

I am sorry to relate today that we have slipped terribly.

We have slipped because we have not kept up with the times. I want you to know, Mr. President, that we have some 100 seniors and 100 juniors in the School of Dentistry at the University of Pittsburgh. However, we only have ninety-six dental chairs. That fact is not known generally.

I have letters here from the Educational Committee of the Odontological Society of Western Pennsylvania, saying that the renovation of Salk Hall will be inadequate. I have a letter from Harry Willetts, who is Chairman of the State Dental Council and Examining Board. I have had hundreds of telephone calls, telegrams and letters from dental alumni who are interested in the University of Pittsburgh so that it will again rightfully have its place in the sun as being a fine dental school.

Mr. President, for that reason, I am offering this amendment, which, as I say, will not increase the indebtedness, but will give the University of Pittsburgh a little bit of leeway in order that we can still use Salk Hall and have a new building for clinical purposes.

Salk Hall is located on a hill and it is called "Cardiac Hill." Most of the patients who come there are people who are somewhat indigent and people who are somewhat aged, and they have to walk up that hill. Incidentally, there are two floors before you get to the first floor of Salk Hall.

We feel very strongly that with the renovation of Salk Hall, we will have rooms for research and clinics for taking care of retarded children's dentistry, for taking care of children's dentistry, orthodontia, prosthodontia and operative dentistry. I hope these big words confuse that Philadelphia lawyer across the way, Mr. President. Maybe then he will vote for my amendment.

Mr. President, I offer the following amendment and ask for its adoption.

The PRESIDING OFFICER. The Clerk will read the amendment.

The amendment was then read by the Clerk as follows:

> Amend Sec. 2, page 44, line 16, by striking out "Renovation of Salk Hall" and inserting: Designing Planning and Construction of New Building

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. Please allow the Chair to make a personal observation which it cannot resist.

I happen to have been a student at Penn State about the same years that you were pouring fifty dollars, presumably, into a new dental hall. We had a suspicion in those days, when it came down to Thanksgiving Day, what had happened to your fifty bucks. This confession this afternoon clears up what happened to the fifty dollars which was supposed to go for that dental hall.

Mr. WEINER. Mr. President, the Senator is very persistent for this amendment. The fact is that the school is not interested in it. The Planning Commission has not been interested in it. No one seems to want it. Although this amendment is not putting any more money into the bill at first blush, I think everybody will recognize the fact that once you start erecting a new building, it is going to run into a considerable sum of money, not only in the initial designing and planning, but in the construction as well.

His persistence in doing this thing, despite the fact that the school does not want it and the fact that the school has another plan for building a medical center, does not seem to deter anyone from going ahead and doing it.

I am going to call on my good friend, the Senator from Cumberland, Senator Wade, who is quite concerned about the mounting costs in this bill. I hope he will stand with us.

The Senator's persistence is somewhat reminiscent of the fellow who was a rather poor singer and who went around from place to place trying to get people to hire him.

Finally, the booking agents got tired of hearing him and tired of seeing him, and they thought the only way to cap this man's career was to send him to the top. They sent him to La Scala, in Milan, to sing in the opera. When he finished a particular aria, it was horrible, but the audience rose as one man and called, "Encore, encore." This was unheard of at La Scala. He came back and sang it again. When he finished, the people shouted, "Encore, encore."

He went back to the wings and he did not know what to do because it was unheard of to have not only one encore, but two. He went out for the third time and said: "Ladies and gentlemen, I am just overwhelmed. Two encores are terrific. I just do not think I can do it again." A voice from the balcony shouted: "You'll sing it again until you get it right."

Senator, that is exactly what you are doing. You keep pressing this thing regardless of whether anybody wants it or not. You are going to get this thing into the bill if it is the last thing you do.

Mr. PECHAN. Mr. President, I hope my persistence gets this into the bill. In fact, I am pretty sure, since I have done a little bit of campaigning for this.

I just want to say this to you, Mr. President. The gentleman from Philadelphia says that no one at the school wants this. At the University of Pittsburgh, we have a dentist as a Member of the Board of Trustees. He is not only an outstanding dentist, but he happens to be an outstanding politician. He is a Member of the Board of Commissioners of Allegheny County. He is a very dear friend of mine, even though he and I, politically, are on opposite sides of the fence. He is Doctor William D. McClelland. I want to tell you that I think Bill McClelland knows a good deal more about what will make a good dental school and what will not make a good dental school than a lot of vice-presidents from all over the United States. I did not want to say these things. I was hoping I would not have to. However, Doctor Bill McClelland was never consulted once before these plans were brought before him.

I want to say, Mr. President, when the gentleman from Philadelphia says that no one wants it, practically every dentist, practically every member of the faculty, the old dean, and everybody else knows that we need new facilities.

I do not want to read these letters. However, very frankly, we have proof here from people who know and who want to restore dentistry at the University of Pittsburgh to its rightful place. We know that with modern trends, you cannot go down there and practice dentistry with a foot engine, such as I did, or with a slow moving engine like they have at the University of Pittsburgh at the present time. There are six different elements that go into every one of those units, and you are not going to do it in Salk Hall, which is an old building that the city of Pittsburgh wanted to get rid of. The University of Pittsburgh picked it. Now they do not know what to

do with it. They want to give it to their stepchild, the School of Dentistry at the University of Pittsburgh.

You cannot blame me for wanting to fight for it. I love dentistry. Dentistry has been good to me, and I am going to try, while I am in a position to do so, to restore the University of Pittsburgh School of Dentistry to its rightful position.

I want to say to you, Mr. President, in answer to what you said about my fifty dollars, that I hope the University of Pittsburgh did not spend it on football teams. I am sometimes, you know, suspicious because we beat you every year that I was there. We had good football teams. However, we never got the dental school for which I gave my fifty dollars.

Mr. STAISEY. Mr. President, I shall be brief because I have a toothache.

Mr. President, I have the greatest respect for the Majority Leader. I think he is an extremely fine legislator. However, I would ask him, as a personal favor, to please not tell stories when Allegheny County legislation is before us. It stands a chance of losing.

Mr. President, we of Allegheny County are going to join with Senator Pechan in support of this amendment on the ground that any investment to restore Salk Hall would be an investment wasted. Therefore, if something constructive is to be done, then, indeed, let us provide the facilities that the growing needs of the times require.

To my colleague, Senator Pechan, I would say this is proof positive that when Republicans propose constructive amendments, there is always Democratic support.

Mr. WEINER. Mr. President, I want the record to show that Senator Staisey made a very fine presentation on behalf of this amendment.

Mr. SEYLER. Mr. President, amid the air of hilarity which always accompanies one of Senator Pechan's addresses, I realize it is perhaps difficult to be serious about this matter. However, I think it has its serious connotations. I am not very hopeful of stemming the tide, but still I would like to call these to the attention of the Senators.

The G.S.A., acting for this State Government, has entered upon a policy of assisting institutions of higher learning to meet the needs of our times in caring for the number of students and the program of higher education which is going to be necessary for the next ten, twenty or thirty years. This is a serious problem. I, personally, am convinced that the State Government should do its part in helping the institutions to meet these needs.

However, it seems to me that if we are now going to stand by at the spectacle of turning down the well-considered requests of the legitimate authorities who operate our institutions of higher learning and substitute for their judgment the judgment of an alumnus or group of alumni —no matter how eminent these gentlemen may be—we are entering upon a policy which does not promise well for the future relationship between the State Government and these institutions of higher learning.

It is inconceivable to me, as an alumnus of another institution of higher learning which has profited by State-aid in this respect, that the alumni of this university would ever take a position contrary to the judgment of the president and the board of trustees who are the duly constituted authorities of this university.

I happen to know, as a Member of the Planning Commission—and I was present—that when the regular representatives of the University of Pittsburgh came before the Planning Commission and outlined their needs, they were thoroughly discussed and decisions were made. If decisions so arrived at and desired by the institution's regular representatives are to be upset by the activities of a zealous group of alumni, then it seems to me that the future of the development of higher education in Pennsylvania does not appear in a very good light. Perhaps the apparent service that the State is doing in helping these institutions may turn out in the long run to be a disservice.

Mr. McMENAMIN. Mr. President, this has been a very enlightening and frank discussion. I did not know a thing about the fifty dollar deal they had years ago.

However, I know that in recent years there have been a lot of young men from Lackawanna County and Luzerne County going to the University of Pittsburgh every fall, and it seems that they not only go for four, but stay on for eight years. In many cases, at the last minute these young men make a choice between going to Pitt and Notre Dame. As a Notre Dame subway alumnus, I would like some assurance from Doctor Pechan that a new dental school out there is not going to alter the drawing power between those two universities for our young men in the hard coal regions.

And the question recurring,

Will the Senate agree to the amendment?

Mr. PECHAN. Mr. President, I ask for a roll call on this amendment.

The PRESIDING OFFICER. A roll call being requested, the Clerk will proceed to call the roll.

(During the calling of the roll, the following occurred:)

Mr. LANE. Mr. President, I just wish to make this comment. There goes the ball game.

The yeas and nays were required by Mr. PECHAN and were as follows, viz:

YEAS—32

Bell,	Hawbaker,	Miller,	Stevenson,
Berger,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Ripp,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McGinnis,	Shafer,	Ware, III,
Fleming,	McMenamin,	Staisey,	Wolfe,

NAYS—18

Camiel,	Lane,	Rooney,	Stiefel,
DiSilvestro,	Mahady,	Sesler,	Weiner,
Donolow,	McCreesh,	Seyler,	Yatron,
Haluska,	Mullin,	Silvert,	Hays,
Kalman,	Murray,		Presiding Officer

So the question was determined in the affirmative, and the amendment was adopted.

On the question,

Will the Senate agree to the bill on third reading, as amended?

Mr. STEVENSON. Mr. President, I ask unanimous consent to also offer amendments to this bill.

The PRESIDING OFFICER. Hearing no objection, the gentleman may proceed.

Mr. STEVENSON. Mr. President and Members of the Senate. I, too, have been a Member of the State Planning Board for the past three years and participated in setting up this program for capital expenditures.

When the expenditures were listed for the various State Colleges in our Commonwealth, action was deferred by

the Planning Board, at the request of the Department of Public Instruction, for a new gymnasium and swimming pool pending the development of the campus comprehensive plan at Clarion State College. This plan has now been prepared and reviewed favorably by the Superintendent of Public Instruction, the General State Authority, and the President of Clarion State College.

I am going to be very brief and delineate just a few of the arguments to substantiate this request.

At the present time, in Clarion State College, there are over 1,500 students enrolled, with the prospect that within the next eight or nine years there will be over 3,000 students. The seating capacity of the present gymnasium is 400. Four hundred can be seated out of 1,500 students. Each of these students pay thirty-five dollars into a special activity fund. They do not have the room to accommodate these students in the gymnasium. The floor capacity is smaller than most high school gymnasiums.

The area for physical education classes is woefully inadequate. No separate gymnastic facilities exist for the men or for the women. There are substandard shower and locker rooms and virtually no storage space. There is no existing swimming pool on the campus. There are presently twelve of these colleges out of the fourteen which have swimming pools. Clarion State College is one that does not even have a swimming pool.

I would like to present amendments, Mr. President, which will provide the funds for the planning, design and construction of a field house and gymnasium at Clarion State College and also which will take the athletic field, which they now own—consisting of thirty-one acres, within a distance of six blocks from the college—and convert it into a real field. At present, it is simply used for farm show purposes.

The PRESIDING OFFICER. The Clerk will read the amendments.

The amendments were then read by the Clerk as follows:

> Amend Sec. 1 (Sec. 4), page 4, lines 16 to 18, by striking out all of lines 16 and 17 and "201)" in line 18 and inserting: eight hundred sixty-seven million seven hundred seventy thousand one hundred seventy-three dollars (3867,770,173)
>
> Amend Sec. 2, page 22, line 12, by striking out "33,455,954" and inserting: 36,223,926
>
> Amend Sec. 2, page 24, by inserting between lines 9 and 10:
>
> (g) Construction of Athletic Field 282,856
>
> (h) Planning Design and Construction of Field House and Gymnasium.. 2,485,116

On the question,

Will the Senate agree to the amendments?

Mr. STEVENSON. Mr. President, I request a roll call on these amendments.

The PRESIDING OFFICER. A roll call being requested, the Clerk will call the roll.

The yeas and nays were required by Mr. STEVENSON and were as follows, viz:

YEAS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

NAYS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Donolow,	McMenamin,	Sarraf,	Weiner,
Haluska,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Hays,
Lane,			Presiding Officer

Less than a majority of the Senators having voted "aye," the question was determined in the negative and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

Mr. KROMER. Mr. President, I now request unanimous consent to offer amendments to this bill and also to make a brief statement.

The PRESIDING OFFICER. Hearing no objection, the Clerk will read the amendments.

The amendments were read by the Clerk as follows:

> Amend Sec. 1 (Sec. 4), page 4, lines 16 to 18, by striking out "EIGHT HUNDRED SIXTY-FIVE MILLION" in line 16, all of line 17, and "201) in line 18 and inserting: eight hundred sixty-seven million one hundred ninety-seven thousand one hundred twenty-nine dollars ($867,197,129)
>
> Amend Sec. 2, page 22, line 12, by striking out "33,455,954" and inserting: 35,541,136
>
> Amend Sec. 2, page 22, line 15, by striking out "(32,571,048)" and inserting: ($34,656,230)
>
> Amend Sec. 2, page 25, by inserting between lines 14 and 15:
>
> (d) Construction of Field House 2,085,182
>
> Amend Sec. 2, page 45, line 15, by striking out "12,178,540" and inserting: 12,288,286

On the question,

Will the Senate agree to the amendments?

Mr. KROMER. Mr. President, I find myself in the same position as many others. First, I say that in the 1959 Session, we saw fit to contribute X number of dollars to Indiana State College for a recreational fund and a field house. This was set up for the architectural and design work. I now find the field house deleted from the bill.

It is my desire, Mr. President, that this be put back in the bill. I ask, on behalf of my good friend, Senator Pechan, and myself, that these amendments be accepted. I also request a roll call vote on the amendments.

The PRESIDING OFFICER. A roll call being requested, the Clerk will call the roll.

The yeas and nays were required by Mr. KROMER and were as follows, viz:

YEAS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

NAYS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Donolow,	McMenamin,	Sarraf,	Weiner,
Haluska,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Hays,
Lane,			Presiding Officer

Less than a majority of the Senators having voted "aye,"

the question was determined in the negative and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

Mr. KESSLER. Mr. President, I request unanimous consent to offer amendments to House Bill No. 1335.

The PRESIDING OFFICER. The Chair hears no objection, and the gentleman may proceed.

Mr. KESSLER. Mr. President, in offering these amendments to House Bill No. 1335, I would like to state briefly what they do.

In the bill, the Department of Forests and Waters is given twenty million, one hundred twenty-three thousand and some hundred dollars, of which eleven and one-quarter million is to acquire land for regional parks and reservoirs. This bill is just for one year. I imagine we will have it up for consideration again. These amendments would reduce that amount from $11,000,000 for the acquisition of parks and reservoirs to $5,000,000.

The PRESIDING OFFICER. The Clerk will proceed to read the amendments.

The amendments were read by the Clerk as follows:

Amend Section 1, page 4, line 16, by striking out the words "Eight Hundred Sixty-Five Million" and line 17, by striking out all of said line and inserting in lieu thereof: "Eight Hundred Fifty-eight Million Seven Hundred Thirty-two Trousand Seven Hundred Ninety-eight Dollars ($858,-732,798)"

Amend page 4, line 18, by striking out: "201"

Amend page 6, line 3, by striking out "11,269,-403" and inserting in lieu thereof: "5,000,000"

On the question,

Will the Senate agree to the amendments?

The yeas and nays were required by Mr. TAYLOR and were as follows, viz:

YEAS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

NAYS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Stalsey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Donolow,	McMenamin,	Sarraf,	Weiner,
Haluska,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Hays,
Lane,			Presiding Officer

Less than a majority of the Senators having voted "aye," the question was determined in the negative and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

Without objection, the bill, as amended, was passed over in its order temporarily at the request of Mr. WEINER.

HONORABLE GLEN R. LAW PRESENTED TO SENATE

Mr. DiSILVESTRO. Mr. President, I just noticed in the Chamber a former Senator from Crawford County. He is Senator Glen R. Law, who sat in this Chamber twenty-three years ago.

Senator Law, will you please rise?

The PRESIDING OFFICER. On behalf of the entire Senate and guests, we are glad to welcome you, Senator Law, to the Senate Chamber. Please come again.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 1283, 1701, 1807** and **1817,** which were referred to the Committee on Education.

RECESS

Mr. WEINER. Mr. President, I request a recess of the Senate until 8:00 p. m., Eastern Standard Time.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 8:00 p. m., Eastern Standard time.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

It is a privilege for the Chair to now greet the Honorable John Morgan Davis, Lieutenant Governor of the Commonwealth, who has just returned to the rostrum to preside.

The PRESIDENT (Lieutenant Governor John Morgan Davis) in the Chair.

THIRD READING CALENDAR

APPROPRIATION BILL ON THIRD READING AND FINAL PASSAGE

SB 320 (Pr. No. 1255)— Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Stalsey,
Berger,	Kalman,	Murray,	Stevenson,
Camiel,	Keller,	Pechan,	Stiefel,
Chapman,	Kessler,	Propert,	Stroup,
Confair,	Kromer,	Ripp,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,			

NAYS—1

Miller,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 413 CALLED UP

SB 413 (Pr. No. 1169)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 2 of the Final Passage Calendar by Mr. WEINER.

BILL ON FINAL PASSAGE

SB 413 (Pr. No. 1169)—And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. FLEMING. Mr. President, I am very happy that Senate Bill No. 413 was revived and that it will be possible to vote on it. However, I would like to correct the mistaken impression that was given to the voters of Pennsylvania that the Republican Party, in any way, had stopped the passage of this measure, which increases from one per cent to ten per cent—if I may say—the number of signatures required to place the question of a health unit before the voters of any county.

I merely want to state for the record that the twenty-five Republican Senators of Pennsylvania voted for this measure. The twenty-five Democratic Senators of Pennsylvania voted against it. To the credit of the Democratic Members of the Senate, they revived the bill. However, the impression was given by one of the Members on the other side that we were the ones who had held this up. That is not true, Mr. President.

We have been in favor of this measure. We feel that the amendment, which we placed in it, that would make possible the referendum not more often than once in every five years is fair and equitable. We feel it is a good measure, and we are again prepared to support it. We are most happy that the Democrats have had a change of heart and will now support this measure.

Mr. WEINER. Mr. President, does Senator Pechan desire to interrogate me?

Mr. PECHAN. Mr. President, I have not said a word yet, but I do want to make one or two small observations.

We, on this side of the aisle, have been accused of being anti-good health in Pennsylvania. You all know what happened to the county health unit in Butler County. As I have repeatedly said, it was because of inadequate people at the head of the administration.

I would just like to alert the people of Allegheny County that the same thing will happen in Allegheny County as happened in my county of Butler unless they clean up some of the bad features of the county health unit.

Incidentally, Mr. President, in the county of Allegheny they have had a great experience as one of the original county health units. However, I saw in the Pittsburgh Press where an area was full of rodents. The people in that particular area had called the health department and asked for some relief. The investigator came there and said: "Just put some rat poison in there and you will get rid of the rats."

Then, several months later, it so happened that it got to the administrator and he said: "Well, we did not know a condition like this existed."

In Saturday's paper and perhaps yesterday's paper, I saw where some house was in the process of burning down. Now in Allegheny County, they have a garbage dump that is continously on fire, and when this house was burning down, it was mistaken for this garbage dump that was burning.

Mr. President, unless those things are cleared up, the county of Allegheny is going to do what my county of Butler did and throw out the county health unit.

Mr. WEINER. Mr. President, this measure that we are bringing up here this evening, we are very reluctantly bringing before the Members of the Senate in order to right what we feel was originally a wrong.

The original bill, as passed a number of Sessions back, had a repeal provision whereby only one per cent of the electorate who had voted in the last election was necessary to upset a county health unit. As everyone knows, a county health unit is expensive, and it requires a great deal of effort and energy on the part of the community, as well as the participation of the State in State money.

In Senator Pechan's area, after this had been set up and had been functioning, due to some personality clash, they decided to upset it and render it asunder.

We had originally here, a few weeks ago, a bill known as House Bill No. 1496, which dealt with this very problem and which was a complete repealer. That bill provided that once this went into effect and the county had decided on the ballot, they could not rip it out again. The Members on the other side, to a man, voted against the bill. There were twenty-five Democratic votes for the bill and twenty-five Republican votes against it. The Democrats favored this measure and the Republicans were against it.

I want the record to be perfectly clear that we waited five days, during which time this measure could have been brought back by any one of the people who voted on the prevailing side. The laboring oar to do so was on the other side. Even when the last day came, I stated here that the Members on this side in the Democratic Caucus had taken the position that if anyone wanted to bring back this bill at the time, we would stand aside. We would even let the rules be set aside so that this could be done. We waited in vain and nothing was done.

We also had introduced Senate Bill No. 413, which was introduced by many of the Members who had pushed this other measure forward in the hope of using it as a smoke screen to show that they were really for this thing, but did not want to go that far.

Now we find ourselves, in this late inning in the ball game, with no measure left and where the one per cent ripper remains. I feel that you feel as we do; that this is wrong. This is the wrong way to run a railroad or any kind of an efficient operation of government, or to operate county health units on this basis.

What are you doing here tonight? You are easing your own conscience. You are putting some salve over it and saying that you will go for ten per cent. We, in effect, are adopting this and accepting it, because we feel that ten per cent is better than nothing.

Actually, the one per cent or ten per cent means nothing, gentlemen, because it takes a very small number of signatures on a petition to put this on the ballot, and for the electorate to rip this out after a great deal of money has been spent.

I think you ought to consider this action. I think you ought to join with us in sponsoring an amendment to

bring this back to a full per cent,—ninety per cent additional to what we have here in the bill—so that we have a proper measure.

We have no other choice in this matter except to vote for it, because we feel that we ought to protect what we have already gained, and not slip back to what we have had.

Mr. FLEMING. Mr. President, to quote the words of a famous Democrat and former New Yorker: "Let us look at the record." Senate Bill No. 413, which was sponsored by my distinguished Democratic colleagues from Allegheny County and myself, was introduced into this Senate on March 20th of this year. It provided, as the Majority Leader said, a referendum vote, calling for ten per cent of the voters in the last election to sign a petition in order to place before the electorate of any county having a health unit the question of whether or not it would be continued or discontinued.

I would submit then, only for the record, that House Bill No. 1496 was introduced in the House of Representatives on May 4th, almost two months after this bill—which provides for an increase in the number of signatures necessary—was introduced in the Senate of Pennsylvania.

This is not an attempt, on the part of the Republican side of the Senate, to in any way obviate or do away with a bill that was more recently introduced. I would submit to the Membership of this Senate that House Bill No. 1496 was introduced two months later in an attempt to take away from the people of any county affected the right to decide for themselves whether or not they wanted to continue the health unit in operation in their county.

I would submit to you, Mr. President, that the stand we have taken is not our stand alone, but in the county of Allegheny, at least, it is joined by two outstanding leaders of the Democratic Party; the Chairman of the Board of County Commissioners, Doctor William McClelland, and his colleague, John McGrady, who reaffirmed the stand of the Republican side, and said they could see nothing wrong in placing before the voters of any county the right to accept or reject that which had been in operation in their county. They said they could see no reason to take away from the people the right of referendum. In that stand, we completely concur with them, and we are happy they concur with us.

This is not a vote against public health. This is not a vote against any safety for the people. This is merely retaining for the voters of Allegheny County, or any other county affected, the right to decide for themselves whether or not that particular county health unit has been operated in such a manner that it merits the continued confidence of the voters of that county.

Certainly, Mr. President, the people of any county in Pennsylvania have the right to decide for themselves whether or not the type of government they are getting is right and sufficient for them. I think we are on the right track. I think the great majority of the voters of Allegheny County—and I am sure of any other affected county—will agree that the stand we are taking in preserving for them the right of referendum is the proper course to take.

Mr. KESSLER. Mr. President, the gentleman from Allegheny County, Senator Fleming, speaks eloquently for leaving the law as it is today. If it requires only one per cent to get the question on the ballot to have a county health unit, why should we require any more to permit the people to reconsider their views? To me, it is just like my trying to get a bill through that would require my opponent to get ten per cent more votes than I got in order to be re-elected or contest my position.

I certainly hope my colleagues on the floor here, in all fairness, will keep the law as it is today; that is, the requirement of one per cent of the voters to have on the ballot the question of whether they want a county health unit, and one per cent of the voters to see whether they want to continue such a health unit.

Mr. WEINER. Mr. President, I desire to interrogate the gentleman from Lancaster, Senator Kessler.

The PRESIDENT. Will the gentleman from Lancaster, Mr. Kessler, permit himself to be interrogated?

Mr. KESSLER. I certainly will, Mr. President.

Mr. WEINER. Mr. President, I wonder if the gentleman will allow me to pursue the simile that he gave—or the example that he gave—about being elected and his opponent getting ten per cent? May I use that, please?

Mr. KESSLER. Yes, you may.

Mr. WEINER. Senator, how about if after you were elected, one per cent of the people in your community could get a petition together to recall you from the job that you were elected to do? Would you consider that fair?

Mr. KESSLER. Mr. President, I think it requires 200 signatures of the electors from my District in order to submit my nomination. It would seem to me that if 200 people were to petition that I run in the middle of my term for re-election, I would comply.

Mr. WEINER. Mr. President, would the gentleman please advise us whether he thinks that is fair? I am not asking him whether or not he would comply. Would he consider that a fair way to do it after he has been here and settled in his position?

Mr. KESSLER. Mr. President, I have great faith in the people of the Commonwealth and I have great faith in the people of my District. I would trust their judgement. If they want to have one per cent to vote for a county health unit, I will give them one per cent to vote for the removal of that county health unit.

Mr. WEINER. Mr. President, I want to thank the gentleman.

Mr. President, I wonder if the gentleman has the same kind of faith in the people of the State in allowing them to either vote or not vote on this issue. When you make it such a small level of one per cent, after a great deal of money has been spent in putting this thing together, I think that you are certainly reducing this to the point where many of the counties would be very hesitant about going forward with it and dealing with this type of problem because of the great expense involved and the little effort that would be necessary to overthrow it, which did happen in Butler County.

Mr. KESSLER. Mr. President, the time has to come in this Country when we recognize that bureaucrats cannot dictate to the people what they should have or what they should not have.

This is a government for the people, of the people and by the people. When we try to institute laws that remove from those people the right to exercise their

franchise for a given period of time, I think we are making a terrible mistake.

Mr. DEVLIN. Mr. President, I would point out to my colleagues who have spoken before me here that at least ninety-eight per cent of my mail has been in favor of House Bill No. 1496.

When we introduced Senate Bill No 413,—and we got bipartisan sponsorship from all of the Senators from Allegheny County—the very gentleman who is now admonishing Allegheny County to be very careful about how it administers this department for fear that the people will take away its authority, as they did in his county, was the same gentleman who wanted to reduce this percentage from ten to two. Then he was willing to compromise and go for three. Then he made a supreme effort and said "five." Now it is up to ten, and he is speaking for ten.

The point is that the people, as represented by my correspondence, wanted House Bill No. 1496. As our Floor Leader said, we gave the other side every opportunity to rescue House Bill No. 1496 from the oblivion into which they had placed it. We waited the five days. As a matter of fact, we waited six days, and we agreed to waive the rules. However, they made it quite clear—and they did this by statements on the floor of the Senate—that they are not interested in repealing this provision of the law.

Therefore, the people know. The record is quite clear that we are trying to make the law a little less onerous. Although we tried to do away with it entirely, we were unsuccessful because we only had twenty-five votes.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occured:)

Mr. MULLIN. Mr. President, I was waiting to hear from those twenty-five Republicans who were ready to vote for this bill. I did not quite hear that number.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bell,	Kalman,	Ripp,	Stiefel,
Camiel,	Keller,	Rooney,	Stroup,
Confair,	Lane,	Sarraf,	Taylor,
Devlin,	Mahady,	Scott,	Van Sant,
DiSilvestro,	McCreesh,	Sesler,	Wade,
Donolow,	McGinnis,	Seyler,	Wagner,
Ehrgood,	McMenamin,	Shafer,	Ware, III,
Fleming,	Mullin,	Silvert,	Weiner,
Haluska,	Murray,	Staisey,	Yatron,
Hays,	Pechan,		

NAYS—9

Berger,	Kessler,	Madigan,	Propert,
Flack,	Kromer,	Mallery,	Stevenson,
Hawbaker,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

THIRD READING CALENDAR

EDUCATION BILL ON THIRD READING AND FINAL PASSAGE

HB 301 (Pr. No. 330)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Silvert,
Berger,	Kalman,	Mullin,	Staisey,
Camiel,	Keller,	Murray,	Stevenson,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Ripp,	Van Sant,
DiSilvestro,	Madigan,	Rooney,	Wade,
Donolow,	Mahady,	Sarraf,	Wagner,
Ehrgood,	Mallery,	Scott,	Ware, III,
Flack,	McCreesh,	Sesler,	Weiner,
Fleming,	McGinnis,	Seyler,	Wolfe,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,			

NAYS—1

Stiefel,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SB 272 CALLED UP OUT OF ORDER

SB 272 (Pr. No. 284)—Without objection, the bill was called up out of order, from page 5 of the Third Reading Calendar, by Mr. WEINER.

BILL RECOMMITTED

SB 272 (Pr. No. 284)—Mr. WEINER. Mr. President, I move that Senate Bill No. 272 be recommitted to the Committee on Education.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BERGER. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Weiner.

The PRESIDENT. Will the gentleman from Philadelphia, Mr. Weiner, permit himself to be interrogated?

Mr. WEINER. I will, Mr. President.

Mr. BERGER. Mr. President, may I inquire what the objection to Senate Bill No. 272, Printer's No. 284, might be on the part of the Majority Leader?

Mr. WEINER. Mr. President, the difficulty with this bill is the amount of money that might be involved. Approximately $726,000 would be the cost to the Commonwealth. This item has not been budgeted and no money has been set aside to cover this legislation.

Mr. BERGER. Mr. President, I have been able to detect on the Calendar some bills which may have had that same characteristic and were not opposed by the Majority Leader.

However, Mr. President, of course, we can do nothing on the motion to recommit. I do wish to point out that this would provide some very badly needed and desirable benefits for people who are in the Public School Employes' Retirement System. Quite possibly, there might be some adjustment made whereby the cost to the Commonwealth could be met and, even though it might not be budgeted, it is my opinion that quite possibly they might find that amount of money somewhere around whereby these people could be benefited by the provisions of this bill.

Mr. WEINER. Mr. President, I feel, as does the Minority Leader, there are many desirable features in this bill. However, there are also some that make it somewhat, I feel, actuarially unsound. Because of the cost and because, from the insurance point of view, of this being unsound, I think that we would be setting a bad precedent to pass this type of legislation, no matter how desirable it might be.

And the question recurring,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative and the bill was recommitted.

HB 298 CALLED UP OUT OF ORDER

HB 298 (Pr. No. 2632)—Without objection, the bill was called up out of order, from page 5 of the Third Reading Calendar, by Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 298 (Pr. No. 2632)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. STIEFEL. Mr. President, a few bills on today's Calendar are most provocative. They would lend themselves to a title for a book. They are bills I could never understand, and this is one of them. I would appreciate it if my gracious Majority Leader would explain the purpose of House Bill No. 298.

Mr. WEINER. Mr. President, this is not the first time for this measure. Medical boards are made up of people who are in the medical field, but of different disciplines within the medical field itself. What they are doing by House Bill No. 298 is extending it. For example, you have people who are homeopathic doctors. This group went out of being some time ago, having been absorbed by the medical profession itself. As such, the Board, the way it is constituted today, cannot take in people who are homeopaths or in the eclectic field.

What this does is open the door and allow them to take homeopaths on the Board who long since have given up the discipline of homeopathy, and have now joined the regular medical profession and have been under it for quite a number of years. The homeopath is no longer even known.

This eventually will happen in the other areas of medicine which came along and which are now considered as part of the general, over-all medical profession. This just opens it up and allows them to sit on the Board.

This bill further provides that the five names must be submitted to the Senate and must also be submitted to the different deans of the medical schools to pass upon. Those whom they think are best qualified are brought before the Governor.

Mr. STIEFEL. Mr. President, I desire to interrogate the Majority Leader.

The PRESIDENT. Will the Majority Leader, the gentleman from Philadelphia, Mr. Weiner, permit himself to be interrogated?

Mr. WEINER. I will, Mr. President.

Mr. STIEFEL. Senator, is it not a matter of fact that one of the chief lord executioners on the Board of Medical Licensure is himself now a homeopath?

Mr. WEINER. The man who is now the chief?

Mr. STIEFEL. No, no. He is one of the chief executioners. He is responsible for many "flunks."

Mr. WEINER. Mr. President, whether this doctor is an executioner or not, I do not know. All I know is that he has been qualified as a doctor, and I would assume, having met that requirement, he could be on the Board. If he also is an executioner, this is news to me.

Mr. STIEFEL. Mr. President, I am going to cast my vote in the negative, because this has been a Session which is prolific in the various boards and it is bewildering. They have been parading before us, board after board. It is high time that in the forthcoming years something radical should be done in reorganizing our State so as to eliminate this source of pestering in our legislative work.

Mr. WEINER. Mr. President, I hope because this is the Medical Board that the gentleman is not suggesting radical surgery. The man may be a homeopath, but I do not know that he is a surgeon. I certainly would hate to see anything happen to him.

It might be that there is some merit about these boards coming before the Legislature from time to time. Unfortunately, these are our creatures; we have created them. Unless the Senator is suggesting to the Members of this Body that we give up that power and give it to a department head or someone under the Governor's Office, I think we will just have to live with this kind of procedure unless the Senator wants to give up his prerogatives in that area.

Mr. STIEFEL. Mr. President, the reorganization of the Pennsylvania government is long overdue. One of the areas in which we have to reorganize is the various boards. The time will come when an impartial board, having nothing to do with the professions, will conduct examinations and certify the people capable to be licensed in each profession.

This profusion of boards is out of order. If you compare the boards with the provisions of the Administrative Code of 1928, you will find how far afield we have gone in giving them powers which they never dreamed of.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	**Miller,**	Silvert,
Berger,	**Kalman,**	**Mullin,**	**Staisey,**
Camiel,	**Keller,**	**Murray,**	**Stevenson,**
Chapman,	**Kessler,**	**Pechan,**	**Stroup,**
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	**Ripp,**	**Van Sant,**
DiSilvestro,	**Madigan,**	**Rooney,**	**Wade,**
Donolow,	**Mahady,**	**Sarraf,**	Wagner,
Ehrgood,	Mallery,	Scott,	**Ware, III,**
Flack,	**McCreesh,**	**Sesler,**	**Weiner,**
Fleming,	**McGinnis,**	**Seyler,**	**Wolfe,**
Haluska,	**McMenamin,**	**Shafer,**	Yatron,
Hawbaker,			

NAYS—1

Stiefel,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

The PRESIDENT. At this time, the Chair now turns

the gavel over to the gentleman from Philadelphia, Senator Donolow, who will preside.

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

HB 216 CALLED UP OUT OF ORDER

HB 216 (Pr. No. 2671)—Without objection, the bill was called up out of order, from page 5 of the Third Reading Calendar, by Mr. WEINER.

BILL ON THIRD READING AMENDED

HB 216 (Pr. No. 2671)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. ROONEY. Mr. President, I move that the Senate do now reconsider the vote by which the amendments to this bill were adopted on August 22, 1961.

Mr. KALMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BERGER. Mr. President, I desire to interrogate the gentleman from Northampton, Senator Rooney.

The PRESIDING OFFICER. Will the gentleman from Northampton, Mr. Rooney, permit himself to be interrogated?

Mr. ROONEY. I will, Mr. President.

Mr. BERGER. Mr. President, may I inquire of Senator Rooney why it would not be as practical to now amend the bill on Third Reading as it is to reconsider the vote by which the amendments were previously adopted?

Mr. ROONEY. Mr. President, it is purely for economy. The bill, I believe, is a twenty-six page bill. We want to reconsider it on the previous printer's number, Printer's No. 1861. The corrective amendments I have are applicable to Printer's No. 1861.

Mr. BERGER. Mr. President, as I understand the proposal, it is to restore the bill to the same form in which it was before it was amended.

The PRESIDING OFFICER. That is correct.

Mr. ROONEY. That is correct.

Mr. BERGER. Mr. President, I was going to ask my colleagues to oppose the amendments. However, in the interest of saving time, expense, printing and so forth, I will not oppose this motion.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

Mr. ROONEY. Mr. President, I now request that these amendments be laid on the table.

The PRESIDING OFFICER. There being no objection, the amendments will be laid on the table.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. ROONEY. Mr. President, I have other amendments which I would like to offer, but prior to the submission of them I would like to make a brief statement.

The PRESIDING OFFICER. The gentleman may proceed.

Mr. ROONEY. Mr. President, this bill has been before the Senate of Pennsylvania for the past six years. I think it is worth-while legislation.

It will do no more than put the auctioneers of Pennsylvania under the control of the Department of Public Instruction. I think it is a worth-while piece of legislation. Auctioneers in the Commonwealth of Pennsylvania participate in a multi-million dollar yearly business without any regulation from the Commonwealth.

There are thousands of dollars worth of merchandise sold by auctioneers at random every year on which no sales tax is paid. Stolen goods are also sold at auction sales. Absolutely, Mr. President, there is no regulation.

The bill presently, in view of our reconsideration of the vote by which the previous amendments were adopted, is now in its original form whereby the auctioneers of the State will be under the Department of Public Instruction. I sincerely hope, if the corrective amendments I am about to offer are adopted, that tomorrow when this bill appears on Third Reading in its amended form we can vote for it accordingly.

Mr. President, I now ask unanimous consent to offer certain amendments.

The PRESIDING OFFICER. There being no objection, the Clerk will read the amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 3, page 4, line 11, by striking out "apprentices" and inserting: apprentice

Amend Sec. 5, page 5, line 13, by striking out "not" and inserting: Not

Amend Sec. 6, page 6, line 19, by striking out "examination" and inserting: Examination

Amend Sec. 6, page 7, line 19, by inserting after "of" where it appears the first time: a

Amend Sec. 8, page 11, line 3, by striking out "of" where it appears the first time and inserting: or

Amend Sec. 8, page 11, line 3, by striking out "coporation" and inserting: corporation

Amend Sec. 12, page 15, line 6, by striking out "license" and inserting: licensed

Amend Sec. 20, page 24, line 17, by inserting after "DEPARTMENT" (stricken out): department

Amend Sec. 23, page 29, line 3, by striking out "license" and inserting: licensee

Amend Sec. 29, page 36, by inserting between lines 11 and 12: for compensation for any act done or service rendered the doing or

Amend Sec. 29, page 36, line 13, by striking out all of said line.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. ROONEY.

HB 36 CALLED UP OUT OF ORDER

HB 36 (Pr. No. 2560)—Without objection, the bill was called up out of order, from page 5 of the Third Reading Calendar, by Mr. WEINER.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 36 (Pr. No. 2560)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Camiel,	Lane,	Murray,	Silvert,
Devlin,	Mahady,	Ripp,	Staisey,
DiSilvestro,	McCreesh,	Rooney,	Stiefel,
Haluska,	McGinnis,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow, Presiding Officer

NAYS—26

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,	McMenamin,		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

HB 1335 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table House Bill No. 1335, Printer's No. 2696, which previously was passed over in its order temporarily on third reading, as amended.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1335 (Pr. No. 2696)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WADE. Mr. President, we are now considering a bill which would increase the borrowing capacity of the General State Authority in the amount of $243,500,000, at the request of the Lawrence Administration.

Added to the $300,000,000 increase in the borrowing power of the State Highway and Bridge Authority already enacted at this Session, this would increase the indirect debt of the Commonwealth by more than one-half million dollars, without in any way seeking the approval of the people who must pay the bill in the years to come.

The voters of the Commonwealth have been given no opportunity whatsoever to say whether they want the public debt increased in this way and added to the already heavy load that will be passed along to their children and their grandchildren.

I think the public is growing increasingly resentful of these excessive new costs of government and excessive deficit financing, particularly where little attempt has been made to justify the extra cost.

I think you will find, upon examining the General State Authority Bill as offered and supported by the Administration, that it is probably one of the most flagrant examples of pork barrel legislation ever presented to the General Assembly. What possible justification could there be for borrowing money to construct sidewalks, ski facilities, or to build fences, or to construct a loafing shed at one of the State institutions, as appears on page 30, or to build six residences for physicians at one of our hospitals, at an approximate cost of $50,000 each? This seems to me to be extreme, but it is on page 35.

Further, on page 30, there is an item to renovate shower and toilet facilities at a cost of $25,612. Again, on page 30, line 19: "Convert cooler to freezer . . . $12,806." On page 21, there is an item to rehabilitate a stable building at the Williamsport Armory for some $70,000.

Furthermore, I find at least eighteen instances in this bill where money would be borrowed by the General State Authority, to be paid back over thirty to forty years, to pay engineers' and architects' fees for the designing of structures and facilities for which no construction money has been requested. It must be assumed that Governor Lawrence plans to leave it to his successors to obtain from future Legislatures the many millions of dollars that this construction will cost.

As has been stated on the Senate floor during recent days, the annual obligation created by extending this borrowing power would be $42,600,000 a year. It would give the present Administration, by enactment of this bill, some $453,000,000 in new borrowing power.

At any rate, it is almost impossible to understand how the General State Authority will collect rentals from the Commonwealth upon sets of blueprints, laying somewhere in a pigeonhole in one of the State departments.

This, it seems to me, is a clear violation of both the intent and purpose of the General State Authority Law, which was originally adopted to obtain emergency expansion of our overcrowded mental institutions because the usual method of authorizing Commonwealth debt for construction was too slow and too cumbersome.

Although many of the proposed projects are obscure and vague as described in the G.S.A., it appears that Governor Lawrence proposes to spend almost as much money to bird-proof and air-condition three of the main Capitol Buildings as those buildings originally cost. I refer to page 21 and page 22 of this bill, beginning with line 15, on page 21. The amount requested for bird-proofing and air-conditioning three of these Capitol Buildings is $7,339,000.

I should certainly think that we Members of the Legislature would also want to impose more control over the $11,269,403 which would be allocated to the Department of Forests and Waters for land acquisition for regional parks and reservoirs, without any details or restrictions whatever.

Included in the bill also are amounts totaling some $90,000,000 for expansion of State-owned and State-aided colleges and universities. It should be made clear that this $90,000,000, which also must be paid by the taxpayers, is in addition to the vast sums that the Governor's Committee on Education has recommended for institutions of higher learning.

In view of the fact that the General State Authority now has the power, without further recourse either to the General Assembly or to the people, to borrow up to $621,000,000—all of which must be paid for double through rentals stretched out over periods of thirty and more years—very serious consideration should be given to the necessity for this proposed increase of $243,500,000, which Governor Lawrence has requested.

To conclude, Mr. President and Members of the Senate, from the total $621,000,000 which the Legislature has already authorized in borrowing capacity, there remain unissued bonds or unused debt borrowing power of $206,000,000. Another $5,000,000 has been reported in reserve, which now can be used. This bill would increase those figures to the extent of $243,500,000, giving this Admini-

stration in its last two years the power to borrow and spend some $454,000,000, fast approaching an increase of one-half million dollars.

Gentlemen of the Senate, I certainly think we should go slowly on expanding this monster that has grown up in the last eleven years and extending this power to spend these enormous sums of money, which must be paid back by our children and grandchildren.

Mr. WEINER. Mr. President, I desire to interrogate the gentleman from Cumberland, Senator Wade.

The PRESIDING OFFICER. Will the gentleman from Cumberland, Mr. Wade, permit himself to be interrogated?

Mr. WADE. I will, Mr. President.

Mr. WEINER. Mr. President, would the gentleman please advise the Members of this Chamber how he would suggest we attack this problem if we do away with the G.S.A.?

Mr. WADE. Mr. President, I am not suggesting that we do away with the G.S.A. I have heard from the Senate floor that it is necessary to have this borrowing power. The amount of the borrowing power is the thing that I am complaining about, or calling to your attention.

Mr. WEINER. Mr. President, I wonder if the gentleman would advise us what we can do if we do not follow this or we do not do some of these things that he mentions here?

Of course, I think it is a little bit unfair to use the basis of when this building was erected, which is quite a number of years ago, compared to today's prices. I am sure the gentleman today is earning—if his own earning capacity is any kind of a measure—considerably more than he was at the time this building was built, or even at a later date. If he compares those periods of time, he will find the cost of what the dollar can buy and what it can do have varied as well.

If we do not do this and we do not use this system, and we go very, very slow, what would you suggest in place of this?

Mr. WADE. Mr. President, in the first place, it is almost impossible to hear the gentleman's interrogation.

The PRESIDING OFFICER. May we have order on the floor? This is important to the Senators who are sitting in this room. The Chair would like to have some attention given to this debate. It is very important to the people of the Commonwealth.

Please proceed, Senator Weiner.

Mr. WEINER. Mr. President, I would like to ask the gentleman to tell us what he would use in place of this? He wants us to go very slowly or do this in some other way. Would he please advise me and the Members of this Senate what he would have us do? How would you approach the problem, Senator, to do some of these things that are needed? If you do not want to use this vehicle, how do we go about it?

Mr. WADE. Mr. President, in the early part of the Majority Leader's statement, I believe he referred to the so-called improvements to three office buildings, involving an item of some $339,000. Is that correct, Mr. Majority Leader?

Mr. WEINER. Mr. President, I did not refer to any amounts, any buildings, or any other thing. My question to you, sir, is: What would you use in place of it, and which project would you like to cut out?

Mr. WADE. I have already answered that I think, Mr. President, by saying that we agree this agency is necessary. However, the fast advance in the granting of additional borrowing power is the thing that I am complaining about most.

I think I have recited to the gentleman—if you will pardon me for giving such a long answer—that the granting of borrowing power which was given to this General State Authority during the Duff Administration was $185,000,000.

Mr. WEINER. What year was that, sir?

Mr. WADE. That was from 1949 on to the conclusion of the Duff Administration. During the Fine four years, it was $155,000,000. During the Leader four years, it was $150,000,000. During the first two years of the Lawrence Administration, it was $148,000,000. Now the request is for some $243,500,000.

Mr. WEINER. Mr. President, will the gentleman advise me what the price of milk was back in 1949 as compared to what it is today?

Mr. WADE. Mr. President, I do not believe there is any provision in this borrowing power to buy milk. I think that is unrelated.

Mr. WEINER. Mr. President, the gentleman is absolutely correct.

What was the price of a brick, or bricks, in 1949 as compared to today? Would the gentleman also look in his wallet and see if he has those figures?

Mr. WADE. Mr. President, I am not too familiar with the cost of bricks. However, I understand they are a little more expensive now than they were then.

Mr. WEINER. Would you say, Mr. President, that they have gone up five or six times to their present value, compared to what they were in 1949?

Mr. WADE. No, Mr. President, I would not agree that they have gone up quite that much.

Mr. WEINER. Mr. President, would the gentleman advise us how much the cost-of-living scale has gone up since 1949 as compared to 1961? I will allow the gentleman to confer with counsel, if he would like, Mr. President.

Mr. WADE. Mr. President, I must talk to one of my favorite—

Mr. BERGER. Mr. President, I think the side remarks of the Majority Leader are out of order.

The PRESIDING OFFICER. Senator Weiner will please proceed with the interrogation.

Mr. WEINER. I will confine myself to the interrogation, Mr. President.

Will the gentleman advise us, Mr. President, how much the cost-of-living index has gone up since 1949? Does he have any idea?

Mr. WADE. Mr. President, I am not in possession of those figures. I think the Majority Leader understands that. I agree with him that the cost-of-living generally has advanced. However, I do believe this. I believe that I heard two young Members of this Senate say on the Senate floor that they expected to be Members of this Body for a long time in the future. I hope they are.

I remind them, and I remind the Majority Leader, that we are building up an obligation for which we will have to tax the people of Pennsylvania to the extent of $52,600,000 annually,—not biannually, but annually—and that is the thing of which I am fearful. I think we are stepping ahead too fast with the General State Authority. I agree

that it serves a very useful purpose at times. However, I think we are overusing it, as I pointed out in my prepared speech.

Mr. WEINER. Mr. President, I would like to thank the gentleman for his remarks.

I would like to point out that the cost-of-living, the cost of material, and the wages of a skilled man have also gone up commensurate with the work that will be done here. If we are to keep pace in our schools and our institutions of higher learning and in our government, which has grown in complexity, we must keep pace in keeping the buildings and the other implements that go along with it on that same level.

Should we let our buildings deteriorate? Should we let our schools deteriorate? If we do not provide for these things, it will make very little difference who is here to pay it or not pay it. There may not be anything to pay.

As you well know, other people in other areas have stated that they will be ahead of us within ten years. Therefore, I think we must make haste at all costs, because it will do us very little good to have money in the bank if we have no Country.

Mr. BERGER. Mr. President, this General State Authority Bill contemplates the borrowing of a huge sum of money, which, as Senator Wade has very well said, must be repaid by future generations.

As a Member of that Authority and as a Member of the Senate, I deplore the number of projects that are contained in this bill.

I question, Mr. President, whether many of the major projects which are set out here can be constructed or completed over a large number of years in the future.

However, Mr. President, I am going to vote for this bill for one reason, and one reason only. There are other reasons, but this is a particular reason. The particular reason is that it contains provision for the reconstruction, repair and general maintenance of certain geriatric wards in our State hospitals.

Mr. President, I made a promise to myself when I visited several geriatric wards that no matter what the cost might be, I would certainly advocate the reconstruction and new construction of the facilities which are in some of our State mental hospitals. They are absolutely harrowing in many respects. In one building that I know of, which was constructed in 1886, you would be knocked over to get to the door of it. For that reason, Mr. President, I want to see something done about this.

I do say there are collateral things in here that should never be placed under a bond issue, authorized by any agency of the Legislature or the government of Pennsylvania. However, there are things in here that have to be done. If this is the only way they can be completed, I must vote for the bill.

Mr. MULLIN. Mr. President, we just heard our colleague deploring the fact of the expenditures contained in this bill. Yet, I heard him introduce an amendment here for Fish Commission recreational facilities in the amount of $2,754,000. I believe I heard him vote for $2,600,000 for the Dental School of the University of Pittsburgh, which they do not want. I think I also heard him vote for $2,085,000 for the Indiana State College field house, and $2,484,000 for a gymnasium at Clarion State College.

It seems to me that it is inconsistent to deplore anything about this bill when you are trying to build it up by a sum of $9,800,000.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Berger,	Kalman,	Pechan,	Staisey,
Camiel,	Kromer,	Ripp,	Stevenson,
Confair,	Lane,	Rooney,	Stiefel,
Devlin,	Mahady,	Sarraf,	Van Sant,
DiSilvestro,	McCreesh,	Scott,	Wagner,
Ehrgood,	McGinnis,	Sesler,	Ware, III,
Flack,	McMenamin,	Seyler,	Weiner,
Fleming,	Mullin,	Shafer,	Yatron,
Haluska,	Murray,	Silvert,	Donolow, Presiding Officer
Hays,			

NAYS—11

Bell,	Kessler,	Miller,	Taylor,
Hawbaker,	Madigan,	Propert,	Wade,
Keller,	Mallery,	Stroup,	

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

THIRD READING CALENDAR

EDUCATION BILL ON THIRD READING AND FINAL PASSAGE

SB 613 (Pr. No. 845)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. HAYS. Mr. President, I want to offer a word of explanation about Senate Bill No. 613. This is the School Authority Bill and grew out of the Governor's Committee on Education.

May I remind you that the membership of the Governor's Committee on Education was not made up of professional educators? I happen to be a Member of it. However, the remainder—with the exception of my colleague, Senator Seyler, who is an active educator—were businessmen and women and professional men and women.

This bill increases two types of ceilings for the Public School Building Authority. First of all, it would increase the per pupil allowance for an elementary building from $1100 to $1200, and for a secondary school building from $1700 to $1800. In the light of increasing costs, this seemed to the members of the Governor's Committee as not an unreasonable increase.

The second departure of this legislation from previous legislation lies in the fact that there is no firm ceiling on the total amount that may be borrowed by School and Municipal authorities. This has been a psychological barrier to our past legislation more than it has been an actual ceiling, because in previous years whenever—and there has always been a ceiling on this in previous years—a ceiling was set, hundreds of school superintendents in the State went into action.

I served as one of those superintendents for some years. As a school superintendent, it was my responsibility to get my project under the wire before my neighbor got his

project approved. If I should fail to get mine approved and he got his, this would put me in a lower classification than it would my neighbor. The result could have been that some plans which might have been made better were, perhaps, rushed. The net result was, however, that everytime this General Assembly met, it increased the borrowing capacity and increased the ceiling to take care of everyone.

This bill hopes to remove this phychological barrier. We do not believe it will increase the total amount of borrowing for school purposes in Pennsylvania. In other words, we do not believe that any local board of school directors is going to plan and build school buildings that are not needed in these days.

These are the main provisions I think of Senate Bill No. 613. We invite your support of this legislation.

Mr. KESSLER. Mr. President, I desire to interrogate the gentleman from Centre, Senator Hays.

The PRESIDING OFFICER. Will the gentleman from Centre, Mr. Hays, permit himself to be interrogated?

Mr. HAYS. I will, Mr. President.

Mr. KESSLER. Senator Hays and Mr. President, I would like to know whether there is an allotment in the budget submitted by the Governor for the additional cost involved here or whether this is supposed to come out of additional taxes.

Mr. HAYS. Mr. President, I am sure there is in the Governor's budget an amount to pay the fair share of such borrowing in the current year.

Mr. KESSLER. Then this is provided in the budget and has nothing to do with any additional taxes that might be enacted by the General Assembly.

Mr. HAYS. Mr. President, I think this is correct.

Mr. KESSLER. Mr. President, is it not true that as we remove the ceiling from the total money that can be borrowed by local municipal authorities for school purposes, we automatically increase the amount of the State subsidy. Therefore, we have no way of budgeting for an ensuing year as to the amount of money that is going to be required to pay those subsidies because we have no concept of how much construction is going on.

Mr. HAYS. Mr. President, I think this is true, in part. These matters, however, are controlled by the State Department of Public Instruction.

May I point out an analogy here, Senator Kessler? We have laws which provide that we must reimburse school districts for the transportation of school children. We appropriate a certain amount of money each year to pay for the estimated amount of transportation. If, as it has happened sometimes, the amount of money appropriated has not been adequate and under the transportation program they are transporting more children than they thought they were going to transport, then the State of Pennsylvania because of existing law must make up the difference and pay, to carry out the laws of the Commonwealth, for every child that has been transported in accordance with State regulations.

Therefore, I think this falls in the same category. The State Department of Public Instruction will make an estimate. I would hope they will not approve any building unless there is a real indication that the children need such a school building.

Mr. KESSLER. Mr. President, it is not a question so much of need. As a former superintendent of schools, I am sure that the Senator from Centre must know that they project for two, five or ten years their school population, and they know pretty generally how many children are going to be transported.

Here is a situation where you tell every school district to proceed with their projects. There is no limit as to how many millions of dollars may be designed or contracted for, and yet the following year this General Assembly or a succeeding one is going to have to provide the funds for that subsidy.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Bell,	Hawbaker,	Murray,	Staisey,
Berger,	Hays,	Pechan,	Stroup,
Camiel,	Kalman,	Ripp,	Taylor,
Confair,	Keller,	Rooney,	Van Sant,
DiSilvestro,	Kromer,	Sarraf,	Wagner,
Ehrgood,	Lane,	Scott,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	Mullin,	Silvert,	Donolow, Presiding Officer

NAYS—11

Devlin,	Mahady,	Miller,	Stiefel,
Kessler,	Mallery,	Propert,	Wade,
Madigan,	McMenamin,	Stevenson,	

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

EDUCATION BILLS OVER IN ORDER

SB 640, 646 and **658**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

EDUCATION BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

SB 688 (Pr. No. 801)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. SEYLER. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. HAYS. Mr. President, I also desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. SILVERT. Mr. President, I too, wish to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—19

Camiel,	Kalman,	Mullin,	Staisey,
Chapman,	Lane,	Ripp,	Weiner,
Devlin,	McCreesh,	Rooney,	Yatron,
DiSilvestro,	McGinnis,	Sarraf,	Donolow,
Haluska,	Miller,	Sesler,	Presiding Officer

NAYS—30

Bell,	Keller,	Pechan,	Stiefel,
Berger,	Kessler,	Propert,	Stroup,
Confair,	Kromer,	Scott,	Taylor,
Ehrgood,	Madigan,	Seyler,	Van Sant,
Flack,	Mahady,	Shafer,	Wade,
Fleming,	Mallery,	Silvert,	Wagner,
Hawbaker,	McMenamin,	Stevenson,	Ware, III,
Hays,	Murray,		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

REASONS FOR VOTE

Mr. STIEFEL. Mr. President, there are two reasons that impelled me to vote against this bill. First, I do not know of any precedent in modern annuls of State Government that would vest people with such tremendous powers and for such long tenure of service.

The second reason is that, in my opinion, the institutions of higher learning in Pennsylvania are not duly recognized under this measure. I believe they should play a more prominent role. They should be the very vanguard of the movement and the helmsmen of our educational system. They are removed from that position which they now so efficiently occupy.

EDUCATION BILLS OVER IN ORDER

SB 690—Without objection, the bill was passed over in its order at the request of Mr. SEYLER.

SB 769—Mr. STAISEY. Mr. President, I request that Senate Bill No. 769 go over in its order.

The PRESIDING OFFICER. Is there objection?

Mr. FLEMING. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Staisey.

The PRESIDING OFFICER. Will the gentleman from Allegheny, Mr. Staisey, permit himself to be interrogated?

Mr. STAISEY. I will, Mr. President.

Mr. FLEMING. Senator Staisey, since this is a Senate Bill and badly needed legislation, may I ask for what purpose you are putting it over in order?

Mr. STAISEY. Mr. President, I am not delaying it for the purpose of killing the bill. There seems to be some confusion as to whether or not this bill has been approved by the Department of Public Instruction. This I will have straightened out by tomorrow morning, sir.

Mr. FLEMING. Mr. President, I am sure Senator Staisey is sincere in his reason. However, may I respectfully suggest to him that he remove his objection, and let it pass the Senate? Since we are possibly going to adjourn on Thursday, and there is objection in that the bill does not meet the requirements of the Department, the bill can either be corrected in the House or it could be killed in the House.

Mr. STAISEY. Mr. President, I am rather reluctant to do that because I think I will be foregoing the responsibility that is mine since this bill relates to Allegheny County. Since this Session is at such a late hour, many things happen in the House over which we have no control.

Mr. FLEMING. Mr. President, I thank the gentleman for his answers.

Again, may I suggest to him that I, too, am from Allegheny County. It is of vital importance to our county that this bill is enacted into law. I believe that when we are rushed for time, we must have a certain confidence in the Members of the House that they will, if necessary, correct this bill. We should give it the proper chance of passage.

Mr. STAISEY. Mr. President, I wholly subscribe to the sentiments expressed by my very fine colleague from Allegheny County. However, unfortunately, I cannot accept them.

The PRESIDING OFFICER. There being no objection, the bill will go over in its order.

EDUCATION BILLS ON THIRD READING AND FINAL PASSAGE

SB 914 (Pr. No. 1208)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. WEINER. Mr. President, for the information of the Membership, this bill would amend the State scholarship program by allowing 100 competitive scholarships to be awarded at-large in the amount of $250 each.

I ask my colleague to vote "aye" on this measure.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kromer,	Propert,	Stroup,
Chapman,	Lane,	Ripp,	Taylor,
Confair,	Madigan,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—1

Kessler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 920 (Pr. No. 1222)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

HB 1720 (Pr. No. 2675)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bell,	Keller,	Pechan,	Stiefel,
Berger,	Kessler,	Propert,	Stroup,
Camiel,	Kromer,	Ripp,	Taylor,
Chapman,	Lane,	Rooney,	Van Sant,
Confair,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Stevenson,	Donolow,
Hays,			Presiding Officer

NAYS—5

Devlin,	Mahady,	Murray,	Staisey,
Kalman,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL ON THIRD READING AND FINAL PASSAGE

SB 440 (Pr. No. 475)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kromer,	Propert,	Stroup,
Chapman,	Lane,	Ripp,	Taylor,
Confair,	Madigan,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—1

Kessler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

SB 461—Without objection, the bill pas passed over in its order at the request of Mr. BERGER.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 522 (Pr. No. 2690)—Reat at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Camiel,	Lane,	Murray,	Silvert,
Devlin,	Mahady,	Ripp,	Staisey,
DiSilvestro,	McCreesh,	Rooney,	Stiefel,
Haluska,	McGinnis,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow,
			Presiding Officer

NAYS—25

Bell,	Keller,	Pechan,	Taylor,
Berger,	Kessler,	Propert,	Van Sant,
Confair,	Kromer,	Scott,	Wade,
Ehrgood,	Madigan,	Shafer,	Wagner,
Flack,	Mallery,	Stevenson,	Ware, III,
Fleming,	McMenamin,	Stroup,	Wolfe,
Hawbaker,			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILLS ON THIRD READING AND FINAL PASSAGE

SB 651 (Pr. No. 1218)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WEINER. Mr. President, I think this is one of the most important pieces of legislation to come before this Body this Session. This provides for a zoning code, a health code, and a plumbing code in many of the areas of the State that do not now have them.

I think it is very urgent that we have this legislation so that we do not just have a hodge podge of everything coming up in these communities, where they have no rhyme or reason for certain buildings and certain facilities being located where they are not needed. In some places where other things that are more important are needed, there will not be room for them.

I ask that all my colleagues vote "aye" on this bill, as this is important legislation.

Mr. LANE. Mr. President, in the closing days of this Session, I, too, join in this request. I feel this is good legislation.

There has been a lot of work put on this bill. Mr. Pitkin worked very hard on it, and it was also before the Local Government Commission. There were some inequities, and Senator Stevenson made the changes not too long ago.

I think this is good legislation, and I hope it passes the Senate.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. YATRON. Mr. President, I desire to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Camiel,	Lane,	Mullin,	Silvert,
Confair,	Mahady,	Murray,	Staisey,
Devlin,	Mallery,	Ripp,	Stevenson,
DiSilvestro,	McCreesh,	Rooney,	Stiefel,
Haluska,	McGinnis,	Sarraf,	Weiner,
Hays,	McMenamin,	Sesler,	Yatron,
Kalman,	Miller,	Seyler,	Donolow, Presiding Officer

NAYS—20

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Ehrgood,	Kessler,	Scott,	Wade,
Flack,	Kromer,	Shafer,	Wagner,
Fleming,	Madigan,	Stroup,	Ware, III,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 710 (Pr. No. 824)—Read at length the third time and agree to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 806 (Pr. No. 1173)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bell,	Hays,	Mullin,	Staisey,
Berger,	Kalman,	Murray,	Stevenson,
Camiel,	Keller,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Van Sant,
Devlin,	Madigan,	Rooney,	Wagner,
DiSilvestro,	Mahady,	Sarraf,	Ware, III,
Ehrgood,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Sesler,	Wolfe,
Fleming,	McGinnis,	Seyler,	Yatron,
Haluska,	McMenamin,	Shafer,	Donolow,
Hawbaker,	Miller,	Silvert,	Presiding Officer

NAYS—3

Kessler,	Taylor,	Wade,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 826 (Pr. No. 1015)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Camiel,	Mahady,	Murray,	Staisey,
Devlin,	Mallery,	Ripp,	Stiefel,
DiSilvestro,	McCreesh,	Rooney,	Stroup,
Ehrgood,	McGinnis,	Sarraf,	Wade,
Haluska,	McMenamin,	Sesler,	Weiner,
Hays,	Miller,	Seyler,	Yatron,
Kalman,	Mullin,	Silvert,	Donolow,
Lane,			Presiding Officer

NAYS—21

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wagner,
Confair,	Kromer,	Shafer,	Ware, III,
Flack,	Madigan,	Stevenson,	Wolfe,
Fleming,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 828 (Pr. No. 1200)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Camiel,	Mahady,	Ripp,	Staisey,
Devlin,	McCreesh,	Rooney,	Stiefel,
DiSilvestro,	McGinnis,	Sarraf,	Wagner,
Haluska,	McMenamin,	Sesler,	Weiner,
Hays,	Miller,	Seyler,	Yatron,
Kalman,	Mullin,	Silvert,	Donolow,
Lane,	Murray,		Presiding Officer

NAYS—24

Bell,	Fleming,	Mallery,	Stroup,
Berger,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Ware, III,
Flack,	Madigan,	Stevenson,	Wolfe,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

HB 840 (Pr. No. 2660)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WEINER. Mr. President, this makes the use of tear gas, except by banks and other institutions of that nature, unlawful. This bill was amended here in the Senate, and it is now a little different than the House version. I want to bring this to the attention of the Members of the Senate who may not have had a chance to read it very carefully.

I ask my colleagues to vote "aye."

Mr. BERGER. Mr. President, I was going to vote "aye" on this bill. However, I am afraid the gentleman pretty nearly talked me out of it. Do you mean it is just confined to banks and financial institutions?

Mr. WEINER. No, sir. It can be used by the Government, banks, other institutions of that nature, and other activities of that type.

Mr. BERGER. I thank the gentleman.

The PRESIDING OFFICER. Senator Berger is convinced, and the Clerk will call the roll.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bell,	Hays,	Murray,	Stevenson,
Berger,	Kalman,	Pechan,	Stiefel,
Camiel,	Keller,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Yatron,
Haluska,	Miller,	Silvert,	Donolow,
Hawbaker,	Mullin,	Staisey,	Presiding Officer

NAYS—3

Kessler,	Madigan,	Wolfe,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

SB 855 (Pr. No. 1078)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 872 (Pr. No. 1112)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Berger,	Hays,	Murray,	Stiefel,
Camiel,	Kalman,	Pechan,	Taylor,
Chapman,	Keller,	Ripp,	Van Sant,
Confair,	Lane,	Rooney,	Wade,
Devlin,	Mahady,	Sarraf,	Wagner,
DiSilvestro,	McCreesh,	Scott,	Ware, III,
Ehrgood,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
			Presiding Officer

NAYS—10

Bell,	Kromer,	Propert,	Stevenson,
Flack,	Madigan,	Sesler,	Stroup,
Kessler,	Mallery,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 880 (Pr. No. 1129)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 881 (Pr. No. 1130)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Confair,	Kromer,	Ripp,	Taylor,
Chapman,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Stalsey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 893 (Pr. No. 1160)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. BELL. Mr. President, I rise to oppose this bill.

The reason I oppose it is because hidden in this bill is a provision that if a police officer files an information against someone, and for some reason cannot make the hearing or does not appear at the hearing, he is subject to paying a sum equal to the costs, plus a fine. I do not think that is a fair imposition to place upon our police officers.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Berger,	Hays,	Miller,	Silvert,
Camiel,	Kalman,	Mullin,	Stalsey,
Chapman,	Keller,	Murray,	Stevenson,
Confair,	Kessler,	Pechan,	Stiefel,
Devlin,	Kromer,	Propert,	Wade,
DiSilvestro,	Lane,	Ripp,	Wagner,
Ehrgood,	Mahady,	Rooney,	Ware, III,
Flack,	Mallery,	Sarraf,	Weiner,
Fleming,	McCreesh,	Sesler,	Wolfe,
Haluska,	McGinnis,	Seyler,	Yatron,
Hawbaker,	McMenamin,	Shafer,	

NAYS—7

Bell,	Scott,	Taylor,	Donolow,
Madigan,	Stroup,	Van Sant,	Presiding Officer

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS RECOMMITTED

SB 895 (Pr. No. 1238) and **SB 896 (Pr. No. 1239)**—Mr. WEINER. Mr. President, I move that Senate Bill No. 895 and Senate Bill No. 896 be recommitted to the Committee on Local Government.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WEINER. Mr. President, my reason for making this motion is that I have been advised that both of these bills are unconstitutional, due to the limitation placed in the Constitution specifically setting out what real estate shall be exempted.

Although the purpose of these bills is good, and what they are trying to accomplish is worth-while, they are badly drawn.

I have been advised—as has the Governor—by the Attorney General that both of these measures are unconstitutional.

And the question recurring,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative and the bills were recommitted.

BILLS ON THIRD READING AND FINAL PASSAGE

SB 901 (Pr. No. 1240)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup.
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Stalsey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 905 (Pr. No. 1183)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Berger,	Kalman,	Ripp,	Stalsey,
Camiel,	Mahady,	Rooney,	Stiefel,
Confair,	McCreesh,	Sarraf,	Van Sant,
Devlin,	McGinnis,	Sesler,	Weiner,
DiSilvestro,	McMenamin,	Seyler,	Yatron,
Ehrgood,	Mullin,	Silvert,	Donolow,
Haluska,	Murray,		Presiding Officer

NAYS—24

Bell,	Keller,	Miller,	Stroup,
Chapman,	Kessler,	Pechan,	Taylor,
Flack,	Kromer,	Propert,	Wade,
Fleming,	Lane,	Scott,	Wagner,
Hawbaker,	Madigan,	Shafer,	Ware, III,
Hays,	Mallery,	Stevenson,	Wolfe,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

HB 911—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILLS ON THIRD READING AND FINAL PASSAGE

SB 915 (Pr. No. 1209)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer.	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 916 (Pr. No. 1210)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Berger,	Kalman,	Murray,	Stevenson,
Camiel,	Keller,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Wolfe,
Hawbaker,	Miller,	Silvert,	Yatron,
Hays,	Mullin,	Staisey,	Donolow,
			Presiding Officer

NAYS—2

Bell,	Kessler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 919 (Pr. No. 1221)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER. Mr. President, I request that Senate Bill No. 919 go over in its order.

Mr. BERGER. Mr. President, I object to this bill going over in its order. I want to say in that regard that here is the opportunity which so many of the gentlemen on the other side have desired. They may, by voting for this bill which will remove the debt limitation from the Constitution of Pennsylvania, thus do away with things like the General State Authority and other borrowing agencies, and provide the Commonwealth with just exactly what the gentlemen on the other side have been talking about all evening.

Mr. WEINER. Mr. President, may I point out to the gentleman that we could have done this a long time ago when we had before us Senate Bill No. 23, which came up early in the Session.

Mr. President, the gentleman absolutely refused even to consider this facet of it, which we discussed at the time we discussed Senate Bill No. 23. I think, belatedly, Senate Bill No. 23 has caught on. I would like to bring it back, if the gentleman on the other side want to do so. I think we could then solve all of these problems in one neat package.

Mr. BERGER. Mr. President, the gentleman is absolutely and completely incorrect. Senate Bill No. 23 does not do what Senate Bill No. 919 does. This is a resolution for the amendment of the Constitution of Pennsylvania. The other one was a bill providing for calling a Constitutional Convention to revise the whole Constitution.

Mr. President, it is well admitted that many provisions of the Constitution might be considered obsolete. However, at the same time, Mr. President, it can be amended, and it can be amended by this method to provide for elimination of the debt limitation of the Constitution. If the gentleman are sincere in what they say, they will vote for this bill.

I might point out, Mr. President, that another resolution of this same type was passed in the Senate in 1959 and failed of passage in the House of Representatives.

Mr. WEINER. Mr. President, I fail to see how we can do piecemeal what we are trying to do as a whole group. We started, early in this Session, bringing out a number of resolutions to amend the Constitution to eliminate a lot of silly provisions that are in there and a lot of things that are long since outmoded. We could not get an extra vote to take care of any of those problems.

We introduced Senate Bill No. 23, which asked for a Constitutional Convention to deal with the entire document and deal with all of the provisions and straighten out that matter completely. That also was voted down.

Here, belatedly, in the closing days of the Session, we come along with Senate Bill No. 919. This bill was only introduced just a few days ago, and it is already on our Calendar for us to deal with. It deals with the serious matter of abolishing the G.S.A., the School Authority and so on and so forth. It seems to me that if your position was correct at that time, it is certainly incorrect at this time. Which position are you taking?

Mr. BERGER. Mr. President, if I recall, most of the amendments that were proposed to the Constitution, and which were on our Calendar, were recommitted by the gentleman on the other side. Some of them were voted down. However, by and large, the major portion of those were recommitted.

Mr. President, you cannot throw a smoke screen around this particular bill. It provides for exactly what you have been talking about all evening. You are either sincere in what you say or there is a little bit of insincerity.

Mr. WEINER. Mr. President, I think the Minority Leader is well able to express himself without any help

from the sidelines. I think those words were not only ill-chosen, but also ill-counseled.

Might I point out that here is a bill which was just introduced on August 15th? I am asking for it to go over for the first time, and my request is creating this kind of a problem. On the previous page is House Bill No. 911, which has been on our Calendar for over a month now, and I cannot get it moved beyond Third Reading. We had a tough job getting it up to that point.

I certainly think that Senate Bill No. 919 can wait one more day. It will still have time to pass, if it is going to pass.

I would like to get straight in my own mind exactly what you gentlemen are doing and the direction in which we are moving.

The reason we originally sent back many of the bills on constitutional amendments was because we could not get a vote on them, and I would have hated to see every one of those bills defeated. We sent them back to committee for further consideration in the hope that we could gain one of the gentlemen on the other side to go along with us. When that did not happen, we left them in committee.

This is a bill which was introduced on August 15th. Today is only the 28th. The bill was introduced, sent to committee, reported out of committee, passed First and Second Reading, and here it is on Third Reading this evening. This must be very pressing. I certainly would like to give it my full consideration. If we pass it over until tomorrow, nothing is going to happen to it, as we passed over one or two other Senate Bills before we got to this one.

Mr. FLEMING. Mr. President, I rise to oppose the passing over of this bill. I would like to preface my remarks on the basis that Senator Weiner and his side could have been correct, and that we did need Senate Bill No. 23. With that conclusion, of course, we, on this side of the Senate, are in complete disagreement. However, that day is over. We settled that question some weeks ago. There will not be a Constitutional Convention, at least at this time.

This bill embodies one of the major recommendations of the Constitutional Revision Commission. It has both Democratic and Republican sponsorship. I can only reiterate what the Minority Leader has stated. If the Democratic side is sincere in what they have said all evening about how we get around the method of Authority financing, and how we can possibly do it within the confines of the Constitution, here is the instrument by which we can start.

I would respectfully suggest to the Majority Leader that this is a simple bill. Everyone understands exactly what it does. If we are to adjourn on Thursday—and I hope we do— then certainly we should pass this bill today, send it over to the House of Representatives, and give them an opportunity to vote on it. If, in their wisdom, they feel the bill should be passed, then as soon as possible we can present to all of the people of Pennsylvania the question of whether or not the debt ceiling of the Commonwealth of Pennsylvania shall be raised. I think it is a most vital question for the people to decide. I think it is one of the questions that should be decided as soon as possible.

Mr. WEINER. Mr. President, we have a double coincidence here this evening. The first coincidence was that there has been no policy change in the child you fellows brought forth back in 1949—the G.S.A.—until the make-up of the General State Authority changed.

Now we find that we have moved on from that point, and you present a resolution to kill the creature that you created yourself. It seems to me that this is a coincidence also. You could have done this last Session or the Session before that, if you found the G.S.A. was becoming overburdensome or something with which you could not live any longer.

It just so happens when the other Party comes into possession of the machinery, you feel the whole thing has been a bad mistake and a bad nightmare, and we must correct it all at one time. It seems to me that if you are absolutely honest and sincere about it and want to go along with this thing, along with the other problems, you would certainly bring back Senate Bill No. 23, which is the Constitutional Convention Bill. Let us work on that. It is not too late. We can bring it back and it will be on Third Reading tomorrow. We can pass it over to the House, and I would use my good offices to see if we can pass it before the Session is over; that is, if that is what you want to do.

However, if what you want to do is destroy the G.S.A. and destroy the School Authority by this vehicle, I can only conclude that the only reason you are doing it is because the make-up and the political complexion of it has changed. The machinery, as long as it was in your hands, seemed to be perfectly all right. Now, all of a sudden, it has become bad, it has become something that we cannot live with, it has become something that we must put to the people, and it has become something that we must deal with immediately in order to wipe it out of existence because it is very evil.

Mr. MAHADY. Mr. President, I am very sincere about this bill. I am equally sincere about Senate Bill No. 461, Printer's No. 1237, on page 6, which is another constitutional amendment.

I certainly submit to the Minority Leader, who made the request to put Senate Bill No. 461, Printer's No. 1237 over in its order, that if there is time for the one bill, there is time for the other. I, myself, would like to see them both move today. However, I intended them to both move together.

Using Senator Fleming's expression, if it does not pass today, it will not be passed and the intent must be to defeat it. If that is so, the sincerity of everyone here is to be questioned and not only any one group.

Both of these constitutional amendments are considered to be good amendments. The Senate passed the equivalent of Senate Bill No. 461, Printer's No. 1237, earlier this year. There was a mistake in it. I pointed out that mistake on the floor, and was told it would be corrected in the House. It was impossible to correct it by amendment, however, a new bill had to be introduced.

I, therefore, draw your attention to the fact that if it is a question of time, both of these bills should move. If it is not a question of time, then we can wait until tomorrow, as was requested on Senate Bill No. 461.

Mr. CONFAIR. Mr. President, I think the Majority Floor Leader knows that this bill will not go into effect immediately, as he said a few minutes ago. We know it

is going to be carried over for two years. It is something about which people can think for two years.

Increasing the borrowing power of the State was one of the major factors which they talked about in Senate Bill No. 23. I really believe this bill should not go over in its order. If we are in favor of good government, I think everyone in this room should vote for this bill.

Mr. BERGER. Mr. President, referring to Senator Mahady's statement concerning Senate Bill No. 461, it is my understanding that a similar resolution was passed at a prior Session. However, this bill is not identical with that bill. Therefore, Mr. President, this would be ineffective to place the question on the ballot. If I am mistaken, Mr. President, I would like to have the gentleman advise me.

This bill has been amended in the Senate and, if so,—and there was a prior measure passed—it will not be effective to put it on the ballot as was intended with the passage of the other bill.

Mr. MAHADY. Mr. President, the effort is de novo. This is a new attempt to accomplish what we were trying to accomplish. The other bill was defective. As you know, it left the Secretary of Internal Affairs in thin air. We have attempted to remedy that.

Mr. BERGER. Mr. President, I desire to interrogate the gentleman from Westmoreland County, Senator Mahady.

The PRESIDING OFFICER. Will the gentleman from Westmoreland, Mr. Mahady, permit himself to be interrogated?

Mr. MAHADY. I will, Mr. President.

Mr. BERGER. Mr. President, simply for my information,—and I am sure for the information of the other Members of the Senate—I would like to ask the gentleman if there was a prohibition in the Constitution against the Secretary of Internal Affairs succeeding himself.

Mr. MAHADY. Mr. President, as you know, we passed an amendment affecting the term of the Secretary of Internal Affairs so that the term would begin in January rather than in May.

When we did that, we changed the Constitution. When we attempted to amend this the first time, we left out the Secretary of Internal Affairs entirely. We forgot about the first amendment. Therefore, if the first amendment passes on the ballot this fall, which is the amendment changing the term of the Secretary of Internal Affairs, then the one that is now reposing over in the House would be in conflict with it.

Therefore, we found out we could not do it by amendment. We came back here and started all over again. I think, if I recall correctly, the vote was 50-0 on that when it passed here originally.

Mr. BERGER. Mr. President, I am sure that it was. However, I wish to point out there was no constitutional limitation as to the succession of the Secretary of Internal Affairs. Therefore, why is it necessary to put it in this bill? Mr. MAHADY. Mr. President, I do not have the section right here. In fact, I do not have the bill in front of me. Nevertheless, the way the Constitution now reads, the Secretary of Internal Affairs is in that section. We amended that section with the original bill to make the Secretary of Internal Affairs take office January 1st.

You will notice in this bill, in addition to succeeding themselves, they will take office on January 1st. It is a housekeeping measure so that we will not be found out on a limb.

As I have said, that is why I favored Senate Bill No. 23. Everytime you try to amend something piecemeal, you get in your own way. We got in our own way legally and technically on this matter.

Mr. BERGER. Mr. President, I am not convinced that it is necessary to amend the Constitution in so far as the succession of the Secretary of Internal Affairs is concerned. However, if that is the case, I have no objection, on my part, to sending Senate Bill No. 461 on its way because it was our intention to provide for the succession of the Auditor General and the State Treasurer.

Mr. President, I will accept the gentleman's explanation. I will call up Senate Bill No. 461 and ask that it be read for the Third Time.

The PRESIDING OFFICER. Senator Berger, please withhold such request until we have completed consideration of this bill.

Mr. SESLER. Mr. President, I recognize the remarks of the Minority Leader with mixed emotions. I believe I am—as well as a number of my colleagues on this side of the aisle—quite sincere about a belief in the need for fiscal revision of the affairs of the Commonwealth.

However, I would like to emphasize one point here. We certainly were extremely disappointed about the vote on a new Constitution. That may be the end of it this year, but I would like to tell the Senator from Allegheny that it will not be the end of the fight as long as I am in the Senate.

I also want to say this. Politically speaking, it might be better to say that we would oppose this resolution tonight on the grounds that if this amendment were adopted, it would help to weaken the argument for a new Constitution. However, I am willing to recognize the fact that this is a step forward and support it on the theory—as we have said before—that a half or a quarter of a loaf is better than no loaf. In doing this, I am willing to admit that it may be politically somewhat indefensible. However, it is a step in the right direction, and it is done with good intent. If I can be flexible, maybe in the future I can persuade the gentleman from Allegheny or one of his colleagues to be also flexible and look to the need for a new Constitution.

Mr. FLEMING. Mr. President, for the purpose of setting the record straight,—and I am sure the Majority Leader knows this as well as I do—when the gentleman suggests to the Senate of Pennsylvania that the introduction of Senate Bill No. 919 is an attempt by this side of the Senate to throw a smoke screen, I would like to tell him—and I can quote almost correctly I believe from the record of the 1959 Session—that the Senate of Pennsylvania was under the control of the Republican Party and we sent a similar measure to the House of Representatives. The House, in their wisdom, decided not to pass it and not to put it through for the first time. This is nothing new with the Republican Party. We recognize this as one of the faults in the present Constitution, and one which we would like to correct and which we would like to start through now.

If the Majority Party—now the Democratic Party—is as sincere as Senator Weiner has led us to believe, then let him pass this bill this evening. Let it go over to the

House where it has a chance to go through. Let it be presented to the people. We want it presented to the people of Pennsylvania. We want the debt limit raised.

Certainly, Mr. President, let no one be under the disillusion, if you please, as presented by Senator Weiner, that this is any attempt—a last minute attempt on the part of this side of the Senate—to put through a bill that we have not thought of before. We thought of it, Mr. President, in 1959 when we were in power in the Senate of Pennsylvania. We passed it in the Senate of Pennsylvania by a bare majority, but we passed it, and for some reason the House of Representatives decided not to pass it.

Mr. SESLER. Mr. President, I do not mean to be redundant or to prolong this discussion. However, I believe the Senator from Allegheny County has misinterpreted my remarks.

I did not mean to infer that you are putting up a smoke screen. All I am saying is this: In the language of the Senator, this is one of the faults and we are attacking one of the faults—one of the major faults—of the Constitution. We have pursued this tortuous process for years and years and years. Because of our fear that we are going to inflict something on the people of Pennsylvania that they do not want and because of other various private interests, who grind their axes most loudly—too loudly—on this Hill from time to time, we are afraid to take it into our hands and go forward and adopt a new Constitution. This seems to me to be, evidently, a distrust of our process.

After all, gentlemen, we, who are the proponents of a new Constitution, are the ones who have the uphill fight. We are the ones who are trying to throw off this sloth of apathy and inertia among the people of the Commonwealth. We are the ones who have to take to them the complicated issue of a new Constitution and try to explain it. You are not going to explain a new Constitution by a slogan. This is going to take work; the kind of hard work that our League of Women Voters has started, the Junior Chamber of Commerce has supported, and other worthy groups have started. You will find that day by day citizens who are enlightened and concerned about their government are going to join this movement for a new Constitution. This movement will continue to grow.

This is only one of the faults. However, why do we have to tag this as one of the faults? Are we going to keep on amending this quiltwork? What I am pointing out is that by getting rid of this one fault, do you think we are going to alleviate this need? Why not attack the problem face on?

If a man is injured, a doctor treats all parts of the body. He does not treat one part and let the rest of him rot. He treats all parts of the body to the best of his ability. So let us, as Legislators, commence this process of treating the body politic.

Mr. SEYLER. Mr. President, I would like to call the attention of the Members of the Senate to page 2, lines 13 to 17 of this bill, which seems to me to offer ample reason for delaying action on this bill.

That Section, beginning with line 13 of the bill, reads as follows:

> "Except as herein provided no debt or other obligation shall hereafter be created by or on behalf of this Commonwealth or by any authority or other agency the repayment of which will be made either directly or indirectly from Commonwealth revenues whether by direct payment or through leases or other contractual obligations . . ."

Mr. President, I am advised by competent counsel and I believe that if this should become a part of the Constitution of our Commonwealth, this would bring to an end any support on the part of this Commonwealth for a school building program of a school district, whether by general obligation bonds of a school district or by an authority created for that purpose, because these are agencies and authorities which have contracting obligations involving the use of revenue of the Commonwealth for repayment.

I think this is a serious thing to contemplate. It may be possible, under the first part of this bill, that we could finance such a project if the people in the entire Commonwealth of Pennsylvania were asked to vote every time a school building is built in Lycoming County, Allegheny County, Lehigh County or Potter County.

This is obviously a riduculous situation to ask the entire Commonwealth to vote every time there is such a project. I am not even sure that would be possible. It may be—I am advised—that under this section, it would be impossible hereafter for the Commonwealth to support any such building programs on the part of school districts or those that are financed through municipal authorities.

I think this is of serious enough consideration to warrant our stopping and thinking about the possibilities of this bill.

Mr. FLEMING. Mr. President, I certainly do not want to prolong this. However, as usual, I failed to have the attention of the Senators. Senator Sesler, for whom I have the highest regard, completely misunderstood my remarks.

I made no reference whatsoever to anything that the Senator from Erie said. My remarks were directed to the Majority Leader, Senator Weiner, who, as usual, decided to pay no attention to what I was saying. That is all right with me.

However, I assure the Senator from Erie that I found no quarrel with anything he said. My fault was found with Senator Weiner.

Mr. WEINER. Mr. President, if the gentleman wants me to repeat what he said, I will be very happy to do so, and also advise him of our opposition to it.

The PRESIDING OFFICER. There being objection to Senate Bill No. 919 going over in order, the question recurs on the passage of this bill on third reading.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. ROONEY. Mr. President, having voted under a misapprehension, I desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. McGINNIS. Mr. President, having voted under a

misapprehension, I also desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Bell,	**Hawbaker,**	Miller,	Stroup,
Berger,	Keller,	Pechan,	Taylor,
Chapman,	**Kessler,**	Propert,	Van Sant,
Confair,	Kromer,	Scott,	**Wade,**
Ehrgood,	**Madigan,**	Sesler,	Wagner,
Flack,	**Mahady,**	**Shafer,**	Ware, III,
Fleming,	Mallery,	**Stevenson,**	**Wolfe,**

NAYS—22

Camiel,	Lane,	Ripp,	Staisey,
Devlin,	McCreesh,	**Rooney,**	**Stiefel,**
DiSilvestro,	**McGinnis,**	**Sarraf,**	**Weiner,**
Haluska,	**McMenamin,**	**Seyler,**	Yatron,
Hays,	**Mullin,**	Silvert,	**Donolow,**
Kalman,	**Murray,**		Presiding Officer

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 461 CALLED UP

SB 461 (Pr. No. 1237)—Without objection, the bill, which previously went over in its order, was called up from page 6 of the Third Reading Calendar by Mr. BERGER.

BILL ON THIRD READING AND FINAL PASSAGE

SB 461 (Pr. No. 1237)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. STIEFEL. Mr. President, I am voting "no" on this bill, and I want to explain the reason why. As a matter of fact, I got up before to explain why I voted against a preceding bill.

I am against piecemeal amendments to the Constitution. We had an excellent chance of calling a Constitutional Convention, which would have mirrored the progress of Pennsylvania. Instead of that, we take a greater boulder and we pulverize it into small pebbles. We will keep on throwing those pebbles in years to come.

The only way to show my position on this matter in so far as extending the term and amending the Constitution—although I am a great admirer of Miss Blatt, and I believe she is a genius and does a magnificent piece of work for Pennsylvania—is to say that I am compelled to stick to my convictions. Even though Emerson said that constancy is the hobgoblin of fools, I, nevertheless, want to be constant.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bell,	Hays,	Miller,	**Shafer,**
Berger,	Kalman,	Mullin,	Silvert,
Camiel,	Keller,	Murray,	Staisey,
Chapman,	**Kessler,**	**Pechan,**	Stevenson,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Ripp,	Van Sant,
DiSilvestro,	**Madigan,**	**Rooney,**	Wagner,
Ehrgood,	**Mahady,**	**Sarraf,**	Ware, III,
Flack,	Mallery,	Scott,	**Weiner,**
Fleming,	McCreesh,	Sesler,	Yatron,
Haluska,	**McGinnis,**	Seyler,	Donolow,
Hawbaker,	McMenamin,		Presiding Officer

NAYS—4

Stiefel,	Stroup,	**Wade,**	**Wolfe,**

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, that the clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING AND FINAL PASSAGE

SB 921 (Pr. No. 1228)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Mullin,	Stevenson,
Berger,	**Keller,**	**Murray,**	**Stiefel,**
Camiel,	**Kessler,**	**Pechan,**	Stroup,
Chapman,	Kromer,	Propert,	Taylor,
Confair,	Lane,	Ripp,	Van Sant,
Devlin,	Madigan,	**Rooney,**	**Wade,**
DiSilvestro,	**Mahady,**	**Sarraf,**	Wagner,
Ehrgood,	Mallery,	Scott,	Ware, III,
Flack,	McCreesh,	Sesler,	Weiner,
Fleming,	**McGinnis,**	**Shafer,**	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	**Donolow,**
Hays,			Presiding Officer

NAYS—1

Seyler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, that the clerk present said bill to the House of Representatives for concurrence.

SB 924 (Pr. No. 1234)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. HAWBAKER. Mr. President, having voted under a misapprehension, I desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Berger,	Kalman,	Ripp,	Staisey,
Camiel,	**Mahady,**	**Rooney,**	**Stiefel,**
Confair,	McCreesh,	**Sarraf,**	**Van Sant,**
Devlin,	**McGinnis,**	Scott,	**Weiner,**
DiSilvestro,	McMenamin,	Sesler,	Yatron,
Ehrgood,	Mullin,	Silvert,	**Donolow,**
Haluska,	**Murray,**		**Presiding Officer**

NAYS—22

Bell,	**Kessler,**	**Pechan,**	Taylor,
Flack,	Kromer,	Propert,	**Wade,**
Fleming,	Lane,	**Seyler,**	Wagner,
Hawbaker,	**Madigan,**	Stevenson,	Ware, III,
Hays,	Mallery,	Stroup,	Wolfe,
Keller,	Miller,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, that the clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

HB 1028, 1085, 1259, 1306, 1337, 1338, 1339, 1373, 1422, 1427, 1452, 1453, 1454, 1455, 1456, and **1457**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL RECOMMITTED

HB 1486 (Pr. No. 1819)—Mr. WEINER. Mr. President, I move that House Bill No. 1486 and House Bill No. 1487 be recommitted to the Committee on Education.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. STROUP. Mr. President, I desire to interrogate the Majority Leader.

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Mr. Weiner, permit himself to be interrogated?

Mr. WEINER. I will, Mr. President.

Mr. STROUP. Mr. President, would the gentleman explain why he desires to have these two bills recommitted to the Committee on Education?

Mr. WEINER. Mr. President, I am sorry. I would have explained when I asked that they be recommitted, but I thought we were rushing because of the lateness of the hour.

Mr. STROUP. Mr. President, would the gentleman be kind enough, rather than making the motion to recommit, to put these bills over in order until tomorrow?

Mr. WEINER. Mr. President, I would be glad to explain to the gentleman in about one minute why we are asking that these bills be recommitted. The reason we are doing so is that they are taking people, who are in the real estate business and those who are in the business of the schools which teach these people to do this, away from the Private Business School Law provisions and not putting them in any area at all. These will be left completely without any regulation whatsoever.

The intent of what they are trying to do is perfectly clear to me. This is not the vehicle to do it. These bills are badly drawn. If you will peruse the bills, you will see there will be great difficulty in administering these schools.

House Bill No. 1487 might be a good bill and it might be able to ride on its own. However, I think it is tied in with House Bill No. 1486 and, as such, it should go back and perhaps be corrected.

They are both House Bills, Senator. Perhaps the committee can get them back to us in time to appear on Third Reading, and we might be able to pass them on Wednesday or Thursday.

Mr. STROUP. Mr. President, I have no further interrogation. I merely wish to state that I have no objection to House Bill No. 1486 being recommitted. However, I would like to have House Bill No. 1487 remain on the Calendar because I have amendments to offer thereto, and I would offer the amendments tomorrow. Those amendments might make the bill more acceptable to the Majority Leader. I would like an opportunity to at least present them for his consideration.

I, therefore, respectfully request the Majority Leader to permit House Bill No. 1487 to go over in its order until tomorrow.

Mr. Mr. WEINER. Mr. President, I have no objection. If the bill can be made better by amendments, I will be glad to see the amendments tomorrow.

Mr. President, I now withdraw that portion of my motion for the recommittal of House Bill No. 1487.

Mr. LANE. Mr. President, I also withdraw my second to the motion with respect to House Bill No. 1487.

Mr. WEINER. Mr. President, I renew my motion that House Bill No. 1486, Printer's No. 1819, be recommitted to the Committee on Education.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to and the bill was recommitted.

BILLS OVER IN ORDER

HB 1487, 1506, 1599, 1601, 1606, 1607, 1622, 1638, 1678, 1683, 1746, 1768, 1771, 1796 and **1811**—Mr. WEINER. Mr. President, I request that the remaining bills on page 14, all of the bills on pages 15 and 16, and the three bills at the top of page 17, go over in their order.

The PRESIDING OFFICER. Is there objection?

Mr. STIEFEL. Mr. President, there is a certain bill appearing on page 16, at the top of the page, House Bill No. 1678.

This is one of those bills which is weasel-worded. It is written in such a way that you cannot understand the meaning of it. I think it belongs to that group of bills which need a lot of explanation, interpretation and exegesis because, otherwise, you cannot understand it.

Therefore, I request that this bill go over in order so that I may have an opportunity to delve into the mysteries of this piece of legislation.

The PRESIDING OFFICER. As the Chair understands it, the Majority Leader has requested that all of these bills go over in their order.

Mr. STIEFEL. Yes, Mr. President, but this bill especially.

The PRESIDING OFFICER. There being no objection, the bills will go over in their order.

SECOND READING CALENDAR

EDUCATION BILLS ON SECOND READING

SB 814 (Pr. No. 1259), SB 815 (Pr. No. 1260), SB 819 (Pr. No. 997), SB 820 (Pr. No. 998) and **SB 934 (Pr. No. 1262)**—Read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

BILLS OVER IN ORDER

HB 65, 337, 341, 382 and **SB 473**—Without objection, the bills were passed over in their order at the request of Mr. BERGER.

HB 527—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON SECOND READING

SB 619 (Pr. No. 1257)—Read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

BILLS OVER IN ORDER

HB 626 and **669**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL ON SECOND READING

SB 758 (Pr. No. 1251)—Read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

BILL OVER IN ORDER

SB 761—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILL ON SECOND READING

SB 787 (Pr. No. 943)—Read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

BILL OVER IN ORDER

U SB 799—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILLS ON SECOND READING

SB 910 (Pr. No. 1204), SB 912 (Pr. No. 1206), SB 913 (Pr. No. 1261), SB 928 (Pr. No. 1245), SB 931 (Pr. No. 1248), SB 932 (Pr. No. 1249) and **SB 935 (Pr. No. 1263)**—Read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

BILLS OVER IN ORDER

HB 1008, 1010, 1030, 1317, 1318—Without objection, the bills were passed over in their order at the request of Mr. BERGER.

BILL ON SECOND READING AMENDED

HB 1539 (Pr. No. 2691)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. STAISEY offered the following amendments:

> Amend Sec. 1 (Sec. 4), page 5, line 1, by striking out the brackets before and after "ninety (90)."
>
> Amend Sec. 1 (Sec. 4), page 5, lines 1 and 2, by striking out "FORTY-FIVE (45)."

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. STAISEY.

BILL ON SECOND READING

HB 1707 (Pr. No. 2617)—Read at length the second time,

On the question,

Will the Senate agree to the bill on second reading?

Mr. WEINER. Mr. President, I would like to have this bill moved up to Third Reading since there are a number of amendments to it which can be offered tomorrow on Third Reading.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

Ordered, to be transcribed for a third reading.

BILLS OVER IN ORDER

HB 1789, 1827, 1829, 1831 and 1842—Without objection, the bills were passed over in their order at the request of Mr. BERGER.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. HAYS. Mr. President, I request a five minute recess for the purpose of holding a meeting of the Committee on Education, to be held in the Office of the Appropriations Committee.

Mr. WEINER. Mr. President, while this committee is holding its meeting, I think we can continue with the business of the Senate.

The PRESIDING OFFICER. There being no objection, the Committee on Education will proceed with its meeting.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 56**, which was referred to the Committee on State Government.

He also presented for concurrence **HB 1513**, which was referred to the Committee on Finance.

He also presented for concurrence HB 1803, which was referred to the Committee on Judiciary General.

HOUSE CONCURS IN SENATE BILL

He also returned to the Senate, **SB 351**, with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 161, 1178, 1221** and **1438.**

PETITIONS AND REMONSTRANCES

Mr. STIEFEL. Mr. President, just a word about the present situation on the agreement between Pennsylvania and New Jersey concerning suspension of licenses.

I believe, before the Session adjourns, something ought to be done to curb the way our citizens are being treated in New Jersey. Charges are invented and then our Department of Revenue and the Highway Safety Bureau just accept such charges word-for-word and suspend licenses.

I would suggest that we prevail upon this department to publish statistics showing how many people in Pennsylvania suffered the loss of their licenses because of convictions in New Jersey.

PERMISSION TO ADDRESS SENATE

Mr. MILLER asked and obtained unanimous consent to address the Senate.

Mr. MILLER. Mr. President, at this time, I desire to offer a resolution, on behalf of Senator Pechan and myself, and I request its immediate consideration and adoption.

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF JUSTICE AND AUDITOR GENERAL TO INVESTIGATE THE STATE WORKMEN'S INSURANCE FUND

Messrs. MILLER and PECHAN, by unanimous consent, offered the following resolution **(Serial No. 4a)**, which was read as follows:

In the Senate, August 28, 1961.

It has been alleged there are many claims of long standing which have not been settled by the State Workmen's Insurance Fund. The morale of many persons working for the fund is at an all time low. The financial condition of this agency is reported to be in very poor straits at this time.

Such conditions make it difficult for many persons rightfully entitled to receive money from the fund when it is most needed by them. Confidence of the people is shaken when these conditions exist; therefore, be it

RESOLVED, That the Department of Justice and the Department of the Auditor General are hereby requested to investigate the State Workmen's Insurance Fund to determine the solvency of the fund, the reason for laxity in the payment of claims, and the causes for the low morale of employes of the fund; and be it further

RESOLVED, That the Department of Justice and the Department of the Auditor General are requested to make a report of their findings and recommendations to Members of the Senate of Pennsylvania, the Senate Majority Leader, the Senate Minority Leader, and the Governor of Pennsylvania; and be it further

RESOLVED, That copies of this resolution be forwarded to the Attorney General and to the Auditor General of Pennsylvania.

Mr. WEINER. Mr. President, I object to this resolution receiving immediate consideration and ask that it be sent to the appropriate committee. I think the Rules Committee would be the best committee for this.

I have not been advised that these facts are or are not so. As a matter of fact, the resolution begins: "It has been alleged . . ." You cannot go on allegations alone unless there are some affidavits. I think I would like to have an opportunity, in the closing days of the Session, to at least find out what the facts are before we act on this resolution.

Mr. MILLER. Mr. President, the reason I introduced the resolution is that I have received a great number of letters from people throughout the State—and especially from Beaver County—who have written to me regarding this matter. Evidently, they have had cases before this Insurance Fund for some time.

I have a letter from a lady in Ambridge, Pennsylvania, where her son is a prominent dentist. She tells me that she has had a case outstanding now for the last three or four years. These cases evidently are not being resolved as they should be.

Also, medical people are writing to me about claims they submitted to the State and payments have been very slow in coming to them.

Therefore, I felt this matter should be looked into to determine whether these charges that are alleged are justified or not.

The PRESIDING OFFICER. There being objection to the immediate consideration of this resolution, it is referred to the Committee on Labor and Industry.

REPORTS FROM COMMITTEES

Mr. McGINNIS, by unanimous consent, from the Committee on Appropriations, rereported, as committed, **SB 418.**

Mr. HAYS, by unanimous consent, from the Committee on Education,

reported, as committed, **HB 350, 1552, 1560, 1807** and **1817;** as amended, **HB 1283.**

BILLS ON FIRST READING

Mr. LANE. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

The bills were as follows:

HB 350, 1001, 1283, 1552, 1560, 1807 and **1817.**

And said bills having been read at length for the first time,

Ordered, To be laid aside for second reading.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 1841,** which was referred to the Committee on Appropriations.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

COMMITTEE MEETINGS
TUESDAY, AUGUST 29, 1961

Eastern Daylight Saving Time	COMMITTEE	ROOM
10:00 A.: M.	MILITARY AFFAIRS & AERONAUTICS	539
10:15 A. M.	CONFERENCE COMMITTEE ON HOUSE BILL 67	535
10:30 A. M.	JUDICIARY GENERAL	535
10:45 A. M.	LOCAL GOVERNMENT	301
11:15 A. M.	PUBLIC HEALTH & WELFARE	535A
11:30 A. M.	LAW & ORDER	535A
11:45 A. M.	STATE GOVERNMENT	535

ADJOURNMENT

Mr. LANE. Mr. President, I move that the Senate do now adjourn until Tuesday, August 29, 1961, at 11:00 a.m., Eastern Standard Time.

Mr. RIPP. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:48 p.m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, August 28, 1961

The House met at 1 p.m., e.s.t.

The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

The Chaplain, Reverend David R. Hoover, offered the following prayer:

Almighty God, Thou whose greatness is seen in all of life and Thou whose greatness is evident in the life of each one of us, we humbly pray that Thou wilt mark our lives with the seal of greatness, too, which is love's working arm. O God, enable these servants of Thine to rise to the service of others and show love's working arm toward all mankind. In Christ's name. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Wednesday, August 23, 1961, will be postponed until printed.

The Chair hears none.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 564, 565, 990, 1081, 1248, 1251, 1345, 1446, 1554, 1566, 1813 and 1814.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg.

August 24, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 564, printer's No. 609, entitled "An Act amending the act of June 1, 1959 (P. L. 392), entitled 'State Employes' Retirement Code of 1959' providing for the crediting of service in the case of certain former members of the county employes' retirement system in counties of the second class."

DAVID L. LAWRENCE

August 24, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 565, printer's No. 610, entitled "An Act amending the act of July 28, 1953 (P. L. 723), entitled 'Second Class County Code' requiring the county commissioners to make appropriations and payments to the State Employes' Retirement Fund to establish reserves on account of certain former county employes."

DAVID L. LAWRENCE

August 23, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 990, printer's No. 2576, entitled "An Act amending the act of April 12, 1951 (P. L. 90), entitled 'Liquor Code' prohibiting the offer and sale of malt and brewed beverages below cost by distributors and importing distributors and fixing penalties."

DAVID L. LAWRENCE

August 24, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1081, printer's No. 2243, entitled "An Act amending the act of June 1, 1959 (P. L. 392), entitled 'State Employes' Retirement Code of 1959' providing for alternative methods of payment of benefits under certain conditions."

DAVID L. LAWRENCE

August 24, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1248, printer's No. 2425, entitled "An Act amending the act of April 9, 1929 (P. L. 177), entitled 'The Administrative Code of 1929' changing the provisions relating to leaves for certain State employes."

DAVID L. LAWRENCE

August 24, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1251, printer's No. 1425, entitled "An Act amending the act of June 1, 1959 (P. L. 392), entitled 'State Employes' Retirement Code of 1959' further providing for the reduction of superannuation and withdrawal allowances."

DAVID L. LAWRENCE

August 24, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1345, printer's No. 2181, entitled "An Act amending the act of April 29, 1937 (P. L. 487), entitled 'The Permanent Registration Act for Cities of the Second Class Cities of the Second Class A Cities of the Third Class Boroughs Towns and Townships' providing for notification of cancellation of registration in certain cases."

DAVID L. LAWRENCE

August 24, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1446, printer's No. 2562, entitled "An Act amending the act of June 19, 1931 (P. L. 589), entitled as amended 'An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops and barber schools and apprentices and students therein regulating compensation for service rendered conferring certain powers and duties on the Department of Public Instruction and providing penalties' providing credit toward student or apprentice registration periods in certain cases.

DAVID L. LAWRENCE

August 24, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1554, printer's No. 1937, entitled "An Act amending the act of May 28, 1915 (P. L. 596), entitled 'An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions' authorizing the withdrawal of service increment contributions by persons who retire before becoming entitled to any service increment."

DAVID L. LAWRENCE

August 24, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1566, printer's No. 1967, entitled "An Act amending the act of May 10, 1956 (P. L. 1569), entitled 'An act authorizing the City of Philadelphia to accept the conveyance under certain conditions of the site of Fort Miffiin' by the Commonwealth of Pennsylvania giving up its right of occupancy of Mud Island under certain circumstances and by granting rights of occupancy thereof to the City of Philadelphia.

DAVID L. LAWRENCE

August 24, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1813, printer's No. 2430, entitled "An Act repealing section 663 act of March 10, 1949 (P. L. 30), entitled 'Public School Code of 1949' abolishing the levy and assessment of per capita taxes by school districts of the first class having a population of less than one million five hundred thousand persons and providing for the collection of due and delinquent taxes."

DAVID L. LAWRENCE

August 24, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1814, printer's No. 2511, entitled "An Act imposing a tax for general public school purposes in school districts of the first class A on salaries wages commissions and other compensation earned by residents thereof on the net profits earned from businesses professions or other activities conducted by residents thereof providing for its levy and collection requiring the filing of declarations and returns and the giving of information by employers and by those subject to the tax imposing on employers the duty of collecting the tax at source conferring and imposing powers and duties on boards of public education and school treasurers in such districts providing for the administration and enforcement of the act and imposing penalties for violation thereof."

DAVID L. LAWRENCE

STATEMENT BY SPEAKER

The SPEAKER. While the leaders are conferring regarding the agenda for the day, the Chair would like to make a few remarks about decorum.

It is a matter of little personal interest to me as an individual how the House conducts itself, but as Speaker it grieves me when visitors come to me and say, I was in the House the other day, a man was on the floor speaking, and nobody was listening, some members were reading newspapers, other members were traveling the aisles, and nobody was listening to the man who was speaking. Now I say that grieves me because it downgrades our body in the estimation of the public. They expect to see us—if we do not really study legislation—have a studious attitude. That is the only reason the Chair tries to insist upon decorum.

I get along just as well when the House is in tumult, when everybody is talking to each other, quite as well. It would be far easier for the Chair to forget all about order and let the House go its merry way, but it leaves a bad impression on the public.

You know anyone with a long-range camera who takes distance views would spot somebody reading a newspaper and take the picture. You could locate the person where he sits. It is all right to read newspapers while we are in session except that the public does not appreciate that interest in the news.

It is for and on behalf of the dignity of the House, and that alone, that the Speaker asks for order. I want to repeat, it would be far easier for the Chair just to pay no attention to whether people are listening or are not listening. If a member cannot hold his audience, all right, why should the Speaker help him out? But that sort of thing downgrades us in the estimation of the public, and that is the only reason why so often, when I am in the Chair, or the gentleman from Armstrong is in the Chair, or the gentleman from Beaver is in the Chair, why we strive to maintain order. Thank you for listening to me.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. EILBERG asked and obtained permission for the Committee on Elections to meet during the session of the House.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 885.

An Act amending the act of May 5, 1933 (P. L. 457), entitled "Building and Loan Code" further defining and limiting the rights powers duties and liabilities of such associations and shareholders and further defining terms.

Referred to the Committee on Banking and Building and Loan Associations.

SENATE MESSAGE

The clerk of the Senate being introduced, presented extracts from the Journal of the Senate:

Amended House bills returned for concurrence Nos. 283, 1221, 1473 and 1484.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 17, entitled:

An Act amending the act of April 27, 1927 (P. L. 414), entitled as amended "An act providing for a system of recording the identification of persons convicted of crime and of fugitives from justice and habitual criminals * * *" requiring the destruction of photographs and fingerprints in certain cases.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

BILL PASSED OVER

There being no objection

House bill No. 689 printer's No. 754

was passed over at the request of the Speaker.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1802, entitled:

An Act amending the "Business Corporation Law" ap-

proved May 5, 1933 (P. L. 364), further providing for the payment of dividends.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1845, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing for reimbursement for school nurses.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

BILL PASSED OVER

There being no objection

Senate bill No. 730, printer's No. 1252

was passed over at the request of the Speaker.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 843, entitled:

An Act amending the act of April 18, 1949 (P. L. 512), entitled "Fiduciaries Act of 1949" increasing the amount of minor's estate which may be received held or disposed of without the appointment of a guardian or the entry of security.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 923, entitled:

An Act amending the act of August 4, 1959 (P. L. 587), entitled "An act creating and establishing the Legislative Budget and Finance Committee providing for its membership . . ." further providing for the personnel to be appointed by the Legislative Budget and Finance Committee.

The first section was read.

On the question,

Will the House agree to the section?

Mr. POLEN offered the following amendments:

Amend Sec. 1, page 2, line 1, by striking out "clause" and inserting in lieu thereof: The title, clause

Amend Sec. 1, page 2, line 1, by inserting after "3" the following: and sections 4 and 7

Amend Sec. 1, page 2, line 6, by striking out "is" and inserting in lieu thereof: are

Amend Sec. 1, page 2, by inserting between lines 6 and 7, the following:

An Act

Creating and establishing the Legislative Budget and Finance Committee; providing for its membership; prescribing its powers, functions and duties; providing for the appointment of [a legislative analyst, clerical, legal, accounting] an executive director and other personnel, and making an appropriation.

Amend Sec. 1, page 2, by inserting between lines 16 and 17, the following:

Section 4 The duties of the [legislative analyst] executive director shall be as follows:

(1) By continuous review of State expenditures, revenues and analysis of budget, to ascertain the facts, compare cost, work load and other data, and make recommendations concerning the State's budget and revenue of the departments, boards, commissions and agencies of the Commonwealth.

(2) Such other duties as shall be assigned to him by the Legislative Budget and Finance Committee.

Section 7. The sum of two hundred thousand dollars ($200,000), or as much thereof as may be necessary, is hereby specifically appropriated to the Legislative Budget and Finance Committee to pay the expenses of the members of the committee and for the salary or compensation of the [legislative analyst] executive director, clerical and other hire and incidental expenses.

They were agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representaties to Senate bill numbered and entitled as follows:

SENATE BILL No. 852.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey land situate in Derry Township Mifflin County Pennsylvania.

APPROPRIATION BILL ON FINAL PASSAGE
(NON-PREFERRED)

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 773, entitled:

A Supplement to the act of April 1, 1863 (P. L. 213), entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural Colleges" making an appropriation for carrying the same into effect.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. POLEN. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. POLEN asked unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the clerk for information.

Amend Sec. 1, page 3, lines 6 and 7, by striking out "eighteen million two hundred fifteen" in line 6, all of line 7 and inserting nineteen million seven hundred fifteen thousand four hundred sixty dollars ($19,715,460)

The SPEAKER. Will the House give unanimous conent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

LEAVES OF ABSENCE

By unanimous consent leaves of absence were granted as follows:

Mr. Tompkins for Mr. LIPPINCOTT for the week.

Mr. Tompkins for Mr. ASHTON for the week.

Mr. Tompkins for Mr. ESLER for the week.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1283, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing that certain area technical schools for vocational education may be established and operated by board of directors of second class school districts jointly with county board of school directors.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adams,	George,	Lawson,	Renwick,
Anderson, J. H.,	Gibb,	Lee, A. M.,	Riley,
Anderson, S. A.,	Gibbons,	Leonard,	Rovansek,
Arlene,	Goldstein, J. H.,	Long, Wm. Jas.,	Royer,
Auker,	Goldstein, M. H.,	Long, Wm. Jos.,	Rubin,
Bachman,	Goodrich,	Lutty,	Rudisill,
Backenstoe,	Gramlich,	Magee,	Rutherford,
Blair,	Gray,	Manbeck,	Sakulsky,
Boles,	Greenlee,	Markley,	Scarcelli,
Bonner,	Gremminger,	Marsh,	Schaaf,
Bossert,	Gross,	May,	Schuster,
Bower,	Guesman,	Maxwell,	Seltzer,
Bowman,	Guthrie,	McCandless,	Shelton,
Branca,	Hamilton,	McCann,	Sherman,
Breth,	Hartley,	McDevitt,	Shupnik,
Buchanan,	Haudenshield,	McDonald,	Simmons,
Bush,	Heavey,	McKeever,	Slack,
Capano,	Heffner,	McNally,	Steckel,
Cauley,	Helm,	Meholchick,	Stimmel,
Cioffi,	Henzel,	Merry,	Stiteler,
Clarke,	Hocker,	Miller,	Stone,
Crossin,	Holl,	Mills,	Strausser,
Curwood,	Holliday,	Monroe,	Taylor,
Davis,	Holman,	Morley,	Thompson,
Dengler,	Horst,	Mullen,	Tomascik,
Dennison,	Irvis,	Munley,	Tompkins,
Dougherty,	Isaacs,	Murphy,	Ujobai,
Doughten,	Jenkins,	Murray,	Varner,
Down,	Jim,	Musto,	Verona,
Edwards,	Johnson, A. W.,	Needham,	Wall,
Ellberg,	Johnson, R. P.,	O'Dell,	Walsh,
Elvey,	Jones,	O'Donnell, J. P.,	Wargo,
Eshback,	Kamyk,	Odorisio,	Weidner,
Eshleman,	Keiser,	Ogilvie,	Welsh,
Ewing,	Kelly,	Parlante,	Wescott,
Farabaugh,	Kernaghan,	Pashley,	Whittaker,
Fetterolf,	Kessler,	Perry,	Willard,
Filo,	King,	Petrosky,	Willaredt,
Fineman,	Kistler,	Piper,	Williams, A. D.,
Flynn,	Klein,	Polaski,	Wood,
Foor,	Knecht,	Polen,	Worley,
Fox,	Kooker,	Prendergast,	Wynd,
Fry,	Kornick,	Price,	Yetter,
Fulmer,	Korns,	Pursley,	Zember,
Gailey,	Kramer,	Reibman,	Zimmerman,
Gallagher,	Lamb,	Reidenbach,	Andrews, Speaker

NAYS—0

NOT VOTING—26

Ashton,	Foerster,	McCormack,	Stank,
Capitolo,	Frascella,	McInroy,	Sullivan, J. A.,
Cianfrani,	Gelfand,	McLaughlin,	Sullivan, T. F.,
Comer,	Hankins,	Mihm,	Trusio,
Cooley,	Lee, K. B.,	O'Donnell, J. A.,	Williams, E. S.,
Donaldson,	Limper,	Snare,	Wilt,
Esler,	Lippincott,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1840, entitled:

An Act amending the act of July 15, 1897(P. L. 292), entitled "An act to provide revenue by taxation" clarifying provisions for imposing collecting and paying tax on deposits and shares of savings banks without capital stock building and loan associations and federal and state savings and loan associations measured by their surplus undivided profits and reserves.

On the question,

Shall the bill pass finally?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Rules.

The motion was agreed to.

BILL ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on final passage of House bill No. 1838, entitled:

An Act amending "The General County Assessment Law" approved May 22, 1933 (P. L. 853), providing that reproduction costs shall be considered in arriving at value and providing that factors taken into consideration in arriving at the value of real property and valuations so determined by certain counties under a permanent system of records may continue to be a valid basis for assessments.

On the question recurring,

Shall the bill pass finally?

BILL RECOMMITTED

Mr. TOMPKINS. Mr. Speaker, I move that this bill be recommitted to the Committee on Rules.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 640, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949" further providing for payments on account of closed schools.

On the question,

Shall the bill pass finally?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Education.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman from Adams, Mr. Worley.

Mr. WORLEY. Mr. Speaker, I rise to support the motion to recommit and submit my remarks for the record to be printed at length.

The SPEAKER. The Chair thanks the gentleman.

Mr. WORLEY submitted the following for the record:

Mr. Speaker, the State induced the school district to close one-room schools upon the reliance of a promise to make an annual payment of $200.00. The schools have been closed in reliance thereon, and to stop State payments in 1965 or later is a breach of that agreement on the part of the Commonwealth. The Commonwealth should therefore be estopped from reversing its position to the injury of our schools, and even though estoppel does not work against the sovereign, this General Assembly has the power to prevent this Commonwealth from breaching prior agreements.

Adams County has 173 closed schools. The State pays $200.00 per closed school per year. Therefore, Adams County's public schools would lose $34,600.00 per year. The rural members of this House should move with great caution on this bill. It may even cause your counties to lose more than Adams County.

Now the amendments inserted in this bill by the gentleman from Berks will only postpone this loss to rural areas of Pennsylvania until after 1965 and after the indebtedness is paid. This will cause some rural school districts to be cut off in 1965 and some a little later. The amended bill only picks up more votes for a bill that could not be passed in its original form, and, second, it is now a gradual breach of faith with our rural school districts. The final result, even with the amendments, is to cut off all the money paid for closed schools and cause a complete breach of promise on the part of this Commonwealth.

If you pass this bill now, the next Legislature will probably cut all the money off at once. After the Commonwealth gets its foot in the door and quiets you down, they will then take the whole hog on the next step. I ask you to help me stop this breach of promise to our rural school districts now. I move that this bill be recommitted to the Education Committee to be kept there permanently. I ask for a roll call vote on this motion.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Goldstein.

Mr. M. H. GOLDSTEIN. Mr. Speaker, will the majority leader consent to be interrogated?

The SPEAKER. Will the majority leader permit himself to be interrogated at this time?

Mr. McCANN. I shall, Mr. Speaker.

Mr. M. H. GOLDSTEIN. Mr. Speaker, was not this bill part of the Governor's recommendation to the Committee on Education in the final report of the commission?

Mr. McCANN. Mr. Speaker, I believe first that this proposed legislation was a part of the Governor's budget submitted here dealing with the closed schools.

Mr. M. H. GOLDSTEIN. Was it not recommended by the Governor's special committee which spent months on the matter?

Mr. McCANN. This is correct. The gentleman will find it in the Governor's committee report.

Mr. M. H. GOLDSTEIN. Then in moving to recommit the bill you are voting against the Governor, are you not?

Mr. McCANN. I am not.

Mr. M. H. GOLDSTEIN. Has the Governor changed his mind on this issue?

Mr. McCANN. He has not.

Mr. M. H. GOLDSTEIN. But we are voting to recommit the bill.

Mr. McCANN. That is right.

Mr. M. H. GOLDSTEIN. It is dead until 1963?

Mr. McCANN. That is what the gentleman said, not I.

Mr. M. H. GOLDSTEIN. Does the gentleman think we are going to be here in October or November to vote on this bill?

Mr. McCANN. Mr. Speaker, I would certainly hope that we will not be here in October or November, but I have no assurance as to what will take place with the fiscal session of January 1962.

Mr. M. H. GOLDSTEIN. In 1962 we can only adopt revenue measures, is that correct?

Mr. McCANN. The constitution provides that such would be the case, but I do not have the answer as to whether there will be a special session running concurrently with the fiscal session.

Mr. M. H. GOLDSTEIN. That is all.

Mr. McCANN. I move its recommittal, Mr. Speaker.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Eilberg, desire to be recognized?

Mr. EILBERG. Mr. Speaker, House bill 640 has been on the calendar for quite a long while and it poses a question which many of us would like to vote in favor of, that is, ending once and for all closed-school subsidies.

It was fairly obvious early in this session when we attempted to amend the bill to make it effective 20 years from now, when that amendment went down, that the main purpose of this bill could not be achieved within a reasonable period of time.

The bill was recently amended to have the closed-school subsidies continue for a period of the life of any bonds that might presently be in life, which visualizes the possibility that closed-school subsidies might continue for another 30 to 40 years in the State of Pennsylvania.

Most recently the last amendment, and the present amendment, which is before us, confounds the situation still further.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman from Adams, Mr. Worley, rise?

Mr. WORLEY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. WORLEY. Mr. Speaker, the gentleman from Philadelphia is not speaking on the motion to recommit; he is speaking on the substance of the bill in general. If that is the case then I think the rest of us should be given that privilege, too.

The SPEAKER. The gentleman from Philadelphia was endeavoring to substantiate the argument for recommittal, as I understood it.

Mr. EILBERG. That is correct, Mr. Speaker.

The SPEAKER. And up to the present time, giving the background of the bills, the history of the bill in the House is one of the reasons for recommittal in the Chair's judgment. Up to the present time I think the gentleman has been in order.

Mr. EILBERG. Thank you, Mr. Speaker.

Now, Mr. Speaker, the bill which is presently before us provides that we shall not begin to think about ending the closed-school subsidies until at least the year 1965. In other words, any indebtedness for closed-school subsidies existing up to 1965 shall continue for the life of those bonds which are then in existence. So, we have the incredible situation, Mr. Speaker, with the bill in the form that is presently before us, that we go until 1965 and then we continue with the closed-school subsidies for perhaps another 30 or 40 years thereafter which to me is an absolutely intolerable situation. In answer specifically now to the objection raised by the gentleman from Allegheny, of course the Governor's committee report recommended that closed-school subsidies end, but if the gentleman will look at the report closer he will see that the year recommended is 1965, and that, once and for all, closed-school subsidies as part of a larger program should end in 1965. Now if we were to vote for this bill in the form that it presently is, we are running contrary to the recommendation of the Governor's committee report by some 30 to 40 years in some cases.

I therefore say, Mr. Speaker, in support of our majority leader, that this bill is in such a deplorable state that it should be recommitted and studied closely when we come to special session, which I fervently hope we will have, to study all the problems relating to education.

The SPEAKER. Did the gentleman from Allegheny, Mr. Goldstein, rise and address the Chair and request a roll call? Is it a matter of record that he so did?

Mr. McCANN. Mr. Speaker, he did ask for a record roll call.

I ask the members to vote "aye."

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. M. H. GOLDSTEIN and WORLEY and were as follows:

YEAS—171

Adams,	Fulmer,	Korns,	Reibman,
Anderson, J. H.,	Gailey,	Lawson,	Reidenbach,
Anderson, S. A.,	Gallagher,	Lee, K. B.,	Renwick,
Arlene,	George,	Leonard,	Royer,
Bachman,	Gibb,	Limper,	Riley,
Backenstoe,	Gibbons,	Long, Wm. Jas.,	Rovansek,
Blair,	Goldstein, J. H.,	Long, Wm. Jos.,	Rubin,
Boies,	Goodrich,	Lutty,	Rudisill,
Bonner,	Gramlich,	Magee,	Rutherford,
Bossert,	Gray,	Manbeck,	Sakulsky,
Bowman,	Greenlee,	Markley,	Scarcelli,
Branca,	Gremminger,	Marsh,	Seltzer,
Breth,	Gross,	May,	Shelton,
Buchanan,	Guesman,	McCandless,	Sherman,
Bush,	Guthrie,	McCann,	Shupnik,
Capano,	Hamilton,	McDevitt,	Simmons,
Cauley,	Hankins,	McKeever,	Slack,
Cioffi,	Hartley,	McNally,	Steckel,
Clarke,	Haudenshield,	Meholchick,	Stiteler,
Crossin,	Heavey,	Merry,	Stone,
Curwood,	Heffner,	Miller,	Thompson,
Davis,	Helm,	Monroe,	Tomascik,
Dengler,	Henzel,	Morley,	Tompkins,
Dennison,	Holl,	Mullen,	Ujobai,
Donaldson,	Holliday,	Munley,	Varner,
Dougherty,	Holman,	Murphy,	Verona,
Doughten,	Horst,	Murray,	Wall,
Down,	Irvis,	Musto,	Wargo,
Edwards,	Isaacs,	Needham,	Weidner,
Eilberg,	Jenkins,	O'Dell,	Welsh,
Elvey,	Jim,	O'Donnell, J. A.,	Wescott,
Eshback,	Johnson, A. W.,	O'Donnell, J. P.,	Whittaker,
Eshleman,	Johnson, R. P.,	Odorisio,	Willard,
Ewing,	Jones,	Ogilvie,	Willaredt,
Farabaugh,	Kelly,	Parlante,	Williams, E. S.,
Fetterolf,	Kernaghan,	Perry,	Wood,
Filo,	Kessler,	Petrosky,	Worley,
Fineman,	King,	Piper,	Wynd,
Flynn,	Kistler,	Polaski,	Yetter,
Foor,	Klein,	Polen,	Zember,
Fox,	Knecht,	Prendergast,	Zimmerman,
Frascella,	Kooker,	Price,	Andrews,
Fry,	Kornick,	Pursley,	Speaker

NAYS—18

Auker,	Kramer,	Mills,	Stimmel,
Goldstein, M. H.,	Lamb,	Pashley,	Walsh,
Hocker,	Lee, A. M.,	Schaaf,	Williams, A. D.,
Kamyk,	Maxwell,	Schuster,	Wilt,
Keiser,	McDonald,		

NOT VOTING—21

Ashton,	Esler,	McInroy,	Strausser,
Bower,	Foerster,	McLaughlin,	Sullivan, J. A.,
Capitolo,	Gelfand,	Mihm,	Sullivan, T. F.,
Cianfrani,	Lippincott,	Snare,	Taylor,
Comer,	McCormack,	Stank,	Trusio,
Cooley,			

So the question was determined in the affirmative and the motion was agreed to.

Mr. HELM IN THE CHAIR

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 161.

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" changing the limit on retail licenses and further regulating the issuance of club liquor licenses and catering licenses

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 2, line 8 of title, by inserting after the word "laws" the following "changing the limit on retail licenses and."

Amend bill by striking out Section 1 as follows:

Section 1 The act of April 12, 1951 (P. L. 90) known

as the "Liquor Code" and inserting in lieu thereof a new Section 1 as follows:

Section 1 Subsection (a) of Section 461 Act of April 12, 1951 (P. L. 90) known as the "Liquor Code" amended August 11, 1959 (P. L. 670) and December 17, 1959 (P. L. 1932) is amended to read

Section 461 Limiting Number of Retail Licenses to Be Issued in Each Municipality (a) No licenses shall hereafter be granted by the Board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each one thousand five hundred inhabitants in any municipality exclusive of licenses granted to airport restaurants and hotels as defined in this section and clubs but at least one such license may be granted in each municipality and in each part of a municipality where such municipality is split so that each part thereof is separated by another municipality except in municipalities where the electors have voted against the granting of any retail licenses nothing contained in this section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation herein before prescribed but where such number exceeds the limitation prescribed by this section no new license except for hotels and airport restaurants as defined in this section shall be granted so long as said limitation is exceeded

Amend bill page 4, line 7, by inserting at the beginning of the line the following: "Section 2 The act"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—121

Adams,	Frascella,	Markley,	Renwick,
Anderson, S. A.,	Gallagher,	McCann,	Riley,
Arlene,	Gibbons,	McDevitt,	Rovansek,
Bachman,	Gray,	McDonald,	Rubin,
Backenstoe,	Greenlee,	McKeever,	Rudisill,
Blair,	Gremminger,	McNally,	Scarcelli,
Boles,	Guesman,	Meholchick,	Schaaf,
Bonner,	Hamilton,	Mills,	Schuster,
Bossert,	Hankins,	Monroe,	Shelton,
Branca,	Hartley,	Morley,	Sherman,
Breth,	Haudenshield,	Munley,	Shupnik,
Capano,	Irvis,	Murphy,	Simmons,
Cauley,	Isaacs,	Murray,	Slack,
Cianfrani,	Jenkins,	Musto,	Stank,
Cioffi,	Jim,	Needham,	Steckel,
Clarke,	Johnson, R. P.,	O'Dell,	Stimmel,
Crossin,	Jones,	O'Donnell, J. A.,	Stone,
Curwood,	Kamyk,	O'Donnell, J. P.,	Taylor,
Dengler,	Kelly,	Odorisio,	Tomascik,
Dennison,	Kernaghan,	Parlante,	Trusio,
Donaldson,	Klein,	Pashley,	Ujobai,
Dougherty,	Kornick,	Perry,	Varner,
Doughten,	Kramer,	Petrosky,	Verona,
Eilberg,	Lamb,	Piper,	Walsh,
Eshback,	Lawson,	Polaski,	Wargo,
Ewing,	Leonard,	Polen,	Weidner,
Farabaugh,	Limper,	Prendergast,	Welsh,
Fetterolf,	Long, Wm. Jas.,	Price,	Yetter,
Filo,	Long, Wm. Jos.,	Reibman,	Zember,
Fineman,	Lutty,	Reidenbach,	Andrews,
Flynn,			Speaker

NAYS—70

Anderson, J. H.,	Goldstein, M. H.,	Kistler,	Seltzer,
Auker,	Goodrich,	Knecht,	Stiteler,
Bower,	Gramlich,	Korns,	Strausser,
Bowman,	Gross,	Lee, A. M.,	Thompson,
Buchanan,	Guthrie,	Lee, K. B.,	Tompkins,
Bush,	Heavey,	Magee,	Wall,
Davis,	Heffner,	Manbeck,	Wescott,
Down,	Helm,	Marsh,	Whittaker,
Edwards,	Henzel,	May,	Willard,
Elvey,	Hocker,	McCandless,	Willaredt,
Eshleman,	Holl,	Merry,	Williams, A. D.,
Foor,	Holliday,	Miller,	Williams, E. S.,
Fox,	Holman,	Ogilvie,	Wilt,
Fry,	Horst,	Pursley,	Wood,
Fulmer,	Johnson, A. W.,	Royer,	Worley,
George,	Keiser,	Rutherford,	Wynd,
Gibb,	Kessler,	Sakulsky,	Zimmerman,
Goldstein, J. H.,	King,		

NOT VOTING—19

Ashton,	Foerster,	Maxwell,	Mullen,
Capitolo,	Gailey,	McCormack,	Snare,
Comer,	Gelfand,	McInroy,	Sullivan, J. A.,
Cooley,	Kooker,	McLaughlin,	Sullivan, T. F.,
Esler,	Lippincott,	Mihm,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitld as follows:

HOUSE BILL No. 1178.

An Act fixing the salaries and compensation of members of certain boards and commissions and repealing inconsistent acts

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 1, by striking out on line 4, the figures "$17,000" and inserting in lieu thereof the figures "$15,000"; page 2, line 2, by striking out after the word "each" the figures "$16,000" and inserting in lieu thereof the figures "$14,500"; line 4, by striking out the figures "$14,000" and inserting in lieu thereof the figures "$13,000"; line 6, by striking out after the word "each" the figures "$13,000" and inserting in lieu thereof the figures "$12,500"; line 8, by striking out after the word "Board" the figures "$19,000" and inserting in lieu thereof the figures "$18,000"; line 10, by striking out after the word "each" the figures "$18,000" and inserting in lieu thereof the figures "$17,000"; page 3, line 2, by striking out after the word "Board" the figures "$14,000" and inserting in lieu thereof the figures "$12,000"; line 5, by striking out after the word "each" the figures "$13,000" and inserting in lieu thereof the figures "$11,000"; line 7, by striking out after the part word "sion" the figures "$14,000" and inserting in lieu thereof the figures "13,000"; line 11, by striking out the figures "$13,000" and inserting in lieu thereof the figures "$12,000"; page 4, line 1, by striking out after the word "each" the figures $10,000" and inserting in lieu thereof the figures "$10,500"; line 6, by striking after the word "exceed" the figures "$6,000" and inserting in lieu thereof the figures "$5,000."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Mr. TOMPKINS. Mr. Speaker, this bill increases the salaries of the heads of boards and commissions, and

in the Senate they amended it by reducing a great number of them. There have been no increases whatever. Every member on this side is on his own on this bill.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—152

Anderson, J. H.,	Gibb,	Long, Wm. Jas.,	Rovansek,
Anderson, S. A.,	Gibbons,	Long, Wm. Jos.,	Royer,
Arlene,	Goldstein, J. H.,	Lutty,	Rubin,
Bachman,	Gray,	Markley,	Rudisill,
Backenstoe,	Greenlee,	Marsh,	Sakulsky,
Blair,	Gremminger,	Maxwell,	Scarcelli,
Boles,	Gross,	McCandless,	Schaaf,
Bonner,	Guesman,	McCann,	Schuster,
Bossert,	Guthrie,	McDevitt,	Shupnik,
Bower,	Hamilton,	McDonald,	Shelton,
Branca,	Hankins,	McKeever,	Sherman,
Breth,	Hartley,	McLaughlin,	Simmons,
Bush,	Haudenshield,	McNally,	Slack,
Capano,	Heavey,	Meholchick,	Stank,
Cauley,	Helm,	Mills,	Steckel,
Cianfrani,	Henzel,	Monroe,	Stimmel,
Cioffi,	Holl,	Morley,	Stone,
Clarke,	Irvis,	Munley,	Taylor,
Crossin,	Isaacs,	Murphy,	Thompson,
Curwood,	Jenkins,	Murray,	Tomascik,
Davis,	Jim,	Musto,	Tompkins,
Dengler,	Johnson, A. W.,	Needham,	Trusio,
Dennison,	Johnson, R. P.,	O'Dell,	Ujobai,
Donaldson,	Jones,	O'Donnell, J. A.,	Varner,
Dougherty,	Kamyk,	O'Donnell, J. P.,	Verona,
Doughten,	Kelly,	Odorisio,	Wall,
Down,	Kernaghan,	Parlante,	Welsh,
Eilberg,	Kessler,	Pashley,	Whittaker,
Ewing,	Klein,	Perry,	Willard,
Farabaugh,	Kooker,	Petrosky,	Willaredt,
Fetterolf,	Kornick,	Piper,	Williams, A. D.,
Filo,	Kramer,	Polaski,	Williams, E. S.,
Fineman,	Lamb,	Polen,	Wood,
Flynn,	Lawson,	Prendergast,	Wynd,
Frascella,	Lee, A. M.,	Price,	Yetter,
Fry,	Lee, K. B.,	Reibman,	Zember,
Gallagher,	Leonard,	Reidenbach,	Zimmerman,
George,	Limper,	Riley,	Andrews, Speaker

NAYS—40

Adams,	Goodrich,	Knecht,	Rutherford,
Auker,	Gramlich,	Korns,	Seltzer,
Bowman,	Heffner,	Magee,	Stiteler,
Buchanan,	Hocker,	Manbeck,	Strausser,
Edwards,	Holliday,	May,	Walsh,
Elvey,	Holman,	Merry,	Wargo,
Foor,	Horst,	Miller,	Weidner,
Fox,	Keiser,	Ogilvie,	Wescott,
Fulmer,	King,	Pursley,	Wilt,
Goldstein, M. H.,	Kistler,	Renwick,	Worley,

NOT VOTING—18

Ashton,	Eshleman,	Lippincott,	Mullen,
Capitolo,	Esler,	McCormack,	Snare,
Comer,	Foerster,	McInroy,	Sullivan, J. A.,
Cooley,	Gailey,	Mihm,	Sullivan, T. F.,
Eshback,	Gelfand,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitld as follows:

HOUSE BILL No. 1221.

An Act amending the act of June 27, 1947 (P. L. 1095), entitled as amended "An act providing for the regulation of mining of anthracite coal by the open pit or strip mining method and for the conservation and improvement of lands affected directly or indirectly by such mining requiring operators to register pay a license fee and secure a permit to engage in strip mining and file a bond conditioned for compliance with this act requiring backfilling of stripping pits and leveling and planting lands affected to prevent erosion and pollution of waters and to protect public health safety and welfare conferring powers and imposing duties upon the Department of Mines providing for appeals and imposing penalties and making appropriations" further regulating anthracite strip mining operations changing provisions with respect to bonds backfilling restoration permits and registration including certain persons within the provisions of the act and imposing penalties

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 2, page 4, line 19, by striking out after the word "operator" the parenthesis and the word "upon" and inserting immediately thereafter the following: "within thirty (30) days after"

Amend Section 2, page 5, line 1, by striking out the parenthesis after the word "abandoned"

Amend Section 2, page 5, by inserting after line 2, the following:

"Degree" when used in this act shall mean from the horizontal and in each case shall be subject to a tolerance of five (5) degrees

Amend Section 2, page 5, line 12, by striking out after the word "removed" "and that occupied by the spoil banks"

Amend Section 3, page 6, line 13, by striking out after the figures "($300)" the words and figures "five hundred dollars ($500) three hundred sixty dollars ($360) four hundred dollars ($400)" and inserting in lieu thereof the words and figures "five hundred dollars ($500)"

Amend Section 6, page 6, page 19, by striking out after the figures "($3000) the words "five thousand"

Amend page 7, by striking out all of line 1 and by striking out on line 2, the following: "($3600 four thousand dollars ($4000) and inserting in lieu thereof "five thousand dollars ($5000)"

Amend Section 5, page 9, line 19, by striking out after the figures "($300)" the following: "five hundred dollars ($500) three hundred six" and on page 10, by striking out in line 1 the following "ty dollars ($360) four hundred dollars ($400)" and inserting in lieu thereof "five hundred dollars ($500)"

Amend Section 5, page 10, line 3, by striking out after the figures "($3000)" the words and figures "five thousand dollars ($5000)" and by striking out all of line 4 and by striking out on line 5, the following: "($3600) four thousand dollars ($4000)" and inserting in lieu thereof "five thousand dollars ($5000)"

Amend Section 5, page 10, line 19, by striking out after the figures "($300)" the following "five hundred dollars ($500) three hundred sixty" and by striking out on page 11, line 1, the following: "dollars ($360) four hundred dollars ($400)" and inserting in lieu thereof the words and figures "five hundred dollars ($500)"

Amend Section 5, page 11, line 4, by striking out after the figures "($3000)" the word "five", by striking out all of line 5, and by striking out on line 6, the following: "thousand dollars ($5000) three thousand six hundred dollars ($3600) four thousand dollars ($4000)" and inserting in lieu thereof the words and figures "five thousand dollars ($5000)"

Amend Section 5, page 11, by striking out on line 10,

after the figures "($300)" the following: "five hundred dollars ($500) three" and by striking out all of line 11, and by striking out on line 12, "lars ($400)" and inserting in lieu thereof the words and figures "five hundred dollars ($500)"

Amend Section 5, page 11, by striking out on line 15 after the figures "($300)" "five hun" and by striking out all of line 16, and by striking out on line 17 the following" "four hundred dollars ($400) and inserting in lieu thereof the following: "five hundred dollars ($500)" and by striking out all of line 19

Amend Section 5, page 12, line 1, by striking out at the beginning of the line "dollars $3600) four thousand ($4000) and inserting in lieu thereof "five thousand dollars ($5000)"

Amend Section 7, page 12, line 12, by striking out after the number "7" "Sections 11 and 12" and inserting in lieu thereof "Section thereof "Section 11" and line 13, by striking out after the figures "1398" the word "are" and inserting in lieu thereof the word "is"

Amend Section 7, page 13, line 1, by striking out after the word "of" the words and figures "two hundred (200)" and inserting in lieu thereof "two hundred twenty-five (225)"

Amend Section 7, page 14, by striking out all of lines 1 to 11 inclusive, and by striking out the following on line 12: "the start of the strip mine operation" and inserting in lieu thereof the following:" "the operator shall be required within one (1) year after a strip mine operation is abandoned to backfill all stripping pits which are not more than seventy-five (75) feet in depth and within seven hundred (700) feet of the right-of-way of any public highway or within seven hundred (700) feet of any dwelling unit public building school church commercial or institutional building on an angle of forty-five (45) degrees from the top of the highwall to the bottom of the stripping pit in all stripping pits which are more than seven hundred (700) feet from the right-of-way of any public highway or more than seven hundred (700) feet beyond any dwelling unit school church commercial or institutional building the operator shall be required to cover the exposed surface of the coal seams to a depth of five (5) feet"

Amend Section 10, page 18, line 6, by striking out after the word "of" where it appears the third time, the word "four" and by striking out all of line 7 and by striking out on line 8, the following: "three hundred sixty dollars ($360) and inserting in lieu thereof "four hundred forty dollars ($440)"

Amend Section 11, page 19, line 12, by striking out after the word "act" the words "and any balance not" and by striking out all of line 13

Amend Section 13, page 21, lines 12 and 13, by striking out the following: "or undergo imprisonment not exceeding three (3) months or both" and inserting in lieu thereof "or undergo imprisonment not exceeding three (3) months or both"

Amend bill by adding Section 14, as follows:

"Section 14 This act shall take effect January 1, 1962 or ninety days after final enactment whichever is later"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Mr. TOMPKINS. Mr. Speaker, this is the so-called anthracite strip mining bill, and members on our side of the House are on their own.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—158

Adams,	Gallagher,	Lee, A. M.,	Riley,
Anderson, J. H.,	George,	Lee, K. B.,	Rovansek,
Anderson, S. A.,	Gibbons,	Leonard,	Royer,
Arlene,	Goldstein, J. H.,	Limper,	Rubin,
Auker,	Goodrich,	Long, Wm. Jas.,	Rudisill,
Bachman,	Gramlich,	Long, Wm. Jos.,	Rutherford,
Backenstoe,	Gray,	Lutty,	Scarcelli,
Blair,	Greenlee,	Magee,	Schaaf,
Boles,	Gremminger,	Markley,	Schuster,
Bonner,	Gross,	Marsh,	Shelton,
Bossert,	Guesman,	Maxwell,	Sherman,
Bower,	Guthrie,	May,	Simmons,
Bowman,	Hankins,	McCann,	Slack,
Branca,	Hartley,	McDevitt,	Steckel,
Breth,	Haudenshield,	McKeever,	Stimmel,
Buchanan,	Heavey,	McNally,	Stiteler,
Bush,	Helm,	Merry,	Taylor,
Capitolo,	Henzel,	Miller,	Tomascik,
Cauley,	Hocker,	Mills,	Tompkins,
Cianfrani,	Holl,	Monroe,	Ujobai,
Cioffi,	Holliday,	Morley,	Varner,
Clarke,	Holman,	Mullen,	Verona,
Crossin,	Horst,	Munley,	Wall,
Davis,	Irvis,	Murray	Wargo,
Dougherty,	Jim,	Needham,	Weidner,
Doughten,	Johnson, A. W.,	O'Dell,	Welsh,
Down,	Johnson, R. P.,	O'Donnell, J. P.,	Wescott,
Edwards,	Jones,	Ogilive,	Whittaker,
Elvey,	Kamyk,	Parlante,	Willard,
Eshback,	Kelly,	Pashley,	Willaredt,
Eshleman,	Kessler,	Perry,	Williams, A. D.,
Ewing,	King,	Petrosky,	Williams, E. S.,
Farabaugh,	Kistler,	Piper,	Wood,
Fetterolf,	Knecht,	Polaski,	Worley,
Filo,	Kooker,	Polen,	Wynd,
Fineman,	Kornick,	Prendergast,	Yetter,
Foor,	Korns,	Pursley,	Zember,
Frascella,	Kramer,	Reibman,	Zimmerman,
Fry,	Lamb,	Reidenbach,	Andrews,
Fulmer,	Lawson,		Speaker

NAYS—33

Capano,	Hamilton,	Meholchick,	Seltzer,
Curwood,	Heffner,	Murphy,	Shupnik,
Dengler,	Isaacs,	Musto,	Stank,
Dennison,	Keiser,	O'Donnell, J. A.,	Stone,
Donaldson,	Kernaghan,	Odorisio,	Strausser,
Flynn,	Klein,	Price,	Thompson,
Fox,	Manbeck,	Renwick,	Walsh,
Gibb,	McDonald,	Sakulsky,	Wilt,
Goldstein, M. H.,			

NOT VOTING—19

Ashton,	Foerster,	McCandless,	Snare,
Comer,	Gailey,	McCormack,	Sullivan, J. A.,
Cooley,	Gelfand,	McInroy,	Sullivan, T. F.,
Ellberg,	Jenkins,	McLaughlin,	Trusio,
Esler,	Lippincott,	Mihm,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1438.

An Act amending the act of May 31, 1945 (P. L. 1198), entitled "An act providing for the conservation and improvement of land affected in connection with the mining of bituminous coal by the open pit mining method regulating such mining and providing penalties" further regulating bituminous strip mining operations changing provisions with respect to bonds filing dates reports registra-

tion backfilling and overburden including certain persons within the provisions of the act and providing for the use of funds in certain cases.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 2, line 3 by striking out after the word "thereof" the words "a new" and line 4, by striking out at the beginning of the line the word "definition" and inserting in lieu thereof "two new definitions"

Amend Section 1, page 2, line 12, by striking out after the word "operator" the parenthesis and the word "upon" and inserting immediately thereafter "within thirty (30) days after"

Amend Section 1, page 2, line 14, by striking out the parenthesis after the word "abandoned"

Amend page 3, by inserting lines 1, 2 and 3, as follows: "Degree" when used in this act shall mean from the horizontal and in each case shall be subject to a tolerance of five (5) degrees"

Amend Section 2, page 4, line 13, by striking out after the figures "($300)" the words "five hundred dollars" and line 14 by striking out the following: "($500) three hundred sixty dollars ($360)" and inserting immediately thereafter the words and figures "four hundred dollars ($400)"

Amend Section 2, page 4, line 19, by striking out after the figures "($3000)" the following: "five thousand dollars ($5000) three thou-"

Amend Section 2, page 5, by striking out on line one "sand six hundred dollars ($3600)" and inserting in lieu thereof "four thousand dollars ($4000)"

Amend Section 2, page 6, line 11 by striking out after the word "application" the following: "and bond for each mine inspection district"

Amend Section 2, page 6, line 13, by striking out after the figures "($100)" the following: "for each mine inspection district"

Amend Section 2, page 9, line 11 by striking out the bracket before the word "the" where it first appears

Amend Section 2, page 9, line 12 by striking out the bracket after the word "reported" and by striking out immediately thereafter "all operations provided that" and all of line 13 and on line fourteen the following: "first registered as required under section 4 of this act"

Amend Section 2, page 10, line 13 by striking out the bracket before the word "The"

Amend Section 2, page 10, line 14, by striking out after the word "of" the words "seventy-five" and inserting in lieu thereof the words "one hundred"

Amend Section 2, page 10, line 16, by inserting after the word "hundred" the words "twenty-five"

Amend Section 2, page 10, line 18 by striking out after the word "building" the word "The" and by striking out immediately thereafter all of lines 19 and 20

Amend Section 2, page 11, by striking out all of lines 1 to 10 inclusive.

Amend Section 3, page 11, line 15, by striking out after the word "is" the word "finished" and inserting in lieu thereof the word "completed"

Amend Section 3, page 11, line 16, by striking out the bracket after the word "or".

Amend Section 3, page 12, line 7, by striking out the brackets before and after the words "completed or"

Amend Section 3, page 12, by inserting at the beginning of line 16 the words "completed or".

Amend Section 4, page 13, line 5, by striking out after the figures "($300)" the words and figures "five hundred dollars ($500)" and by striking out on line 6, "three hundred sixty dollars ($360)" and inserting in lieu thereof the words and figures "four hundred dollars ($400)"

Amend Section 4, page 13, line 9, by inserting after the word "registration" the words "or any amendment thereof"

Amend Section 4, page 13, line 19, by inserting after the word "That" the words and figures "except as provided in Section 10"

Amend Section 4, page 14, line 1, by striking out after the figures "($3000)" the words and figures "five thousand dollars ($5000) three thousand six huundred dollars ($3600)" and inserting in lieu thereof the words and figures "four thousand dollars ($4000)"

Amend Section 4, page 14, line 6, by striking out after the figures ($3000.00)" the following: "five thousand dollars ($5000) three thousand six hundred dollars ($3600)" and inserting in lieu thereof the words and figures "four thousand dollars ($4000)"

Amend Section 4, page 14, line 14, by striking out after the word "year" the following: "in a particular mine inspection district"

Amend Section 4, page 14, line 15, by striking out after the word "for" the words "that mine inspection district to"

Amend Section 4, page 14, line 17, by striking out the brackets before and after the word "completed" and inserting immediately thereafter the word "or"

Amend Section 4, page 15, line 1, by striking out the bracket before the word "which" and by striking out after the word "least" the word "three" and inserting in lieu thereof the word "five"

Amend Section 4, page 15, line 4, by striking out after the word "degrees" the words "except provided that where the land" and by striking out lines 5 to 11 inclusive and by striking out on line 12 the words "further that" and inserting in lieu thereof the following:

"Provided that where the land upon which said operation is located was plowed tilled and cultivated for the growing of farm field crops at the time the operation was started or within five (5) years next prior thereto or where the operation is within seven hundred fifty (750) feet from any group of five (5) dwelling units any public building school church community or institutional building cemetery or public recreational area said backfill shall begin at the top of the highwall and be sloped to the bottom of the pit at an angle not to exceed forty-five (45) degrees and provided further that"

Amend Section 4, page 16, line 8, by striking out the bracket after the word "thereof"

Amend Section 4, page 16, line 9, by striking out after the word "as" the following: "is satisfactory to the secretary and"

Amend Section 4, page 16, by striking out after the word "shrubs" on line 10 the word "the" and all of lines 11, 12, 13, and on line 14 the following: "angle of seventy-five (75) degrees for" and inserting immediately thereafter the following: "the exposed portion of the high wall of the last cut in any operation which is more than seven hundred fifty (750) feet from any group of five (5) dwelling units any public building school church community or institutional building cemetery or public recreational area after backfilling in accordance with the terms of this act shall not exceed an angle of seventy (70) degrees for"

Amend Section 4, page 17, lines 13 and 14 by striking out after the figures ("$300)" on line 13, the following: "five hundred dollars ($500) three hundred sixty dollars ($360)" and inserting in lieu thereof "four hundred dollars ($400)"

Amend Section 4, page 18, lines 1 and 2, by striking out after the word "of" on line 1, the following: "four hundred forty dollars ($440.00) three hundred dollars ($300)" and inserting in lieu thereof the words and figures "three hundred forty dollars ($340.00)"

Amend Section 8, page 24, line 3, by striking out the bracket before the word "the" where it first appears

Amend Section 8, page 24, by striking out the bracket after the word "planting" and all the rest of line 5, and all of lines 6 and 7

Amend Section 10, page 25, by striking out after the word "effect" the word "immediately" and inserting in lieu thereof the following:

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Mr. TOMPKINS. Mr. Speaker, this is the socalled bituminous coal stripping bill and members on our side of the House are on their own.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, I urge you to non-concur in the amendments placed by the other legislative body to House bill 1438.

As an original sponsor of the bill and drafter of the bill and secretary of the committee from whence it came in the House, I am familiar with the legal terminology in the bill. As a member who has been raised alongside of strip mines all my life, I am familiar with what we are trying to prevent in the future.

We are being told today, "But let us take what this bill now proposes; it seems as though it is the best we can get." But I submit to you, ladies and gentlemen, this bill is as good as no bill at all in preventing further stripping waste. The legislation is not a great improvement or any improvement over the existing law. The only improvement in the bill is raising the bond from $300 per acre to $400 per acre. When we drafted the bill we placed $500 as a compromise measure at that time, thinking it would meet with the approval of all the members of these bodies, or at least a majority thereof.

The minimum bond was placed at $5,000 at that time as a compromise. Now we are asked to further compromise to accept a minimum bond of $4,000. These amounts will not, in many instances, sufficiently backfill even to these weak proposals in this bill.

The backfill requirements, as suggested in the Senate amendments, are a victory for only one person, the "great performer" in the other body. They will not be a victory for the people who live in the bituminous coal mining areas and they will not be a victory for the proponents of the original stripping bill here in this House, I can certainly assure the "great performer" of that.

I might say that there is one provision being placed in the bill which will leave us in an even weaker position than the act of 1945. That is on page 3, where it says therein that when degree is used in the act it shall be subject to a 5-degree tolerance. That means that a fellow can be five degrees higher than is required by the act and still be tolerated.

We also have other proposals in the act which leave us in a very bad situation.

It had been provided that no operation shall begin without registering with the Department of Mines. That has now been deleted to say that an operation can start, but it can be stopped at the option, mind you, of a local mine inspector. Now if he chooses not to stop the operation, it may continue.

Also another important provision we had hoped for that has now been deleted is that backfilling shall provide lateral support for highways and buildings. This has been deleted in this proposal and now the backfill need not do that.

The only thing this will give us is a 5-foot cover over an unlined or open seam of coal and from that five feet of cover go down to an angle of 45 degrees to the bottom of the pit. This might leave us with high walls of 40 or 50 or 60 feet upon which there will be no slope or no cover.

We feel that this bill has been mutilated by a certain member of the other body and we should not be forced for the sake of time to compromise the necessities of our Commonwealth. We have been here, ladies and gentlemen, for eight months. I am sure we can remain eight more days while a proper conference committee works out a finer and better strip-control bill for the people of Pennsylvania.

I might add too that last week those of us who sponsored this bill were practically promised that and now our promise is being denied from us.

You are asked to accept a compromise which I can assure you is not acceptable to the people who live next to strip mines. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Donaldson.

Mr. DONALDSON. Mr. Speaker, I could not agree more heartily with the remarks of the gentleman from Washington. Unfortunately, the request of the majority leader for concurrence in the Senate amendments would seem to indicate that today we are playing the last act of this great drama between the people of this Commonwealth and those who believe that the natural resources of this Commonwealth belong to some private interests rather than to all of those people.

This drama in the legislative session of 1961 can only be characterized, of course, as a comic opera. It has been a comedy of errors and mistakes and misunderstandings since it first came before this House.

I would call the attention of the members to the fact that this House, by an overwhelming majority, rejected the so-called compromises and adopted a good strip mine bill after some confusion and some inadvertence.

The bill in its present form, Mr. Speaker, does not represent compromise; it represents capitulation, and I would ask the members to non-concur in these amendments.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, on House bill 1438 I have asked the members to concur in the Senate amendments. It can honestly be said that this House has three times passed bituminous strip mine legislation, that in the 1961 session everything that has been said is factual, but I can say one thing that I also believe should be added to the record, that there are many on Capitol Hill who hope that we do non-concur so they can again hang their hats on, shall we say, the final act, in which there would be no strip mine legislation except the 1945 law which you live under at the present time.

I say to you it is a public fact that we cannot get a better bill through the other body than is now before you here in this House. I strongly favored the House version; I voted for it as 154 others did in this House. Today I am asking you that the comedy which has been going on for months be brought to an end whereby we in the House, not that we like what we have got, but that we concur with what we have. Then we can say to the people of Pennsylvania—and the record will stand there for each of us—that we voted once for a strong bill and this is all we could get. I ask that you not let this comedy go to the point in which non-concurrence will occur, for if that happens, you who know every parliamentary move know exactly what can happen in the last few stages, in the last days in which we get no bills.

I ask you publicly, as did the editorials in the newspapers this morning and also on Sunday, even though the sportsmen are asking you to oppose this, I ask you to vote "aye." Those who ask you to oppose it are also the operators. But we have made progress in this bill, not what we wanted, not what we voted for, but today we want to get in the position of sending this to the Governor for signature so that we will have not lost the gains that are in printer's No. 2676.

Therefore, Mr. Speaker, I cannot deny anything that has been said by the gentleman from Washington, by Mr. Donaldson, by many others who would care to speak, except I say I want you to bear faith with each of us. It has been checked carefully in every way and I do not want to lose this bill. There is nothing more that we can get in this field in the other body, and I ask you to concur and vote "aye" on this bill 1438.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Goldstein.

Mr. M. H. GOLDSTEIN. Mr. Speaker, this bill has been referred to by the gentleman from Allegheny, Mr. Donaldson, and the majority leader, Mr. McCann, as a "comedy." This is no comedy. This is a tragedy in the legislative processes. For that reason I would like to paraphrase Hamlet at the risk of being called a ham.

To concur or not to concur,
That is the question.
Whether it is better to appease amendments and machinations or to fight unreservedly for conservation,
Such is the issue which faces us today.

The majority leader admits that the bill is merely a pittance of what we should have. He says we should take, as some people have stated, half a loaf. As Mr. Murphy has pointed out, this is not half a loaf, this is just a small crumb.

If the majority leader and the administration is sincerely behind its platform pledges, and I will read platform pledge No. 21 for their recollection, as adopted in 1958:

Conservation and development of all our natural and water resources, including fish and game.

If you can get the votes for taxes, if you can get the votes for liquor bills, if you can get the votes for harness racing, and you are sincerely behind this legislation, let us have a real conference committee composed of men who sincerely believe in the administration's so-called measure in trying to implement the Democratic platform of 1958.

I say, don't give up the ship! Let us have a conference committee and try to get a better bill. For that reason I am voting against concurrence.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Auker.

Mr. AUKER. Mr. Speaker, I would like to interrogate someone who can tell me just what the effect of this particular bill might be on seeking to avoid stream pollution and seeking to protect purification of our streams in Pennsylvania.

Is there anybody who can answer that question for me? That is the meat of the bill.

The SPEAKER pro tempore. Has the gentleman any preference as to whom he would like to interrogate?

Mr. McCANN. The gentleman from Washington, Mr. Murphy, was a sponsor of the original House version, the present amended version, but there are a lot of gentlemen who can answer that and answer it quickly, including Mr. Murphy and Mr. Breth. I would recommend that they answer the gentleman emphatically both as to the original version and this version.

The SPEAKER pro tempore. Will the gentleman from Washington, Mr. Murphy, permit himself to be interrogated?

Mr. MURPHY. I shall, Mr. Speaker.

I wonder if the gentleman would rephrase his question.

Mr. AUKER. Mr. Speaker, I would ask the gentleman whether or not there are any provisions in this bill that would enhance, over the existing law, the guarantee that our streams and the purification of our waters would be more fully protected than they are under the existing law?

Mr. MURPHY. So far as stream pollution goes, Mr. Speaker, there are no provisions in this bill to take care of that. That is covered in another act, not in this bill.

Mr. AUKER. Would the gentleman be able to inform me whether or not the different method of backfilling after strip mining has taken place and ceased would or would not more fully protect the streams and underground water supplies?

Mr. MURPHY. No. Mr. Speaker, there is not a sufficient amount of increase in the backfilling requirements to have any protection whatsoever to bodies of streams or even soil erosion.

The law today requires that you cover the seam of coal with three feet of overburden, some type of non-combustible soil. However, that goes down to the bottom of the pit at a degree not to exceed 45 degrees. This does not say that it goes to the high wall, this is only over the actual seam of coal that is being mined. It is now being increased from a three-foot cover to a five-foot cover, two more feet of non-combustible soil.

Mr. AUKER. Mr. Speaker, would not the extra coverage help prevent oxidation which is, of course, the cause of impurities in the streams?

Mr. MURPHY. It will probably help it, Mr. Speaker, until the first good rainfall.

Mr. AUKER. Does the gentleman say then that the first good rainfall would wash off the extra two feet of backfilling, as provided for in this act?

Mr. MURPHY. Yes, Mr. Speaker, I do. I do not think that two feet of cover is sufficient, particularly when it is not based on a proper angle from the high wall down to the bottom of the pit. That is what we were seeking to do. Now, this is merely throwing a couple feet of dirt down to the bottom of the gully. When the rain comes into that gully, it is going to wash down both sides which are clear up to 90 degrees; the rain is going to come down in there and wash off that two foot of cover. We have been attempting to have the slope come down from the high wall at an angle of 45 degrees, which would then do away with the gully.

Mr. AUKER. Mr. Speaker, when this five-foot backfill goes in on the level, is that to be planted with anything that might help hold the soil to keep it from being washed away?

Mr. MURPHY. Is the gentleman speaking of this bill when he says, "on the level"?

Mr. AUKER. Well, on the extra footage of backfill on the level, which we are talking about?

Mr. MURPHY. The bill now, as it did in 1945, provides for the planting of various shrubs, and so forth.

Mr. AUKER. Would the gentleman go as far as to say that the provisions in this bill with the extra coverage might help in the anti-pollution of the streams and underground water supplies?

Mr. MURPHY. No, Mr. Speaker. I would say one thing in truthfulness, as the gentleman from Greene, Mr. McCann, pointed out, the bill is some help. But I cannot see where this bill will be any help insofar as stream pollution will go.

Mr. AUKER. That is all, Mr. Speaker. I thank the gentleman.

Mr. Speaker, I am going to vote for these amendments. From what the gentleman from Washington said, it seems to me that it is of some advantage, of some help, and somewhat better than what we have under the existing law. It is not going as far as I, personally, would like to see it go.

I am very much concerned about the future water supply of our State and I am reminded of the Bald Eagle Valley that runs along the mountain range from north of Altoona up to Williamsport and beyond. There is a virgin valley, so far as pure water is concerned, that is still good, still absolutely unpolluted in any way, shape or form. I am just using this as an example. I want to make sure that those kind of places in Pennsylvania are preserved and that is why I am asking these questions.

It is not only the strip mining itself that is the immediate danger. I do not believe that the Sanitary Water Board is going thoroughly enough into the fact that underground sources of water in several years' time—maybe not within a year after the strip mining has ceased, but two or three years from that time—when there is a gradual erosion of the backfill, and things of that nature, will cause oxidation to occur, and then you have the ruining of the underground water supply. That is what I am concerned about and that is why I am asking these questions. I feel that this bill may be of some help, not very much, but I intend to vote for the amendments.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Clarion, Mr. Varner.

Mr. VARNER. Mr. Speaker, this version of House bill 1438, printer's No. 2676, is one that I am going to support.

Some people in Pennsylvania are for this and some people in Pennsylvania are against it, but legislation is the art of the possible and, as the majority leader has said, "This is possible." For that reason I would urge concurrence in these Senate amendments.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Clearfield, Mr. Breth.

Mr. BRETH. Mr. Speaker, I would like to clarify some of the questions and answers that were given here regarding pollution and the effects of this amended Senate bill on the pollution picture.

This is a great step forward in preventing pollution because within 750 feet of any settlement of five houses, or cemetery, public recreation area, public buildings, schools, churches, community or institutional buildings, all strip mines must be backfilled 45 degrees from the top of the high wall down. That will effectively prevent the majority of acid mine drainage from those operations.

Now, the other part of it, the great step forward, is the fact that instead of a 90-degree high wall this bill compels the stripping operator to backfill at 70 degrees, plus an extra two feet on top of the seam. This means that you are going to have an overburden, a pushing back of shale and the elements which constitute the effect of acid mine drainage. In other words, there is no question about it, this will, in a great measure, go a long way to prevent acid mine drainage, and, therefore, stream pollution in a great many of our watersheds.

I said before right here on the floor of this House when 1438 was before us, I considered it a punitive measure and it was rather unworkable, engineeringly impossible. This bill before us now for concurrence is not, perhaps, the greatest and most ideal conservation measure that we could ask, but it is the measure that we can have now. As I said before, I am always, and have been in the past, willing to support such measures. I am, therefore, willing to support concurrence in these Senate amendments.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Holliday.

Mr. HOLLIDAY. Mr. Speaker, may I interrogate the gentleman from Clearfield, Mr. Breth?

The SPEAKER pro tempore. Will the gentleman from Clearfield, Mr. Breth, permit himself to be interrogated?

Mr. BRETH. I shall, Mr. Speaker.

Mr. HOLLIDAY. Mr. Speaker, as Representative from Blair County, I am inclined to vote for these amendments—not that I feel this bill is much of an improvement over the original bill. I believe I would like to have Mr. Breth answer this question: Is there anything in this bill in the way of a penalty for a stripping operator if he pulls away and forfeits his bond?

Mr. BRETH. Ordinarily the penalty for that sort of thing in the past has been that you are prevented from getting another operation permit and that is quite a severe penalty. I do not understand directly what the gentleman's question is about, but it is usually the Sanitary Water Board itself which, through regulations, places those penalties and those restrictions.

Mr. HOLLIDAY. There is a great deal, Mr. Speaker, in this bill about backfilling. I have attended some of these hearings downstairs that Senator Haluska had and if I recall correctly I heard the Secretary of Mines, Mr. Evans, make the statement that where a stripping operator forfeited his bond and pulled out of his operation without backfilling there were many cases where the State, although they had the bond money, were prevented from going in and doing the backfilling. Is that correct?

Mr. BRETH. Mr. Speaker, I cannot say whether that is correct or not, because those are administrative problems, but I do know this, that if a strip miner forfeits his bond and tries to continue in business, the Sanitary Water Board usually does hold that against him and therefore he forfeits his right for future operations. What the gentleman is trying to question me about are administrative things with which I am not entirely familiar. He would have to cite specific examples.

Mr. HOLLIDAY. All that I am doing, Mr. Speaker, is citing the statement made by the Secretary of Mines. He said the farmer owning that property could prevent the State from going in and doing the backfilling.

Mr. BRETH. Mr. Speaker, I have no information or knowledge, and I do not know what the provisions of the law are. I think that would be an administrative problem, not a legislative matter.

Mr. HOLLIDAY. There is nothing in this bill in the way of a penalty, then?

Mr. BRETH. There are the same penalties as there were before, the forfeiture of a larger bond, from $300 to $400 per acre. That is a serious obligation.

I believe the gentleman is asking me questions concerning administration, and I am sure I do not have the answers the gentleman wants unless specific examples can be cited.

Mr. HOLLIDAY. All right, Mr. Speaker, we will drop that.

As far as the Sanitary Water Board controlling that, several times I have spoken on the floor here about the Sanitary Water Board permitting an operator to operate for three years without a permit. There is nothing in this bill that would prevent that?

Mr. BRETH. Mr. Speaker, I think the Department of Mines and Mineral Industries has done a very excellent job in enforcing the provisions of the old 1945 act. I think the Sanitary Water Board has done a very justifiable job, particularly in recent years, in enforcing the provisions of the present act. I do believe, Mr. Speaker, that this will give them more ability and, you might say, more power to go ahead and do a better job for the people of Pennsylvania.

Mr. HOLLIDAY. Mr. Speaker, as I said at the beginning of this, I intend to vote for the amendments and give them a chance to see what they will do with the new provisions of this law. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Auker.

Mr. AUKER. Mr. Speaker, I would like to interrogate the majority floor leader for just a few questions.

The SPEAKER pro tempore. Will the gentleman from Greene, Mr. McCann, permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. AUKER. Mr. Speaker, I would like to ask the gentleman, in his opinion, considering the lateness of the hour in this session, considering all the conferences that have taken place on this particular bill and the compromises that we understand have taken place, whether or not he would want to express his opinion that if these amendments should fall and the bill go to a conference committee it would have any chance of getting out of the conference committee.

Mr. McCANN. Mr. Speaker, I am going to be very honest with the gentleman.

Mr. AUKER. I would like the gentleman to be honest.

Mr. McCANN. I have been in a series of conferences on Thursday, Friday and this morning beginning at 11 and lasting until 12 in which all parties were concerned, and no place have I been able to gain one inch from the other body that would insure anything. I have been warned carefully time and time again at the end of the conferences that, if I fail to concur and it goes to that stage, I take a gamble on losing everything because the conference committee could do certain things. They could delay, not sign; it takes two signatures from each body, and then if either body fails, we would not fail in the House; the issue is dead.

Mr. AUKER. Mr. Speaker, I thank the gentleman. I think he has very adequately explained the situation.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—147

Adams,	Fry,	Limper,	Rovansek,
Anderson, J. H.,	Fulmer,	Long, Wm. Jas.,	Royer,
Anderson, S. A.,	Galley,	Long, Wm. Jos.,	Rubin,
Arlene,	Gallagher,	Lutty,	Rudisill,
Auker,	George,	Magee,	Rutherford,
Bachman,	Goldstein, J. H.,	Markley,	Scarcelli,
Backenstoe,	Gramlich,	Marsh,	Schaaf,
Blair,	Gray,	May,	Schuster,
Boles,	Greenlee,	McCann,	Shelton,
Bonner,	Gremminger,	McDevitt,	Sherman,
Bossert,	Gross,	McKeever,	Slack,
Bower,	Guesman,	McNally,	Snare,
Bowman,	Guthrie,	Merry,	Steckel,
Branca,	Hankins,	Miller,	Stimmel,
Breth,	Hartley,	Monroe,	Sullivan, J. A.,
Buchanan,	Heavey,	Morley,	Tomascik,
Bush,	Helm,	Mullen,	Tompkins,
Capitolo,	Henzel,	Munley,	Trusio,
Cauley,	Hocker,	Murray,	Ujobai,
Cioffi,	Holl,	Needham,	Varner,
Clarke,	Holliday,	O'Dell,	Verona,
Cooley,	Horst,	O'Donnell, J. A.,	Wall,
Crossin,	Irvis,	O'Donnell, J. P.,	Wargo,
Davis,	Johnson, A. W.,	Ogilvie,	Weidner,
Dennison,	Jones,	Parlante,	Welsh,
Dougherty,	Kamyk,	Pashley,	Wescott,
Doughten,	Kelly,	Perry,	Whittaker,
Down,	Kessler,	Petrosky,	Willard,
Edwards,	Knecht,	Piper,	Willaredt,
Eilberg,	Kooker,	Polaski,	Williams, E. S.,
Eshback,	Kornick,	Polen,	Wood,
Farabaugh,	Kramer,	Prendergast,	Worley,
Fetterolf,	Lamb,	Price,	Wynd,
Filo,	Lawson,	Pursley,	Yetter,
Fineman,	Lee, A. M.,	Reibman,	Zember,
Foor,	Lee, K. B.,	Reidenbach,	Zimmerman,
Frascella,	Leonard,	Riley,	

NAYS—53

Capano,	Goodrich,	Klein,	Seltzer,
Cianfrani,	Hamilton,	Korns,	Shupnik,
Curwood,	Haudenshield,	Manbeck,	Simmons,
Dengler,	Heffner,	Maxwell,	Stank,
Donaldson,	Holman,	McCandless,	Stiteler,
Elvey,	Isaacs,	McDonald,	Stone,
Eshleman,	Jenkins,	Meholchick,	Strausser,
Ewing,	Jim,	Mills,	Taylor,
Flynn,	Johnson, R. P.,	Murphy,	Thompson,
Fox,	Keiser,	Musto,	Walsh,
Gelfand,	Kernaghan,	Odorisio,	Williams, A. D.,
Gibb,	King,	Renwick,	Wilt,
Gibbons,	Kistler,	Sakulsky,	Andrews,
Goldstein, M. H.,			Speaker

NOT VOTING—10

Ashton,	Foerster,	McInroy,	Mihm,
Comer,	Lippincott,	McLaughlin,	Sullivan, T. F.,
Esler,	McCormack,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

EDUCATION BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1807, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), changing certain definitions changing basis for reimbursement by the Commonwealth on certain accounts consolidating certain provisions further providing for reimbursement by the Commonwealth to school districts providing payments for specialized services and harmonizing language of existing law.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. KRAMER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. McCANN. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Messrs. KRAMER, M. H. GOLDSTEIN and CAULEY asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Sec. 1 (Sec. 2501), page 6, line 3, by inserting after "($6200)": "Any provisions herein contained to the contrary notwithstanding, in the case a school district whose market value per district teaching unit is the sum of six hundred thousand dollars ($600,000) or in excess of the sum of six hundred thousand dollars ($600,000), the basic standard reimbursement fraction shall be computed for the school year 1961-1962 and for each school year thereafter by subtracting from six thousand two hundred dollars ($6,200) an amount to be determined by multiplying such school district's valuation per district teaching unit by four and three-eighths one thousandths (.004⅜) and dividing the difference so obtained by six thousand two hundred dollars ($6,200)."

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Kramer.

Mr. KRAMER. Mr. Speaker, this is a rather simple amendment. I believe I can explain it to the satisfaction of the minority leader.

The bill merely keeps the millage rate, which is used to determine the local effort, at 4⅜ mills for all school districts having a market value for teaching units of $600,000 or in excess thereof.

Mr. Speaker, to adequately explain this amendment, I believe I do have to delve into the basic philosophy to which this whole education program gears itself. It is a wonderful philosophy. It is an attempt to provide an adequate and equal education for every Pennsylvania citizen.

I want to say right here and now that I personally am in favor of that 100 percent, but I want to include the Pittsburgh School District within that definition.

Now, in order to accomplish this basic philosophy, our educators or the proponents of this formula have devised this formula whereby they attempt to take from the rich school districts and give to the poor school districts, and how can you argue with that sort of reasoning? After all, we were all taught that Robin Hood was a great man.

The thing that I really disagree with is what the proponents of the formula call a rich school district. I am getting irritated with the reference to my school district being called a rich school district, and I propose here and now, today, to put an end to that kind of perfidious thinking.

In order to prove my point, I propose to submit to this House a hypothetical case. In this hypothetical case all the market values have been set by the Tax Equalization Board. In the two school districts which I will describe—for obvious reasons we call them school district A and school district B. Each has three teaching units, approximately 90 elementary school children, and in each of these districts there are 30 homes in which these children reside. Now, in school district A, we find that the school district could best be described as an industrial area. That school district has one large mill, a steel mill, if you please, which has a market valuation of $2,000,000.00, and the thirty homes that we talked about in school district A surround this mill. Now, if you have driven through one of our steel areas, like the place where I come from, you know that these homes surrounding the mill are very humble homes; they are small with the usual party wall; they have a front yard that stretches from the wall out to the street covered with cement; they usually have a backyard big enough to hold the garbage can and rubbish pile, and rarely have even a garage. For the purposes of this hypothetical case, these thirty homes have an average market value of $3,000.00, so that the total market value in school district A is $2,090,000. Now this the proponents of the school subsidy formula would call a rich district.

Let us take a look at school district B. As I said, it also has thirty residences, but the president of that mill lives in school district B, in a large split level home. Over in school district A, split level only means a broken bricklayer's tool, but over here the president has this beautiful home, he has three acres of lawn, shrubbery, flowers, maybe even a swimming pool; the vice-presidents of that mill live in school district B and they have $30,000 homes; the superintendent of the mill lives over there in that district. For purposes of my hypothetical case, the average value of these thirty homes is $20,000, so the total market value in school district B is $600,000.

Now, the proponents of this formula base the local effort and the state's subsidy on these figures and here is what happens. In school district A, we divide our $2,090,000 for the three teaching units and find that we have a market valuation for each teaching unit at $696,666. Then we multiply that by the millage, 4⅜, talking now about the present law. We find that the local effort for school district A is $3,047.91 and that the state subsidy is $2,752.09. School district B, this so-called poor school district using the same formula, has a local effort of $875.00 and the State provides by way of subsidy $4,925.00 for this poor school district with its beautiful big homes.

Now, in the event some of you may think I am stretching a point here, I call your attention to a school district that is right across the Allegheny River from Pittsburgh. I will go outside of my own school district. In that school district there are two mills and that is all and I do not think any of the homes in that particular school district surrounding those mills would be worth more than $3,000, $4,000 or possibly $5,000. In that school district Mr. Speaker, they have a market value for teaching units of $1,152,000. I guarantee you, please take my word for it, that is not a wealthy or a rich school district. Those mills, both of them, have been closed for some time and there are literally thousands of workers within that school district out of work, destitute; and in that particular school district I am referring to it is a good thing that we have a minimum because they cannot even qualify for the $1,000.

Somewhere along the line, somebody has convinced the proponents of this formula that real estate is the greatest wealth. Well, that may have been true a hundred years ago but it is not so true today. Out in some of our rural areas, you can buy a 300-acre farm for $5,000, but you

cannot even till the soil without an $8,000 tractor. Where is the wealth that is tied into this real estate? You know on the inside cover of every one of the monograms that was put out by the Governor's committee on education they had a circular graph and if you take the time to look at that graph you will find that under the side of where the money comes from you will find that only 38 percent of all the money that goes into State education in this State comes from real estate. Now, by logic only 38 percent of this formula ought to be based on real estate; certainly not 100 percent.

Lets go back to my hypothetical school district A and school district B under House bill 1807. There, you will recall, the increase in the local millage for determining the local effort went to .00468 and that increased the maximum to $6,200. Now, everything that I have read about this says that the purpose behind that was to increase the subsidy to each and every school district. Are we going to help education? Well, Mr. Speaker, following my hypothetical case and using this same formula, we find that school district A actually has its State subsidy decreased even though the maximum was raised $400. We find school district B jumping from $4,900 to $5,200 in State subsidy. Now what we are proposing in this bipartisan-sponsored amendment is to leave the millage for local effort at the 4⅜ mills, which would leave us in the same position we were before House bill 1807 was considered. In every other area the bill remains the same.

Now I have talked to people in the halls of this House about this amendment and the usual comment to me is, oh, you come from a rich school district and therefore you ought to make a greater local effort. But the thing they forget, Mr. Speaker, is that we in the city of Pittsburgh are relying on just one tax alone, the sales tax, over $25 million, all for education in this State, and our State subsidy is around $6 million. We are paying out $4 on that one tax to get $1 back.

We are used to this sort of thing. I guess that is one of the evils of coming from a metropolitan area. We do it in other regards. For instance, we have a zoo but we will find the zoo is in the country. I have driven past that zoo many times and have seen school buses from all over the western part of Pennsylvania and even from New York, Ohio, West Virginia and Maryland that come into our zoo, and we are happy about it, but, Mr. Speaker, when we are putting out $4 to get back $1, then we ought to take a good look at where our money is going. It is just not right to use our money for the frills that are being put on these new schools that are being built. I mentioned here two weeks ago the football fields with the grass and everybody laughed. Well, a funny thing happened. The weekend after I made that statement I was driving past my own high school, Peabody High School, and they had a bulldozer out on the football field and I said, good grief, did I make a mistake, are they growing grass? I called Dr. Gross, the superintendent of schools, and I said, "Doc, are they growing grass at Peabody?" He laughed and said, "No, we are just trying to taper it off a little bit so the rain water will run off and we can get rid of some of those big rocks."

That is what we are living with. They have their night lights, tennis courts, swimming pools, cafeterias, air conditioning, TV, Hi-Fi, dance pavilions, rifle ranges, and it is not right to use our money for that sort of thing. We are for education; we are willing to pay more than our share; we have been doing it for many years.

We have in the city of Pittsburgh 110 schools. Ten of those schools have been condemned. The fire department has termed those buildings combustible. They have told us that they will not be responsible if any child loses his life in a fire in one of those schools. I had a boy in one of those schools last year and I want to tell you I was pretty shaky the whole year for fear that some goof might just throw a cigarette or a match in the wrong direction. We live under that sort of thing.

We make a local effort. Let us take that $25 million. That is a pretty good local effort, I would say, in this day and age. Then they say to me, the proponents of this formula say, yes, but look at all those guys you have got on relief out in Pittsburgh. How ridiculous can you get? How do great numbers on relief indicate that we are a rich, wealthy school district?

Then they argue, well, we still have one-room schools in this State, and I know that very well. I come from a long line of school teachers. My grandfather was a school teacher in this State; my mother, my brother-in-law taught in one-room schools. We cannot eliminate them, but, Mr. Speaker, we have been trying to eliminate them since 1911. They just do not want to be eliminated. So that argument falls on deaf ears with me.

One legislator had the nerve to say to me, why don't you join up, get in one of these jointures, merge. We tried that in 1951, Mr. Speaker, and we were told that sort of thing was never intended for a first class school district. Later on, in 1956, you took care of it very nicely by an amendment to the present code which completely eliminates us. So we cannot get any of these $200 or $800 extras you are giving away per teaching unit.

There is nothing sacred about this formula and I refer you to page 49 of the final report, where I say if there is something evil or bad about this formula, then let us change it. That is what we propose to do here today.

All this amendment does is offer to school districts such as mine a token recognition for all that we do for State education in this Commonwealth. This amendment, certainly, is not the answer to all our problems, but we do need a little help.

I call your attention to the fact that this amendment will not cut one dollar from any other school district, not a dollar. The money will not be paid out before September of 1962.

Mr. Speaker, I prophesy that changes are coming in this direction. Some day, somehow and in some way, these changes will come to pass, and here today we have the opportunity of making a step in that direction.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Goldstein.

Mr. M. H. GOLDSTEIN. Mr. Speaker, the gentleman from Allegheny, Mr. Kramer, has made a very exhaustive and sincere statement of the problems involved insofar as the city of Pittsburgh is concerned, and I am quite certain insofar as the city of Philadelphia is concerned.

This has been a bone of contention in my mind ever since 1955. As he says, the formula is not sacred. Now, like the great Democrat, Al Smith, said, "Let's look at the record." Let us look at facts and figures. During the course of my attendance at the meetings of the Special Select Committee on Education, an expert came into our com-

mittee. I asked him, or he volunteered, I forget which, what would be the taxes and what would be the tax burden for an individual who had a $20,000 home in an adjoining county to Dauphin County. He said approximately $120. Then another expert appeared before the Republican body and he was asked the same question, and he said, the entire tax burden was $115. I recall, without giving any credit to the press, there was a gentleman of the press who lives in an adjoining county, and I think he must have been a good newspaperman because he had a home that had a market value of about $20,000. He advised me that his total tax burden was around $110, 115.

Now in the city of Pittsburgh in Allegheny County, the tax burden for a home of that character would be $300 to $400.

The plain fact is this: The present subsidy measure does not work out right. It is very difficult to explain the system, but let us say the maximum subsidy was $6,000 and the market value is $200,000, and the local effort is four mills. Then you take $800 from $6,000, which gives you $5,200 for that district. Now take a district which, for example, has had its local millage increased to five mills, and increased the maximum subsidy to $7,000, then you take $1,000 from $7,000, so this $200,000 district gets $6,000 from the State.

What is the situation with an $800,000 market value district? You start out with $6,000 for the maximum subsidy, you take four mills of $800,000, you get $3,200, you have $2,800 left for yourself. Increase the $7,000, and four mills on $800,000 is $4,000, so you have $3,000. The $200,000 district picks up $1,000 and we pick up $200.

Now I say that we devised this particular system many, many years ago and it was just like an individual trying to help a child get on his feet. We helped these districts to get on their feet. We say that we will keep them at a certain level and, frankly, there is some "pie allowance," and we in Pittsburgh want part of that pie. Now when I say I am speaking for Pittsburgh, I am also speaking for some of my cohorts who do not live in the city of Pittsburgh, but Allegheny County. Let me give you a recital of the districts in Allegheny County which would benefit by this amendment:

No. 1, the city of McKeesport will benefit;

No. 2, Bellevue will benefit; Brentwood will benefit; Castle Shannon will benefit; Clairton will benefit; Dormont will benefit; Duquesne will benefit; Etna will benefit; Forest Hills, Fox Chapel, Harrison, Homestead, McCandless, Millvale, Mount Lebanon, Mount Oliver, North Braddock, Rankin, Ross Township, Scott Township, Sewickley Borough, Shaler Township, Sharpsburg Borough, and I can go on and give you some more.

The reason for that is because we, in Allegheny County, have a realistic market value and I say to you that the market value set up in the assessed valuation as set up in these outlying districts is not factual, is not realistic. I will give you some of the outstanding figures you have for the percentage of assessed valuation to market value for some outlying counties: Adams County 23.6 percent; Centre County 14.8 percent; Monroe County 19.6 percent; Northumberland County 18.4 percent, and York County 18.9 percent.

All we want is part of the pie; we want a square deal and we say that you should vote for these amendments. Help out the big city districts that need some help.

Incidentally, I want to call this to your attention on 1807: the city of Pittsburgh gets $378,000 out of this bill. Our total budget is $30 million, about one percent. I would never vote for a tax measure that gives us only one percent out of 100 percent. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Cauley.

Mr. CAULEY. Mr. Speaker, members of the House, I rise in support of this amendment as well. I join Mr. Goldstein, I join Mr. Kramer, I subscribe to everything that they have said here.

This district of Pittsburgh, the school district, is on its knees. In Pittsburgh where you have State employment, while you say that over the area of the State the tax differential is 38 percent, in Pittsburgh we are paying 55 percent. Our load for our other taxes is 24 percent, which includes the wage tax. This is unfair.

Under the climate which was set up by the committee that studied here, and I subscribe to everything that they have for the education of our children, I say that any school district in excess of 600,000 should be glad to accede, glad to accede to the aid of these little districts. We have to rely on them. What is involved here is the tax differential or return, which is only three mills, less than three mills. It means to Pittsburgh an additional $600,000 under this plan which has been subscribed under this amendment. All these members here know exactly what this means to their particular district. I tell you, you have to recognize the distinction between a large school district where realistic real estate values are on the assessment rolls and on the unrealistic rolls, and when you have a school district in excess of $600,000 per teaching unit with a realistic assessment, you have to help these big districts, and Pittsburgh needs help. I subscribe to everything that Mr. Kramer has said about our school districts back home in Allegheny County.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Eilberg.

Mr. EILBERG. Mr. Speaker, the gentleman from Allegheny, Mr. Goldstein, in his remarks, attempted to speak for the city of Philadelphia. I think that the city of Philadelphia can speak for itself and certainly any members from Philadelphia who feel so inclined are welcome to speak in behalf of the city of Philadelphia.

Let me say that as sympathetic as I am to the remarks that were enunciated by all the previous speakers, there are certain bald facts that we must face. Certainly I am in favor of revising the formula so that the city of Philadelphia gets its fair share of the educational pie, but I do not think that this is the way to do it. I asked one member of the House, how much is this amendment going to cost? He said, $4 million. I asked another member, another sponsor, how much is this amendment going to cost? He said, $7 million. I asked someone whom I regard as an expert down in Philadelphia, how much is this amendment going to cost? He said, $17 million. Mr. Speaker, where is this money coming from? Now I say, let us provide the tax money first and then let us consider ways and means of amending the formula.

My friend, Mr. Kramer, of Allegheny, referred to a particular case of a steel mill worth $2 million and an area where there were 30 homes with an assessment of $3,000 apiece. All right, that is a good example, but what about the truly rich school district, the truly rich school district

where the average district market value is over $600,000? This amendment, Mr. Speaker, would benefit the truly rich district and this seems to me that this would be inequitable and absurd conclusion. I say, Mr. Speaker, that the cardinal point here is, let us get the tax money first, let us consider then the ways and means of developing a fair distribution of the educational tax money. Therefore, I feel that the amendments should be voted down, regretfully.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Kramer.

Mr. KRAMER. Mr. Speaker, I must answer the charge that this amendment will cost $17 million. First of all I would like to point out that in all the statistics that the Governor's committee on education gave us, and you will recall booklets full of statistics, they did not give us the pertinent statistics from which we could work out an accurate figure. They gave us market values per pupil, which means nothing. You must have market value per teaching unit to do anything; you must also have the number of teaching units. In all those statistics that they gave us, that is completely missing. But we estimated, from the figures that we did have, what we thought it would cost, and it is our best estimate that it would not cost more than $4 or $4.5 million to take care of this whole thing that we have in this amendment.

Mr. McCANN. Mr. Speaker, as much as I hate to ask the membership of this House concerning this situation, for we have heard sincere debate as to what this will do, I ask the membership to vote "no" on the amendment offered by the gentleman from Allegheny, Mr. Kramer.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs KRAMER and M. H. GOLDSTEIN and were as follows:

YEAS—54

Boles,	Gibb,	Lee, A. M.,	Pashley,
Cauley,	Goldstein, M. H.,	Leonard,	Schaaf,
Cianfrani,	Guesman,	Lutty,	Schuster,
Cioffi,	Hamilton,	Marsh,	Sherman,
Clarke,	Hartley,	Maxwell,	Simmons,
Crossin,	Haudenshield,	McKeever,	Stone,
Dengler,	Irvis,	McLaughlin,	Sullivan, J. A.,
Donaldson,	Isaacs,	Mills,	Taylor,
Doughten,	Jenkins,	Morley,	Thompson,
Ewing,	Kamyk,	Mullen,	Tomascik,
Filo,	Kernaghan,	Murray,	Walsh,
Fineman,	Klein,	O'Donnell, J. P.,	Williams, A. D.,
Gailey,	Kramer,	Odorisio,	Wilt,
Gelfand,	Lamb,		

NAYS—143

Adams,	George,	Long, Wm. Jas.,	Rubin,
Anderson, J. H.,	Gibbons,	Long, Wm. Jos.,	Rudisill,
Anderson, S. A.,	Goldstein, J. H.,	Magee,	Rutherford,
Arlene,	Goodrich,	Manbeck,	Sakulsky,
Auker,	Gramlich,	Markley,	Scarcelli,
Bachman,	Gray,	May,	Seltzer,
Backenstoe,	Greenlee,	McCandless,	Shelton,
Blair,	Gremminger,	McCann,	Shupnik,
Bonner,	Gross,	McDevitt,	Slack,
Bossert,	Guthrie,	McDonald,	Snare,
Bower,	Hankins,	McNally,	Stank,
Bowman,	Heavey,	Meholchick,	Steckel,
Branca,	Heffner,	Merry,	Stimmel,
Buchanan,	Helm,	Miller,	Stiteler,
Bush,	Henzel,	Monroe,	Strausser,
Capano,	Hocker,	Munley,	Tompkins,
Capitolo,	Holl,	Murphy,	Ujobai,
Curwood,	Holliday,	Musto,	Varner,
Davis,	Holman,	Needham,	Verona,
Dennison,	Horst,	O'Dell,	Wall,
Dougherty,	Jim,	O'Donnell, J. A.,	Wargo,
Down,	Johnson, A. W.,	Ogilive,	Weidner,
Edwards,	Johnson, R. P.,	Parlante,	Welsh,
Eilberg,	Jones,	Perry,	Wescott,
Elvey,	Keiser,	Petrosky,	Whittaker,
Eshback,	Kelly,	Piper,	Willard,
Eshleman,	Kessler,	Polaski,	Willaredt,
Farabaugh,	King,	Polen,	Williams, E. S.,
Fetterolf,	Kistler,	Prendergast,	Wood,
Flynn,	Knecht,	Price,	Worley,
Foor,	Kooker,	Pursley,	Wynd,
Fox,	Kornick,	Reibman,	Yetter,
Frascella,	Korns,	Reidenbach,	Zember,
Fry,	Lawson,	Renwick,	Zimmerman,
Fulmer,	Lee, K. B.,	Rovansek,	Andrews,
Gallagher,	Limper,	Royer,	Speaker

NOT VOTING—13

Ashton,	Esler,	McCormack,	Riley,
Breth,	Foerster,	McInroy,	Sullivan, T. F.,
Comer,	Lippincott,	Mihm,	Trusio,
Cooley,			

So the question was determined in the negative and the amendments were not agreed to.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. A. W. JOHNSON. Mr. Speaker, I am rising, of course, to support this subsidy bill, but I believe there are some things about the bill that, with the meager information we have, I would like to point out.

This bill is destined to put, as we understand it, approximately $18.7 million more money in the coffers of the school districts of Pennsylvania. A sheet was handed out the other day, as I understand, prepared by the office of administration and I am looking at it casually. For instance, here is the county of Cumberland. It says if the maximum subsidy had been $6,200 during 1960-1961, Cumberland County would have received $293,385. The inference of this sheet that was handed out is that had this bill been the law in 1960-1961, Cumberland County would have received this sum of $293,385. Cumberland County would have received that sum of money, as we see it, provided the freeze clause was in force, which it was during 1960-1961. Now I have a sheet here which we received in 1959, a summary which was prepared by the State school directors' association, and it would appear that Cumberland County would, during the period 1960-1961, lose $182,810 unless the freeze clause had been the law of Pennsylvania.

As you know, in 1959 we put in the freeze clause, which meant that for 1960-1961 Cumberland County did not lose the $182,810. In other words then, project that now into this particular bill. We have lost the freeze clause according to an opinion of the Attorney General to the Governor. The freeze clause, which had been written into the general appropriations bill, was an unconstitutional addition to the general appropriations bill. Therefore, if we did not pass any bill at all today, and these figures are reasonably correct, Cumberland County could lose $182,000. If we understand these figures now, without the freeze clause, Cumberland County will get $293,385, but subtracted from that, the $182,000 which they will lose by reason of not having the freeze clause, Cumberland County will get about $110,000 under this bill rather than, as inferred, the $293,385.

Now let us take another county, Northumberland County. Northumberland County, under the freeze clause, gains $100,000. In other words, Northumberland County would have lost $100,000 unless we, in the 1959 session, put on the freeze clause. We put it on so they got, or saved, $100,000. Under this sheet that was sent to us by the administration, Northumberland County would stand to get apparently $234,000 additional if this bill passes today. However, they have lost $100,000 by reason of losing the freeze clause, so their take will be about $134,000. I may be wrong on these figures, but while we are getting $18.7 million, if we are losing approximately $9 million, the net increase in revenue for the school districts would be about $10 million. I am pointing this out because all over Pennsylvania we are getting letters that say what a tremendous school-education program is on this calendar. I do not know whether the people of Pennsylvania realize that actually what is on this calendar here is that $18.7 million increase in school subsidies, minus the freeze clause which they enjoyed this current year. It is not a colossal program; it is not the huge program that it is made out to be; it is merely $18.7 million.

In the 1959 session we, on this side, furnished enough votes for the 4 percent sales tax with the idea that the school districts would get $28 million more. We were told that after everything was added up the $28 million had vanished and the school did not get the money. Now they are getting a measly $18.7 million, less the freeze clause. I think the people in the State should realize this so that if we adjourn sine die this week, and you people go back home to your people and they find out that all we are doing is giving just a modest increase in subsidies here, and with all the ballyhoo that has been in the papers about this tremendous program that is on our calendar, the people should know what small tax revenues we have been able to increase here in the dying days of the session, so that about $10 million more money is available within the contents of this bill.

I could be wrong and, if I am wrong, I would like it to be pointed out where we are wrong. Naturally, we are going to support this subsidy bill. It is a step in the right direction and I am asking all the members on this side to vote for it with the admonition that they do not go home with this sheet in hand and say you are going to get $234,000 more dollars. You are not because you are losing the freeze-clause money.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—191

Adams,	Gallagher,	Long, Wm Jos.,	Rudisill,
Anderson, J. H.,	Gelfand,	Lutty,	Rutherford,
Anderson, S. A.,	George,	Magee,	Sakulsky,
Arlene,	Gibb,	Manbeck,	Scarcelli,
Auker,	Gibbons,	Markley,	Schaaf,
Bachman,	Goldstein, J. H.,	Marsh,	Schuster,
Backenstoe,	Goodrich,	Maxwell,	Seltzer,
Blair,	Gramlich,	May,	Shelton,
Boies,	Gray,	McCann,	Sherman,
Bonner,	Greenlee,	McCandless,	Shupnik,
Bossert,	Gremminger,	McDevitt,	Simmons,
Bower,	Gross,	McDonald,	Slack,
Bowman,	Guesman,	McKeever,	Snare,
Branca,	Guthrie,	McLaughlin,	Stank,
Breth,	Hamilton,	McNally,	Steckel,
Buchanan,	Hankins,	Meholchick,	Stimmel,
Bush,	Hartley,	Merry,	Stiteler,
Capano,	Haudenshield,	Miller,	Stone,
Capitolo,	Heavey,	Mills,	Strausser,
Cianfrani,	Heffner,	Monroe,	Sullivan, J. A.,
Cioffi,	Helm,	Morley,	Sullivan, T. F.,
Clarke,	Henzel,	Mullen,	Taylor,
Crossin,	Holl,	Munley,	Thompson,
Curwood,	Holliday,	Murphy,	Tompkins,
Davis,	Holman,	Murray,	Trusio,
Dennison,	Horst,	Musto,	Ujobai,
Donaldson,	Irvis,	Needham,	Varner,
Dougherty,	Jenkins,	O'Dell,	Verona,
Doughten,	Jim,	O'Donnell, J. A.,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. P.,	Walsh,
Edwards,	Jones,	Ogilvie,	Wargo,
Eilberg,	Kamyk,	Parlante,	Weidner,
Elvey,	Keiser,	Pashley,	Welsh,
Ehback,	Kelly,	Perry,	Wescott,
Eshleman,	Kessler,	Petrosky,	Whittaker,
Ewing,	King,	Piper,	Willard,
Farabaugh,	Kistler,	Polaski,	Willaredt,
Fetterolf,	Klein,	Polen,	Williams, A. D.,
Filo,	Knecht,	Prendergast,	Williams, E. S.,
Fineman,	Kooker,	Price,	Wilt,
Flynn,	Kornick,	Pursley,	Wood,
Foerster,	Korns,	Reibman,	Worley,
Foor,	Lamb,	Reidenbach,	Wynd,
Fox,	Lawson,	Renwick,	Yetter,
Frascella,	Lee, K. B.,	Riley,	Zember,
Fry,	Leonard,	Rovansek,	Zimmerman,
Fulmer,	Limper,	Royer,	Andrews,
Galley,	Long, Wm. Jas.,	Rubin,	Speaker

NAYS—10

Cauley,	Hocker,	Kernaghan,	Lee, A. M.,
Dengler,	Isaacs,	Kramer,	Odorisio,
Goldstein, M. H.,	Johnson, R. P.,		

NOT VOTING—9

Ashton,	Esler,	McCormack,	Mihm,
Comer,	Lippincott,	McInroy,	Tomascik,
Cooley,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1817, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 providing for minimum compensation and increments and maximum mandated salary and increments and for qualifications for administrators and members of the faculty of State colleges providing for leaves of absence * * *

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—189

Adams,	Gibb,	Long, Wm. Jas.,	Royer,
Anderson, J. H.,	Goldstein, J. H.,	Long, Wm. Jos.,	Rubin,
Anderson, S. A.,	Goldstein, M. H.,	Lutty,	Rudisill,
Arlene,	Goodrich,	Magee,	Rutherford,
Bachman,	Gramlich,	Manbeck,	Sakulsky,
Backenstoe,	Gray,	Markley,	Scarcelli,
Blair,	Greenlee,	Marsh,	Schaaf,
Boies,	Gremminger,	Maxwell,	Schuster,
Bonner,	Guesman,	May,	Seltzer,
Bossert,	Guthrie,	McCandless,	Shelton,
Bower,	Hamilton,	McCann,	Sherman,
Branca,	Hankins,	McDevitt,	Shupnik,
Breth,	Hartley,	McDonald,	Simmons,
Buchanan,	Haudenshield,	McKeever,	Slack,
Bush,	Heavey,	McLaughlin,	Snare,
Capano,	Heffner,	McNally,	Stank,

Capitolo,	Helm,	Meholchick,	Steckel,
Cauley,	Henzel,	Merry,	Stimmel,
Cianfrani,	Holl,	Miller,	Stiteler,
Cioffi,	Holliday,	Mills,	Stone,
Clarke,	Holman,	Monroe,	Strausser,
Crossin,	Horst,	Morley,	Sullivan, J. A.,
Curwood,	Irvis,	Munley,	Sullivan, T. F.,
Davis,	Isaacs,	Murphy,	Taylor,
Dengler,	Jenkins,	Murray,	Thompson,
Dennison,	Jim,	Musto,	Tompkins,
Donaldson,	Johnson, A. W.,	Needham,	Trusio,
Dougherty,	Johnson, R. P.,	O'Dell,	Ujobai,
Doughten,	Jones,	O'Donnell, J. A.,	Varner,
Down,	Kamyk,	O'Donnell, J. P.,	Verona,
Edwards,	Keiser,	Odorisio,	Wall,
Eilberg,	Kelly,	Ogilvie,	Wargo,
Elvey,	Kernaghan,	Parlante,	Weidner,
Eshleman,	Kessler,	Pashley,	Welsh,
Ewing,	King,	Perry,	Wescott,
Farabaugh,	Kistler,	Petrosky,	Whittaker,
Filo,	Klein,	Piper,	Willard,
Flynn,	Knecht,	Polaski,	Williams, A. D.,
Foerster,	Kooker,	Polen,	Williams, E. S.,
Foor,	Korns,	Prendergast,	Wilt,
Fox,	Kramer,	Price,	Wood,
Frascella,	Lamb,	Pursley,	Worley,
Fry,	Lawson,	Reibman,	Wynd,
Fulmer,	Lee, A. M.,	Reidenbach,	Yetter,
Gailey,	Lee, K. B.,	Renwick,	Zember,
Gallagher,	Leonard,	Riley,	Zimmerman,
Gelfand,	Limper,	Rovansek,	Andrews,
George,			Speaker

NAYS—7

Auker,	Fetterolf,	Gross,	Willaredt,
Bowman,	Fineman,	Hocker,	

NOT VOTING—14

Ashton,	Esler,	McCormack,	Mullen,
Comer,	Gibbons,	McInroy,	Tomascik,
Cooley,	Kornick,	Mihm,	Walsh,
Eshback,	Lippincott,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

EDUCATION BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1701, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), changing the per pupil unit cost reimbursement for elementary and secondary school construction authorizing reimbursement in the year of acquisition for school building sites purchased in advance of their need and harmonizing provisions related thereto and extending the provisions for reimbursement or preliminary payments on account of approved building construction to include the State Public School Building Authority and Municipal Authorities and abolishing the cost limitations on school building projects for reimbursement purposes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—157

Adams,	Gallagher,	Leonard,	Reidenbach,
Anderson, J. H.,	Gelfand,	Limper,	Renwick,
Anderson, S. A.,	Gibbons,	Long, Wm. Jas.,	Riley,
Arlene,	Goldstein, J. H.,	Long, Wm. Jos.,	Rubin,
Bachman,	Goldstein, M. H.,	Lutty,	Sakulsky,
Backenstoe,	Gramlich,	Manbeck,	Scarcelli,
Blair,	Gray,	Markley,	Schaaf,
Boles,	Greenlee,	Marsh,	Schuster,
Bonner,	Gremminger,	Maxwell,	Seltzer,
Bossert,	Guesman,	McCann,	Shelton,
Bowman,	Guthrie,	McDevitt,	Sherman,
Branca,	Hamilton,	McDonald,	Shupnik,
Breth,	Hankins,	McKeever,	Simmons,
Buchanan,	Hartley,	McLaughlin,	Slack,
Capano,	Haudenshield,	Meholchick,	Snare,
Capitolo,	Heavey,	Miller,	Stank,
Cauley,	Heffner,	Mills,	Steckel,
Cianfrani,	Helm,	Monroe,	Stimmel,
Cioffi,	Henzel,	Morley,	Stone,
Clarke,	Holliday,	Munley,	Sullivan, J. A.,
Crossin,	Irvis,	Murphy,	Sullivan, T. F.
Curwood,	Isaacs,	Murray,	Taylor,
Dengler,	Jenkins,	Musto,	Thompson,
Dennison,	Jim,	Needham,	Tompkins,
Dougherty,	Johnson, A. W.,	O'Dell,	Trusio,
Doughten,	Johnson, R. P.,	O'Donnell, J. A.,	Ujobai,
Down,	Jones,	O'Donnell, J. P.,	Varner,
Edwards,	Kamyk,	Odorisio,	Verona,
Eilberg,	Keiser,	Ogilvie,	Wall,
Eshback,	Kelly,	Parlante,	Wargo,
Ewing,	Kernaghan,	Pashley,	Welsh,
Filo,	Kessler,	Perry,	Willard,
Fineman,	Klein,	Petrosky,	Williams, A. D.,
Flynn,	Knecht,	Piper,	Williams, E. S.,
Foerster,	Korns,	Polaski,	Worley,
Fox,	Kramer,	Polen,	Wynd,
Frascella,	Lamb,	Prendergast,	Yetter,
Fry,	Lawson,	Price,	Zember,
Fulmer,	Lee, K. B.,	Reibman,	Andrews,
Gailey,			Speaker

NAYS—39

Auker,	George,	Lee, A. M.,	Stiteler,
Bower,	Gibb,	Magee,	Strausser,
Bush,	Goodrich,	May,	Weidner,
Davis,	Gross,	McCandless,	Wescott,
Donaldson,	Hocker,	McNally,	Whittaker,
Elvey,	Holman,	Merry,	Willaredt,
Eshleman,	Horst,	Pursley,	Wilt,
Farabaugh,	King,	Rovansek,	Wood,
Fetterolf,	Kistler,	Royer,	Zimmerman,
Foor,	Kooker,	Rutherford,	

NOT VOTING—14

Ashton,	Holl,	McInroy,	Rudisill,
Comer,	Kornick,	Mihm,	Tomascik,
Cooley,	Lippincott,	Mullen,	Walsh,
Esler,	McCormack,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1702, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing for the creation establishment and operation of community colleges granting certain powers to the State Council of Education and the Department of Public Instruction * * *

On the question,

Will the House agree to the bill on third reading?

Mrs. REIBMAN asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 1, next to last line of Title, by inserting after "districts" county boards of school directors

Amend Title, page 2, first line of Title, by inserting after "districts" where it appears the second time: county boards of school directors

Amend Sec. 1 (Sec. 2601-A), page 2, line 10 by inserting after "municipality" or a county board of school directors

Amend Sec. 1 (Sec. 2601-A), page 2, line 11 by inserting after "municipalities" and county boards of school directors

Amend Sec. 1 (Sec. 2601-A), page 2, line 13, by inserting after "community" where it appears the second time college

Amend Sec. 1 (Sec. 2603-A), page 8, line 3 by inserting after "jointly" In all counties except those of the first and second class, school directors from school districts of the second, third and fourth class, located in two or more counties may meet in convention and by majority vote of those present and voting approve a community college plan for submission to the State Council of Education.

In a county of the second class, such community college plan shall be approved by a majority vote of the school directors from school districts of the second, third, and fourth class present and voting in convention. The community college plan in a county of the second class may include part or all of a district of the first class A at the request of the board of public education of such school district in which case the board of public education may participate in all convention actions.

Amend Sec. 1 (Sec. 2603-A), page 8, line 14 by inserting after "created" and

Amend Sec. 1 (Sec. 2603-A), page 9, line 7 by inserting after "sponsor" except in a county of the second class

Amend Sec. 1 (Sec. 2603-A), page 9, line 7 by inserting after "or" in the case of the creation of a community college district

Amend Sec. 1 (Sec. 2603-A), page 9, by inserting after line 19:

(f) The county board of school directors in a county of the second class and two or more county boards of school directors in counties of the third, fourth, fifth, sixth, seventh and eighth class may prepare a plan for establishing a community college and branches thereof, if required, for submission to a convention of school directors from school districts of the second, third, and fourth class within the county or counties. Such plan shall indicate the school districts to be served by a community college and each branch thereof. The county board or county boards shall call a convention of school directors from school districts included within the proposed area of a community college or any branch thereof to consider: (1) the proposed plan. (2) the question of authorizing the county board or county boards to establish a community college or branches thereof. (3) the share of the cost of establishing and operating a community college and its branches, if any, to be borne by the school districts, and (4) the manner of prorating the costs among the school districts.

Following such consideration, the school directors in each convention may by majority vote of those present and voting approve a plan, authorize the county board or county boards to establish and operate a community college or branch thereof subject to the approval of the State Council of Education, and to determine the share and formula for sharing operating expenses, capital outlay, debt service, or lease payment to be borne by the school districts. School directors from the districts not desiring to participate in the establishment of a community college are not eligible to vote on any questions placed before the convention.

Member districts' share of the cost of establishing and operating a community college and branches thereof shall not be less than two-thirds of the operating expenses of a community college, less reimbursement paid by the Commonwealth.

A member district's proportionate share of the operating expenses may be determined by multiplying the number of resident pupils in full time equivalents attending the community college by an amount which shall not be less than two-thirds of the operating cost per pupil, or the proportionate share of each district may be determined by multiplying the assessed value of real estate by a uniform tax rate set by the convention.

A member district's share of capital expenditures, debt service, or lease payments may be determined by multiplying such capital expenditures, debt service, or lease payments by a fraction, the numerator of which is the market value of real property of the district and the denominator the market value of all the sponsoring districts, or a member district's share of capital expenditures, debt service, or lease payments may be determined by multiplying a millage rate set by the convention by the assessed value of real property within the school district.

Amend Sec. 1 (Sec. 2604-A), page 10, line 3 by inserting after "district": except in a county of the second class

Amend Sec. 1 (Sec. 2604-A), page 10, by inserting between lines 5 and 6:

In the event the governing bodies are school districts of the second, third or fourth class, the boards of school directors from such school districts within a county of the second class or within two or more counties of the third, fourth, fifth, sixth, seventh, and eighth class may meet in convention and designate a county board or a committee of members of two or more county boards as the board of trustees. Members of a board of trustees, composed of members of two or more county boards shall be elected by the majority vote of school directors of member districts present and voting in convention.

In counties of the second class, the county board of school directors may be the board of trustees with respect to districts of the second, third and fourth class and may be the board of trustees with respect to part or all of a district of the first class A if requested by the board of public education of such district.

Amend Sec. 1 (Sec. 2604-A), page 10, line 13 by inserting after "trustees": except in counties of the second class

Amend Sec. 1 (Sec. 2604-A), page 11, line 5 by inserting after "filled": except a board which is a county board of school directors or a committee of members of two or more county boards of school directors

Amend Sec. 1 (Sec. 2604-A), page 11, line 7, by inserting after "their": actual and

Amend Sec. 1 (Sec. 2606-A), page 13, line 9 by inserting after "determine": Notwithstanding the limitations on the number of assistant superintendents imposed by law, the county superintendent in any county of the second class, establishing a community college, shall have an additional assistant superintendent who shall be president of the community college and branches thereof. Qualifications for such assistant superintendent shall be established by the State Council of Education.

The Superintendent of Public Instruction shall make available to a board of trustees which is a committee of members of two or more county boards from funds appropriated for the minimum salaries of county superintendents and assistant county superintendents eight thousand five hundred dollars ($8,500) per year which shall be part of the salary of the president of the community college operated by such board.

Amend Sec. 1 (Sec. 2608-A), page 14, lines 11 and 12 by striking out "and one-third (1/3) of its annual" in line 11 and all of line 12

Amend Sec. 1 (Sec. 2608-A), page 15, line 2 by striking out "students" and inserting: student

Amend Sec. 1 (Sec. 2609-A), page 16, line 4 by striking out "standards" and inserting: standard

Amend Sec. 1 (Sec. 2609-A), page 16, line 9 by striking out "districtc" and inserting: district

Amend Sec. 1 (Sec. 2609-A), page 17, line 3 by striking out "of" where it appears the second time, and inserting: or

Amend Sec. 1 (Sec. 2612-A), page 18, line 18 by inserting after "Payments": and Advance Payments

Amend Sec. 1 (Sec. 2612-A), page 19 by inserting between lines 8 and 9:

(b) Advance Payments. Annually before the first day of July, each board of trustees which is a county board of school directors or which is a committee of two or more county boards operating a community college, shall submit for prior review and approval by the Department of Public Instruction an estimate of the cost of operating the community college and branches thereof, if any, during the ensuing school year. On or before the first day of August, the Commonwealth shall pay to the board of trustees a sum equal to one-third of the estimated cost, and on or before the first day of January shall pay an equal or adjusted sum as may be shown to be necessary by an adjusted budget based upon expenditures during the first half of the school term. In the event that the State Council of Education approves operation of summer classes, an estimate of the cost of such classes shall be submitted to the Department of Public Instruction on or

before the first day of April for review and approval. The Commonwealth shall pay to the board of trustees an amount equal to two-thirds of such estimate on or before the first day of July. At the end of each school year, all unexpended funds shall be credited to Commonwealth payments due for the succeeding school year on account of the operation of a community college, or upon the direction of the Superintendent of Public Instruction shall be returned to the Commonwealth. All funds returned shall be credited to the account from which the advance payments were made. For each student enrolled in a community college or branch thereof operated by a county board or a committee of members of two or more county boards the school district in which the student is a resident shall pay to the Commonwealth an amount equal to the difference between the total cost per student as hereinbefore defined and a sum obtained by adding the State payment per student and the tuition and other payments made by each student. In order to facilitate payments by the several school districts, the Department of Public Instruction shall withhold from any moneys due to the district out of any State appropriations except from reimbursement due on account of school buildings, rentals and sinking fund charges, the amounts due by the school district to the Commonwealth. All amounts so withheld shall be credited to the account from which the advance payments were made.

Amend Sec. 1 (Sec. 2612-A), page 19, line 9 by striking out "(b)" and inserting: (c)

Amend Sec. 1 (Sec. 2612-A), page 19, lines 12 to 17, by striking out "the local sponsor's or the" in line 12, and all of lines 13 to 17 and inserting: the capital expenses by fifty one hundredths (.50).

Amend Sec. 1 (Sec. 2612-A), page 19, line 18 by striking out "(c)" and inserting: (d)

Amend Sec. 1 (Sec. 2612-A), page 20, line 2 by striking out "approval" and inserting: approved

Amend Sec. 1 (Sec. 2612-A), page 20, line 6 by striking out "standards" and inserting: standard

Amend Sec. 1 (Sec. 2615-A), page 21, line 19 by inserting after "of": a

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the lady from Northampton, Mrs. Reibman.

Mrs. REIBMAN. Mr. Speaker, the amendments just offered today for the community college bill assure that the recommendations of the Governor's committee on education will be more fully satisfied because these amendments, in addition to making various minor corrections, are intended to accomplish two objectives: one, to eliminate the feature which would have caused each student to pay tuition based in part upon the capital expenses of the college for the year, on account of which tuition is paid. That has been corrected. The bill was further amended to permit a county board of school directors of a second class county or county boards of school directors of counties of third and eighth classes to act jointly to sponsor a community college district. This bill widens the concept of who may sponsor a community college program.

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. May I interrogate the lady, please?

The SPEAKER. Does the lady from Northampton permit herself to be interrogated?

Mrs. REIBMAN. I do.

The SPEAKER. The minority leader will proceed.

Mr. A. W. JOHNSON. Mr. Speaker, did the lady explain to the House why she is taking out of the tuition the charge for capital expenditures so that the House will know that.

Mrs. REIBMAN. The bill before it was amended said that the tuition charged the pupils should be computed by including one-third of the cost of capital expenditures. Now, I do not know of any college that includes in its tuition charge the cost of capital expenditures, that is, the cost of constructing the building. That would price the tuition of students way out of reach, and so we have eliminated that feature of the bill.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 351, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" authorizing licensed establishments to sell until two o'clock antemeridian on Sundays.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. McCANN. Mr. Speaker, the gentleman from Philadelphia, Mr. Lee, was going to offer amendments to Senate bill 351, printer's No. 370. It is my understanding he will offer these amendments to Senate bill 435, printer's No. 1214, on page 9. Therefore, Mr. Speaker, I ask that Senate bill 351 proceed for the purpose of a vote.

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Foor.

Mr. FOOR. Mr. Speaker, I wish to speak against the bill.

Mr. Speaker, this is one of three liquor bills presently on our calendar. During this session the House has passed a number of bills which will further encroach on Sunday, our day of worship. This bill, if passed, would allow all bars in Pennsylvania to remain open until 2 a.m. on Sunday. Proponents of this bill claim it is unfair for bars to be forced to close at midnight on Saturday while private clubs may remain open.

Many people in Pennsylvania feel it is wrong for clubs to be open on Sunday, hence the passage of this bill. Creating another wrong will not make a right. It cannot be established that two wrongs make a right.

Mr. Speaker, certainly all of us here feel it is the function of this House to pass only legislation which will bring about a better way of life for the people of Pennsylvania. Certainly it is difficult to see how passage of this bill will accomplish this. Rather it will tend to further separate families and leave children alone in their homes for longer hours.

It seems to me that we would be creating a better way of life for our people if we were to enact legislation to close all places dispensing alcoholic beverages at midnight

on Saturday rather than allow more places to remain open on Sunday.

Mr. Speaker, I would like to ask all members of this House to consider this proposed legislation carefully and to vote "no" on this bill.

Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—119

Adams,	Gray,	Maxwell,	Riley,
Anderson, S. A.,	Greenlee.	McCann,	Rovansek,
Arlene,	Gremminger,	McDevitt,	Rubin,
Bachman	Guesman,	McDonald	Sakulsky,
Backenstoe,	Hamilton,	McKeever,	Scarcelli,
Blair,	Hankins,	McLaughlin,	Schaaf,
Boles,	Hartley,	McNally,	Schuster,
Bonner,	Heffner,	Meholchick,	Shelton,
Branca,	Irvis,	Mills,	Sherman,
Capano,	Isaacs,	Monroe,	Shupnik,
Capitolo,	Jenkins,	Mullen,	Stank,
Cauley,	Jim,	Munley,	Steckel,
Cianfrani,	Johnson, R. P.,	Murphy,	Stimmel,
Cioffi,	Jones,	Murray,	Stone,
Clarke,	Kamyk,	Musto,	Sullivan, J. A.,
Crossin,	Kelly,	Needham,	Sullivan, T. F.,
Curwood,	Kernaghan,	O'Dell,	Taylor,
Dengler,	Klein,	O'Donnell, J. A.,	Thompson,
Dougherty,	Knecht,	O'Donnell, J. P.,	Tomascik,
Doughten,	Kornick,	Odorisio,	Trusio,
Eilberg,	Kramer,	Parlante,	Verona,
Eshback,	Lamb,	Pashley,	Walsh,
Filo,	Lawson,	Perry,	Wargo,
Fineman,	Lee, K. B.,	Petrosky,	Weidner,
Flynn,	Leonard,	Piper,	Welsh,
Frascella,	Limper,	Polaski,	Wescott,
Galley,	Long, Wm Jas.,	Prendergast,	Yetter,
Gallagher,	Long, Wm. Jos.,	Reibman,	Zember,
Gelfand,	Lutty,	Reidenbach,	Andrews,
Gibbons,	Markley,	Renwick,	Speaker

NAYS—81

Anderson, J. H.	Fulmer,	Kessler,	Seltzer,
Auker,	George,	King,	Simmons,
Bossert,	Gibb,	Kistler,	Slack,
Bower,	Goldstein, J. H.,	Kooker,	Snare,
Bowman,	Goldstein, M. H.,	Korns,	Stiteler,
Breth,	Goodrich,	Lee, A. M.,	Strausser,
Buchanan,	Gramlich,	Magee,	Tompkins,
Bush,	Gross,	Marsh,	Ujobai,
Davis,	Guthrie,	May,	Varner,
Dennison,	Haudenshield,	McCandless,	Wall,
Donaldson,	Heavey,	Merry,	Whittaker,
Down,	Helm.	Miller,	Willard,
Edwards,	Henzel,	Morley,	Willaredt,
Elvey,	Hocker,	Ogilvie,	Williams, A. D.,
Eshleman,	Holl,	Polen,	Williams, E. S.,
Ewing,	Holliday,	Price,	Wilt,
Fetterolf,	Holman,	Pursley,	Wood,
Foerster,	Horst,	Royer,	Worley,
Foor,	Johnson, A. W.,	Rudisill,	Wynd,
Fox,	Keiser,	Rutherford,	Zimmerman,
Fry,			

NOT VOTING—10

Ashton,	Esler,	Manbeck,	McInroy,
Comer,	Farabaugh,	McCormack,	Mihm,
Cooley,	Lippincott,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

ANNOUNCEMENT

Mr. McCANN. As soon as this roll call is announced, the choir, of course, must leave for the television program. I am going to ask for four committee meetings from the floor of the House and then I am going to recess this House until 9 o'clock tonight to come back here to vote on 10 concurrences and eight bills, House items.

We are driving for sine die and I ask the membership to come back here tonight at 9 p. m. I am sure we can finish by 11 tonight.

I will ask that the committees meet off the floor when they make the announcement.

COMMITTEES MEET DURING SESSION

The SPEAKER. The following committees will meet immediately:

Committee on Cities—Counties, Second Class and Second Class A;

Committee on Banking and Building and Loan Associations;

Committee on Counties;

Committee on Appropriations.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 944.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), further defining "professional employe."

HOUSE BILL No. 1219.

An Act amending the "State Employes' Retirement Code of 1959" approved June 1, 1959 (P. L. 392), preventing the diminution of the present value of a superannuation retirement allowance for all classes of membership.

HOUSE BILL No. 1421.

An Act amending "The Permanent Registration Act for Cities of the Second Class Cities of the Second Class A Cities of the Third Class Boroughs Towns and Townships" approved April 29, 1937 (P. L. 487), further regulating printed or written statements of registration imposing duties on common pleas courts with regard to registration providing for suspension of registration in counties maintaining a reinstatement system.

HOUSE BILL No. 1469.

An Act amending the "Building and Loan Code" approved May 5, 1933 (P. L. 457), further defining and limiting the rights powers duties and liabilities of such associations further specifying types of collateral for mortgage loans.

HOUSE BILL No. 1572.

An Act amending the act of December 8, 1959 (P. L. 1718), entitled "An act providing for the payment of the salary medical and hospital expenses of employes of State penal and correctional institutions who are injured in the performance of their duties and providing benefit to their widows and dependents in certain cases" extending the act to provide for payment of salary medical and hospital expenses of employes of State mental hospitals Youth Development Centers and County Boards of Assistance who are injured in the course of their employment and of employes of the Department of Public Welfare injured while fighting fires.

HOUSE BILL No. 1619.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), authorizing the printing

and reproducing of study and curriculum materials by county commissioners in second class counties and providing for reimbursements therefor.

HOUSE BILL No. 1774.

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333), further providing for the creation of new election districts and fixing the number of registered electors to be contained in election districts not using voting machines.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 130.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" granting certain powers to directors of newly merged school districts.

Referred to the Committee on Education.

SENATE BILL No. 734.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" prescribing payments to be made by foreign students at State Colleges.

Referred to the Committee on Education.

SENATE BILL No. 791.

An Act relating to and regulating the solicitation of moneys and property.

Referred to the Committee on State Government.

SENATE BILL No. 870.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" changing the manner of filling vacancies in the office of assistant county superintendent.

Referred to the Committee on Education.

SENATE BILL No. 925.

An Act amending the act of May 20, 1937 (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth . . ." extending the jurisdiction of the Board of Arbitration of Claims to include claims against The State Highway and Bridge Authority arising from contracts in which The State Highway and Bridge Authority is a contracting party with the Commonwealth.

Referred to the Committee on Rules.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 944.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), further defining "professional employe."

HOUSE BILL No. 1139.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire land in the Borough of Norristown Montgomery County Pennsylvania for the use of Norristown State Hospital.

HOUSE BILL No. 1219.

An Act amending the 'State Employes' Retirement Code of 1959" approved June 1, 1959 (P. L. 392), preventing the diminution of the present value of a superannuation retirement allowance for all classes of membership.

HOUSE BILL No. 1421.

An Act amending "The Permanent Registration Act for Cities of the Second Class Cities of the Second Class A Cities of the Third Class Boroughs Towns and Townships" approved April 29, 1937 (P. L. 487), further regulating printed or written statements of registration imposing duties on common pleas courts with regard to registration providing for suspension of registration in counties maintaining a reinstatement system.

HOUSE BILL No. 1469.

An Act amending the "Building and Loan Code" approved May 5, 1933 (P. L. 457), further defining and limiting the rights powers duties and liabilities of such associations further specifying types of collateral for mortgage loans.

HOUSE BILL No. 1572.

An Act amending the act of December 8, 1959 (P. L. 1718), entitled "An act providing for the payment of the salary medical and hospital expenses of employes of State penal and correctional institutions who are injured in the performance of their duties and providing benefit to their widows and dependents in certain cases" extending the act to provide for payment of salary medical and hospital expenses of employes of State mental hospitals Youth Development Centers and County Boards of Assistance who are injured in the course of their employment and of employes of the Department of Public Welfare injured while fighting fires.

HOUSE BILL No. 1619.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), authorizing the printing and reproducing of study and curriculum materials by county commissioners in second class counties and providing for reimbursements therefor.

HOUSE BILL No. 1774.

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333), further providing for the creation of new election districts and fixing the number of registered electors to be contained in election districts not using voting machines.

With the information that the Senate has passed the same without amendment.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 1273 FROM GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 23, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day

approved and signed House Concurrent Resolution recalling from the Governor House bill No. 1273, printer's No. 1469, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

DAVID L. LAWRENCE

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. GAILEY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Greene, Mr. McCann, vote on the final passage of this bill?

Mr. McCANN. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from York, Mr. Gailey, vote on the final passage of this bill?

Mr. GAILEY. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. McCANN asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend title, page 1, line 6 of title, by striking out after "activities" "when not on active duty"

Amend Section 1 (Section 506), page 2, lines 13 and 14 by striking out "during periods when not on active" in line 13, and all of line 14, and inserting: "in his capacity as a Pennsylvania State Policeman or employe of the Pennsylvania State Police Force"

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

SCHEDULE ANNOUNCED

Mr. McCANN. Mr. Speaker, when we return to the floor this evening, we will consider for a vote, on page 4, House bill 1803, House bill 1818; on page 5, House bill 1841; Senate bill 191, the four amendments' battle; Senate bill 667, the amendments; on page 6, House bill 56, for a vote; House bill 1513, for a vote; House bill 1625 for the purpose of an amendment; House bill 1852, for a vote; on page 11, appropriation bills on concurrence in Senate amendments, and I have been informed that every bill but 1564 on that list takes 140 votes.

Then the concurrences on page 12, 1275; on page 13, 1276, 1277 to non-concur; 1278, 1385; on page 14, 1473, 1484, 1604, 1793 will be held one day. That is the amount of work scheduled from 9 until midnight.

REPORTS FROM COMMITTEE

Mr. HAMILTON from the Committee on Appropriations, re-reported as committed, House bill No. 1603, entitled:

An Act making an appropriation to the Department of Military Affairs for a training area and armory site in Somerset County.

Mr. HAMILTON from the Committee on Appropriations, reported as amended, Senate bill No. 731, entitled:

An Act making an appropriation to Western Pennsylvania School for Blind Children in Pittsburgh and crediting said appropriation to the indebtedness of said school to the Commonwealth of Pennsylvania.

Mr. HAMILTON from the Committee on Appropriations, reported as amended, Senate bill No. 732, entitled:

An Act making an appropriation to Western Pennsylvania School for the Deaf in Edgewood Pittsburgh and crediting said appropriation to the indebtedness of said school to the Commonwealth of Pennsylvania.

Mr. HAMILTON from the Committee on Appropriations, reported as amended, Senate bill No. 733, entitled:

An Act making an appropriation to The Pennsylvania School for the Deaf in Philadelphia and crediting said appropriation to the indebtedness of said school to the Commonwealth of Pennsylvania.

Mr. EILBERG from the Committee on Appropriations, re-reported as amended, House bill No. 566, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), defining and providing for special education of exceptional children.

Mr. HAMILTON from the Committee on Appropriations, re-reported as committed, House bill No. 1575, entitled:

An Act making an appropriation to the School of Forestry of Pennsylvania State University for research on diseases of maple trees.

Mr. HAMILTON from the Committee on Appropriations, re-reported as committed, House bill No. 1816, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), enlarging the functions of the State colleges and providing for certain duties for the Board of Presidents of State Colleges and for the Department of Public Instruction and changing provisions relating to tuition board and fees.

Mr. EDWARDS from the Committee on Elections, reported as committed, House bill No. 1849, entitled:

An Act amending "The First Class City Permanent Registration Act," approved March 30, 1937 (P. L. 115), providing for the registration of physically disabled persons.

Mr. EDWARDS from the Committee on Elections, reported as committed, House bill No. 1850, entitled:

An Act amending "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships," approved April 29, 1937 (P. L. 487), providing for the registration of physically disabled persons.

Mr. WILLAREDT from the Committee on Appropriations, re-reported as amended, Senate bill No. 373, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" changing certain salaries and work loads prescribing general extension education areas decreasing the number of names needed for free extension education raising the deposit fee and providing for a tuition fee in certain instances deleting provisions relating to free evening schools providing for payments on account of approved vocational extension classes and making an appropriation.

Mr. HAMILTON from the Committee on Appropriations, re-reported as amended, Senate bill No. 805, entitled:

An Act amending the act of May 20, 1937 (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth . . ." changing the compensation of members providing for the appointment of an executive secretary and other employes changing the limitations on the filing of claims increasing the powers of the board further providing for rules of procedure before the board providing for appeals and making an appropriation.

Mr. CLARKE from the Committee on Banking and Building and Loan Associations, reported as committed, Senate bill No. 885, entitled:

An Act amending the act of May 5, 1933 (P. L. 457), entitled "Building and Loan Code" further defining and limiting the rights powers duties and liabilities of such associations and shareholders and further defining terms.

Mr. IRVIS from the Committee on Cities—Counties Second and Second Class A, reported as committed, Senate bill No. 670, entitled:

An Act establishing a Family Court division in the Court of Common Pleas of Allegheny County imposing certain jurisdiction over actions and other matters involving the family providing for a chief judge and board of judges clerk director and professional and other employes transferring certain duties of the Juvenile Court of Allegheny County and the domestic relations court of the county court to the family court division providing for additional law judges of the Court of Common Pleas in the fifth judicial district establishing procedures for reconciliation and providing for the investigation and report of relevant factual information.

Mr. HOLLIDAY from the Committee on Counties, reported as committed, Senate bill No. 871, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379), entitled "Third Class County Board Assessment Law" requiring counties of the fifth class advanced in classification to counties of the third class to operate a tax assessment system and to continue a permanent system of records pursuant to "The Fourth to Eighth Class County Assessment Law."

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1849, entitled:

An Act amending "The First Class City Permanent Registration Act," approved March 30, 1937 (P. L. 115), providing for the registration of physically disabled persons.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1850, entitled:

An Act amending "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships," approved April 29, 1937 (P. L. 487), providing for the registration of physically disabled persons.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 885, entitled:

An Act amending the act of May 5, 1933 (P. L. 457), entitled "Building and Loan Code" further defining and limiting the rights powers duties and liabilities of such associations and shareholders and further defining terms.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 670, entitled:

An Act establishing a Family Court division in the Court of Common Pleas of Allegheny County imposing certain jurisdiction over actions and other matters involving the family providing for a chief judge and board of judges clerk director and professional and other employes transferring certain duties of the Juvenile Court of Allegheny County and the domestic relations court of the county court to the family court division providing for additional law judges of the Court of Common Pleas in the fifth judicial district establishing procedures for reconciliation and providing for the investigation and report of relevant factual information.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 871, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379), entitled "Third Class County Board Assessment Law" requiring counties of the fifth class advanced in classification to counties of the third class to operate a tax assessment system and to continue a permanent system of records pursuant to "The Fourth to Eighth Class County Assessment Law."

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

RECESS

The SPEAKER. Without objection, the Chair declares a recess until 9 p. m., d. s. t.

The Chair hears none, and a recess is declared.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 56, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177), authorizing departments boards and commissions to train personnel.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?
Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—127

Anderson, S. A.,	Frascella,	Lutty,	Renwick,
Arlene,	Fry,	Markley,	Riley,
Bachman,	Fulmer,	Marsh,	Rovansek,
Backenstoe,	Gailey.	Maxwell,	Rudisill,
Blair,	Gallagher,	McCandless,	Sakulsky,
Boies,	Gelfand,	McCann,	Scarcelli,
Bonner,	Gibbons,	McDevitt,	Schaaf,
Bower,	Gray,	McDonald,	Schuster,
Breth,	Greenlee,	McKeever,	Seltzer,
Buchanan,	Gremminger,	McLaughlin,	Shelton,
Bush,	Guesman,	McNally,	Sherman,
Capano,	Hamilton,	Meholchick,	Shupnik,
Capitolo,	Hankins,	Mills,	Snare,
Cauley,	Hartley,	Monroe,	Stank,
Cianfrani,	Heavey,	Morley,	Steckel,
Cioffi,	Holman,	Mullen,	Stimmel,
Clarke,	Irvis,	Munley,	Stone,
Comer,	Jenkins,	Murphy,	Sullivan, J. A.,
Cooley,	Jim,	Murray,	Sullivan, T. F.,
Crossin,	Jones,	Musto,	Taylor,
Curwood,	Kamyk,	Needham,	Tomascik,
Dengler,	Kelly,	O'Donnell, J. A.,	Trusio,
Donaldson,	Kessler,	O'Donnell, J. P.,	Verona,
Dougherty,	King,	Parlante,	Walsh,
Doughten,	Kistler,	Pashley,	Wargo,
Eilberg,	Klein,	Perry,	Welsh,
Farabaugh,	Kramer,	Petrosky,	Whittaker,
Filo,	Lawson,	Polaski,	Worley,
Fineman,	Leonard,	Polen,	Yetter,
Flynn,	Limper,	Prendergast,	Zember,
Foerster,	Long, Wm. Jas.,	Reibman,	Andrews,
Fox,	Long, Wm. Jos.,	Reidenbach,	Speaker

NAYS—67

Adams,	Goldstein, J. H.,	Lee, A. M.,	Strausser,
Anderson, J. H.,	Goodrich,	Lee, K. B.,	Thompson,
Auker,	Gross,	Magee,	Tompkins,
Bossert,	Guthrie,	Manbeck,	Ujobai,
Bowman,	Haudenshield,	May,	Varner,
Davis,	Helm,	Merry,	Wall,
Dennison,	Henzel,	Miller,	Weidner,
Down,	Hocker,	O'Dell,	Wescott,
Edwards,	Holl,	Odorisio,	Willard,
Elvey,	Holliday,	Ogilvie,	Willaredt,
Eshback,	Horst,	Piper,	Williams, A. D.,
Eshleman,	Isaacs,	Price,	Williams, E. S.,
Ewing,	Johnson, A. W.,	Pursley,	Wilt,
Fetterolf,	Johnson, R. P.,	Rutherford,	Wood,
Foor,	Keiser,	Simmons,	Wynd,
George,	Kooker,	Slack,	Zimmerman,
Gibb,	Korns,	Stiteler,	

NOT VOTING—16

Ashton,	Gramlich,	Kornick,	McInroy,
Branca,	Heffner,	Lamb,	Mihm,
Esler,	Kernaghan,	Lippincott,	Royer,
Goldstein, M. H.,	Knecht,	McCormack,	Rubin,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,
The House proceeded to the third reading and consideration of House bill No. 1513, entitled:

An Act amending "The Realty Transfer Tax Act" approved December 27, 1951 (P. L. 1742), fixing minimum compensation for recorders of deeds acting as agents for the sale of stamps.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?
Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—172

Adams,	Foerster,	Kramer,	Prendergast,
Anderson, J. H.,	Frascella,	Lamb,	Price,
Anderson, S. A.,	Fry,	Lawson,	Pursley,
Arlene,	Fulmer,	Lee, A. M.,	Reibman,
Auker,	Gailey,	Lee, K. B.,	Riley,
Bachman,	Gallagher,	Leonard,	Rovansek,
Backenstoe,	Gelfand,	Limper,	Rubin,
Blair,	George,	Long, Wm. Jas.,	Rudisill,
Boies,	Gibbons,	Long, Wm. Jos.,	Rutherford,
Bonner,	Goldstein, J. H.,	Lutty,	Sakulsky,
Bossert,	Goodrich,	Manbeck,	Scarcelli,
Bower,	Greenlee,	Markley,	Schaaf,
Bowman,	Gray,	Marsh,	Schuster,
Branca,	Gremminger,	Maxwell,	Shelton,
Breth,	Gross,	May,	Sherman,
Buchanan,	Guesman,	McCann,	Simmons,
Bush,	Guthrie,	McDevitt,	Slack,
Capano,	Hamilton,	McDonald,	Snare,
Capitolo,	Hankins,	McKeever,	Stank,
Cauley,	Hartley,	McLaughlin,	Stimmel,
Cianfrani,	Haudenshield,	McNally,	Stone,
Cioffi,	Heavey,	Meholchick,	Strausser,
Clarke,	Helm,	Miller,	Sullivan, J. A.,
Comer,	Henzel,	Mills,	Sullivan, T. F.,
Cooley,	Holl,	Monroe,	Taylor,
Crossin,	Holliday,	Morley,	Tomascik,
Curwood,	Holman,	Mullen,	Ujobai,
Davis,	Irvis,	Murphy,	Varner,
Dengler,	Isaacs,	Murray,	Verona,
Dennison,	Jenkins,	Musto,	Wall,
Donaldson,	Jim,	Needham,	Walsh,
Dougherty,	Johnson, A. W.,	O'Dell,	Weidner,
Doughten,	Johnson, R. P.,	O'Donnell, J. A.,	Wescott,
Down,	Jones,	O'Donnell, J. P.,	Whittaker,
Eilberg,	Kamyk,	Odorisio,	Willard,
Elvey,	Keiser,	Ogilvie,	Williams, E. S.,
Eshback,	Kelly,	Parlante,	Wood,
Eshleman,	Kernaghan,	Pashley,	Worley,
Ewing,	Kessler,	Perry,	Wynd,
Farabaugh,	Kistler,	Petrosky,	Yetter,
Filo,	Klein,	Piper,	Zember,
Fineman,	Kooker,	Polaski,	Zimmerman,
Flynn,	Kornick,	Polen,	Andrews,
			Speaker

NAYS—23

Edwards,	Hocker,	Merry,	Tompkins,
Fetterolf,	Horst,	Munley,	Wargo,
Foor,	King,	Renwick,	Willaredt,
Fox,	Korns,	Shupnik,	Williams, A. D.,
Gibb,	Magee,	Stiteler,	Wilt,
Goldstein, M. H.,	McCandless,	Thompson,	

NOT VOTING—15

Ashton,	Knecht,	Mihm,	Steckel,
Esler,	Lippincott,	Reidenbach,	Trusio,
Gramlich,	McCormack,	Royer,	Welsh,
Heffner,	McInroy,	Seltzer,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,
The House proceeded to the third reading and consideration of House bill No. 1625, entitled:

An Act to provide for an additional law judge of the

court of common pleas in the fiftieth judicial district and making an appropriation.

On the question,

Will the House agree to the bill on third reading?

Mr. McCANN asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Sec. 2, page 2, line 19 by striking out "1961" and inserting: "1963"

Amend Sec. 2, page 3, line 5 by striking out "1962" and inserting: "1964"

Amend Bill, page 3, line 9 by inserting after "3" "The Governor may appoint a competent person learned in the law as an additional law judge of the court of common pleas of the fiftieth judicial district to serve until the first Monday of January, 1964."

Section 4.

Amend Sec. 3, page 3, line 12 by striking out "1" and inserting: "30"

Amend Sec. 4, page 3, line 13 by striking out "4" and inserting: "5"

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1818, entitled:

An Act amending the "Unemployment Compensation Law" approved December 5, 1936 (1937 P. L. 2897), redefining State and modifying certain provisions as to eligibility of individuals while in training or when permanently separated.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Bowman.

Mr. BOWMAN. Mr. Speaker, I would like to interrogate one of the sponsors of the bill.

The SPEAKER. Will the gentleman from Washington, Mr. Capano, permit himself to be interrogated?

Mr. CAPANO. I shall, Mr. Speaker.

Mr. BOWMAN. Mr. Speaker, would the gentleman explain the one provision of the bill dealing with the so-called training and retraining program? Precisely how does that propose to amend the law?

Mr. CAPANO. I presume the gentleman has reference to section D on page 5.

Mr. BOWMAN. No, I have reference to the new material on page 4.

I am going to interrogate the gentleman on either of the two major changes, so whichever he chooses to speak on will be satisfactory.

Mr. CAPANO. The section to which you have reference is on page 4, whenever an employe receives a severance pay of $100 or less it will not be charged toward his unemployment compensation and will not be deemed as a remuneration for the period for which that was made available. Say he has received the sum of $800. That would be allocated for a period of eight weeks or less and would be eligible for unemployment compensation. Was that the part to which you have reference?

Mr. BOWMAN. Do I understand the gentleman to say then that, for example, if an employe received $1,200 in separation pay for 12 weeks and 12 weeks only, he would be ineligible for unemployment compensation?

Mr. CAPANO. No, he would be eligible under this if his weekly rate would be less than $100; $100 or less.

Mr. BOWMAN. In other words, the $100 is not considered then in his remuneration with respect to his eligibility.

Mr. CAPANO. That is correct.

Mr. BOWMAN. Does the gentleman know how much this would cost?

Mr. CAPANO. I do not.

Mr. BOWMAN. Do I understand the gentleman to say that he has no idea whatsoever how much this would cost the compensation fund, let us say, for a one-year period?

Mr. CAPANO. I do not.

Mr. BOWMAN. Does the gentleman know of anybody who can give us an estimate on this cost?

Mr. CAPANO. I am not sure whether Mr. Polen would have the figures available on that or not.

The SPEAKER. The gentleman from Washington indicates that he does not have the figures.

Mr. BOWMAN. Does the gentleman from Washington have an estimate of the cost of this program?

Mr. POLEN. I do not, Mr. Speaker.

Mr. BOWMAN. Can the majority leader enlighten us as to the cost of this program?

Could anybody enlighten us as to the cost of this program?

Apparently, Mr. Speaker, nobody can enlighten us as to the cost of this program.

I would like to further interrogate the gentleman, Mr. Speaker.

Mr. CAPANO. I am informed that there is no method of determining that cost in adavnce.

Mr. BOWMAN. There is no method? Then it could be $5 million a year.

Mr. CAPANO. Well, there is no method until you actually have the situation. The only one on which we could possibly determine would be the Chester plant, which is now closed and, since that is not in force right now, we have no method of telling.

Mr. BOWMAN. Do I understand the gentleman then that he has absolutely no idea by estimate or experience how much this program would cost?

Mr. CAPANO. That is correct.

Mr. BOWMAN. I would further interrogate the gentleman as to how much the job-training program would cost in a one-year period.

Mr. CAPANO. I have no figures on that either.

Mr. BOWMAN. Does the majority leader or the chairman of the Appropriations Committee have any such figure?

I see Mr. Polen is nodding his head that he does not, is that correct?

Mr. POLEN. I do not, Mr. Speaker. This is a special fund and I have no figures available to me.

Mr. BOWMAN. I thank the gentleman.

Now, would the gentleman please explain to me precisely how this so-called job-training program works in relation to eligibility to compensation?

Mr. CAPANO. The method that would be used would be that any one is trained preparing for some other type of job, or some other job, some other skill, that during the period for which he is training he is eligible for unemployment compensation, unless some suitable job is offered to him in the same category; then he must accept it, otherwise he will not be eligible for unemployment compensation.

Mr. BOWMAN. Do I understand the gentleman then to say that he must register and if a job is offered to him consistent with the present standard he must accept that job?

Mr. CAPANO. That is right.

Mr. BOWMAN. Then where are the needs for the amendment?

Mr. CAPANO. Well, the way it now stands, if he is going to school or taking some training, he will not be eligible. If he is going to school it denies him compensation.

Mr. BOWMAN. Non-compensated training, is that eligible for unemployment compensation?

Mr. CAPANO. That is right.

Mr. BOWMAN. I thank the gentleman.

Mr. Speaker, I would respectfully disagree with the gentleman from Washington, Mr. Capano, as to the interpretation or explanation of this provision. As far as I am concerned, and I think I am correct, if a person is doing training in a non-compensated position and has registered, he is eligible for unemployment compensation notwithstanding the fact that he is in training, so long as he accepts suitable employment if and when it is offered.

Frankly, I do not see the need for this amendment the way it is worded, and I seriously doubt whether the amendment is doing what it is proposed that it should do.

I want to point out once again, however vain it might be, that we have here two amendments in which not a person in this House can so much as give us an estimate of the cost of each of these two major programs, these two major changes. It was acknowledged by everybody, I think, that the fund is now bankrupt, or in very serious difficulties financially. It is equally true that the unemployment compensation rate of employers in Pennsylvania is the highest in the Nation.

Now if anyone wants to pay more than lip service to fiscal responsibility, this bill should be voted down.

Mr. CAPANO. In view of the recent passage of the Federal Area Redevelopment Act, pending federal legislation for expansion of vocational training programs and recommendations pending in the State legislature for expanded vocational and technical training in Pennsylvania, there is need for legislative action to protect the eligibility of unemployment compensation claimants who participate in training or retraining programs in order to improve their present skill or to acquire new skills. Several States have enacted provisions in their laws relating to this subject, and it is considered timely that a similar provision be incorporated in the Pennsylvania law.

Unemployment compensation claimants who, as trainees, remain as bona fide members of the labor force should be distinguished for eligibility purposes from persons who temporarily withdraw their availability for employment to take vocational or technical training, and regular students who are continuing their education without real attachment to the labor force. The proposed revision will provide such a distinction, but will not disturb the basic requisites of availability and ability for employment now required of all unemployment compensation claimants. The proposed amendment, while protecting a claimant from automatic disqualification upon entering such training program, would not give exemption from disqualification if suitable job opportunities were available and the trainee were referred to them, or if such a trainee were recalled by a former employer and refused to return to work.

Within recent months automation and the abandonment of obsolete plants have resulted in the unemployment of thousands of Pennsylvania workers. For many of these persons the permanent loss of all employment rights and benefits has been a personal and financial catastrophe, particularly for those with obsolete skills or abilities for which a ready market does not exist in the locality in which they live. Examples of such occurrences have been forcefully brought to public attention by the shutdown of the Ford assembly plant at Chester and abandonment of the Phoenix Steel plant in Harrisburg. Each of these two plants employed 1,000 or more workers.

Under the present provisions of the law, lump-sum separation payments or dismissal allowances have been allocated on the basis of the worker's fulltime weekly wage to weeks immediately following his separation from work. For example, a worker who normally earns $120 a week and who had been given a separation allowance of $1,200 would have this payment allocated to the ten weeks immediately following his separation. As a result, the unemployed worker would be ineligible to receive any unemployment compensation benefits during this period. Inasmuch as permanent separation from employment oftentimes involves heavy additional expenses in searching for and obtaining new employment, relocation of household effects and additional transportation and other expenses, the present provision can work a hardship on the normal industrial worker who is dependent solely upon wages as his major financial revenue source.

It is proposed that present provisions of the act be modified to provide that where a person is completely and permanently separated from employment and loses all pension, re-employment and other rights as the result of such separation, that deduction shall be made only of the allocated amount of separation or dismissal allowances in excess of $100 a week. This provision would mean that any worker who earns up to $100 a week when fully employed would not have any deferment or reduction of unemployment benefits upon a permanent separation from work. The more highly-paid worker, however, who earned in excess of $100 a week would have this excess allocated and deducted from his weekly benefit amount. Under the proposed revision a worker paid at the rate of $152 a week, or more, would draw no unemployment compensation benefits until his entire allocation period had expired.

I believe this is a timely and needed amendment to the act and I urge the House to support this amendment to bill 1818.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Auker.

Mr. AUKER. Mr. Speaker, I listened with a great deal of attention to the interrogation and to the reply of the gentleman from Washington on the so-called merits of this bill.

It is admitted that we do not know how much it is going to cost. It could easily and probably would mean an extra percentage of unemployment tax which would have to be paid by the employer.

Now we had a couple industries shut down in this State. Whether that was part of the package that made them shut down, I do not know. I can well realize that it was. I have statistics here in my desk showing Pennsylvania does pay the highest unemployment rate of any State in the Union. That is a heavy tax. That is a tax that has to be considered in the cost of an article which manufacturers manufacture in this State. It is a cost that has to be considered to try to put them in competition with manufacturing industries in other States.

I still reiterate, Mr. Speaker, that what we need in this State is more employment and more opportunities for employment, and you cannot have employment unless you have opportunities for employment. You cannot have employment unless you have the manufacturing and the industrial concerns that are going to employ people, no matter how many you train. The training is good and we ought to have it. But what is the good of training these people in Pennsylvania if we are not going to be able to employ them in Pennsylvania.

I suggest to you, Mr. Speaker and members of this House, if we keep on passing legislation such as this, we are going to continue to drive people out of this State, industrial concerns out of this State. And that is just going to worsen the picture. It is just going to make the wheels keep turning in the opposite direction from which we want them to turn, in the reverse.

We have sat here, Mr. Speaker, and we have appropriated money, millions of dollars, to help to attract new industry into this State, and then we turn right around on the other hand and enact laws which make it that much harder to attract industry into the State. That does not make sense, it is not logical and it just is not good common horse sense and is not good legislation, and it certainly is not good fiscal, industrial economic responsibility on the part of the majority party if they pass this legislation tonight. That is all, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Wilt.

Mr. WILT. Mr. Speaker, I would like to draw your attention to section 10 on page 5. To me this is bringing something pretty close to home. I happen to be an employer since 1934.

If you read this section, it tells you that if you own 50 percent of your business and you have anyone of your family employed by your corporation or organization, they are not entitled to unemployment compensation.

I want to say to you here and now that I have members of my family employed in my corporation and have had them employed for the last 20 years continuously. Every year I receive a plaque from the Unemployment Compensation Bureau for an outstanding record.

I employ approximately 32 people with a payroll of over $300,000 yearly. My corporation is strictly a union corporation, and now you are telling me in this bill, if this legislation is passed, by October 1, 1961, they will be no longer entitled to unemployment compensation.

I want to say here and now, although no employe of mine has ever drawn unemployment compensation in the last 26 years that I have been in business, I think this is absolutely wrong, after paying into this fund all these years. I have sons on my payroll who have three small children and you come along and tell me now that after October they are not entitled to unemployment compensation if misfortune should befall them. I think it is absolutely wrong and I want to say, after paying this money into this fund, I think we are entitled to receive some benefits if this should occur.

I think this section should be deleted. I think this is a department program and not legislative program. I feel that if somebody has been dishonest, we do not arrest everybody who is walking the streets. We put in jail just the one who is dishonest, and not harm the people who are trying to get unemployment compensation.

Therefore, I am asking the members on both sides of the House to vote against this bill.

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Capano.

Mr. CAPANO. Mr. Speaker, I just want to reply to Mr. Wilt.

Now that one feature is true, that where it is a family-owned corporation, 50 percent or more, they would not be eligible. That is one of the changes. This is found to be a source of considerable abuse in the unemployment compensation law and it is in order to stop the abuse or the drain on the fund that this feature has been introduced.

However, if a family employe were to secure employment somewhere else and have the minimum requirements for eligibility, then that employe would be eligible for unemployment compensation.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—99

Anderson, S. A.,	Fry,	Long, Wm. Jas.,	Petrosky,
Arlene,	Galley,	Long, Wm. Jos.,	Polaski,
Bachman	Gallagher,	Lutty,	Polen,
Boles,	Gelfand,	Maxwell,	Prendergast,
Bonner,	Gray,	McCann,	Reibman,
Branca,	Greenlee,	McDevitt,	Reidenbach,
Breth,	Gremminger,	McDonald	Renwick
Capano,	Hamilton,	McKeever,	Rovansek,
Capitolo,	Hankins,	McLaughlin,	Rubin,
Cianfrani,	Hartley,	McNally,	Rudisill,
Cioffi,	Irvis,	Meholchick,	Sakulsky,
Clarke,	Jenkins,	Mills,	Schuster,
Comer,	Jim,	Monroe,	Shelton,
Cooley,	Jones,	Morley,	Sherman,
Crossin,	Kamyk,	Mullen,	Stank,
Curwood,	Kelly,	Munley,	Stone,
Dougherty,	Klein,	Murphy,	Sullivan, J. A.,
Doughten,	Kornick,	Murray,	Sullivan, T. F.,
Ellberg,	Korns,	Musto,	Taylor,
Farabaugh,	Kramer,	Needham,	Trusio,
Filo,	Lamb,	O'Donnell, J. A.,	Wargo,
Fineman,	Lawson,	O'Donnell, J. P.,	Welsh,
Flynn,	Lee, K. B.,	Parlante,	Yetter,
Foerster,	Leonard,	Pashley,	Andrews,
Frascella,	Limper,	Perry,	Speaker

NAYS—101

Adams,	Gibb,	Kistler,	Snare,
Anderson, J. H.	Gibbons,	Kooker,	Steckel,
Auker,	Goldstein, J. H.,	Lee, A. M.,	Stimmel,
Backenstoe,	Goldstein, M. H.,	Magee,	Stiteler,

Blair,	Goodrich,	Manbeck,	Strausser,
Bossert,	Gramlich,	Markley,	Thompson,
Bower,	Gross,	Marsh,	Tomascik,
Bowman,	Guesman,	May,	Tompkins,
Buchanan,	Guthrie,	McCandless,	Ujobai,
Bush,	Haudenshield,	Merry,	Varner,
Cauley,	Heavey,	Miller,	Verona,
Davis,	Helm,	O'Dell,	Wall,
Dengler,	Henzel,	Odorisio,	Weidner,
Dennison,	Hocker,	Ogilvie,	Wescott,
Donaldson,	Holl,	Piper,	Whittaker,
Down,	Holliday,	Price,	Willard,
Edwards,	Holman,	Pursley,	Willaredt,
Elvey,	Horst,	Riley,	Williams, A. D.,
Eshback,	Isaacs,	Rutherford,	Williams, E. S.,
Eshleman,	Johnson, A. W.,	Scarcelli,	Wilt,
Ewing,	Johnson, R. P.,	Schaaf,	Wood,
Fetterolf,	Keiser,	Seltzer,	Worley,
Foor,	Kernaghan,	Shupnik,	Wynd,
Fox,	Kessler,	Simmons,	Zember,
Fulmer,	King,	Slack,	Zimmerman,
George,			

NOT VOTING—10

Ashton,	Knecht,	McInroy,	Royer,
Esler,	Lippincott,	Mihm,	Walsh,
Heffner,	McCormack,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Tompkins for Mr. KNECHT for the remainder of today's session.

BILLS INTRODUCED AND REFERRED

By Messrs. NEEDHAM and OGILVIE.

HOUSE BILL No. 1854.

An Act amending "The Military Code of 1949," approved May 27, 1949 (P. L. 1903), providing for the extension of the terms of service of enlisted personnel in the Pennsylvania National Guard.

Referred to the Committee on Rules.

By Mr. McCANN. HOUSE BILL No. 1855.

A Joint Resolution proposing an amendment to article II, section 18 of the Constitution of the Commonwealth of Pennsylvania, making apportionment of senatorial, representative and congressional districts mandatory, and providing for an Apportionment Board.

Referred to the Committee on Judiciary.

RECONSIDERATION OF VOTE ON SENATE BILL No. 695

Mr. FILO. Mr. Speaker, I move that the vote by which Senate bill No. 695, printer's No. 808, entitled:

"An Act amending the act of March 19, 1949 (P. L. 30), entitled 'Public School Code of 1949' further providing for the election of district superintendents and assistant superintendents in districts of the third class."

passed third reading and final passage Tuesday, August 15, 1961, be reconsidered.

Mr. DONALDSON. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Filo, vote on the final passsage of this bill?

Mr. FILO. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Allegheny, Mr. Donaldson, vote on the final passage of this bill?

Mr. DONALDSON. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. FILO. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Messrs. FILO, HAUDENSHIELD and DONALDSON asked unanimous consent to offer amendment at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 1, last line of Title, by inserting after "class": except in counties of the second class.

Amend Sec. 1 (Sec. 1071), page 2, lines 5 and 6, by striking out: "effective with the school year beginning the first Monday of July 1962"

Amend Sec. 1 (Sec. 1071), page 2, line 7, by inserting after "class": in a county of the second class and effective with the school year beginning the first Monday of July, 1962 in every school district of the third class other than those within counties of the second class.

Amend Sec. 2 (Sec. 1072.1), page 3, line 10, by inserting after "class": other than any such district of the third class in a county of the second class

Amend Sec. 2 (Sec. 1072.1), page 3, line 11, by inserting after "class": other than any such joint school organization within a county of the second class

Amend Sec. 3, page 4, line 2, by striking out "Seceion" and inserting: Section

Amend Sec. 3 (Sec. 1073), page 4, line 6, by inserting after "(b)": [Whenever]

Amend Sec. 3 (Sec. 1073), page 4, line 6, by inserting after "districts": other than those within counties of the second class

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 413.

An Act amending the act of August 24, 1951 (P. L. 1304), entitled as amended "Local Health Administration Law," changing the number of signatures required on a petition to dissolve or withdraw from certain departments of health, changing the time for circulating petitions in certain cases and changing the form of the question to be submitted to electors.

Referred to the Committee on Rules.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1803, entitled:

An Act relating to certain charitable organizations requiring the registration of such organizations regulating the solicitation of moneys and property by or on behalf of charitable organizations establishing a Commission on Charitable Organizations and an Advisory Council on Charitable Organizations and placing duties upon the Department of State.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Auker.

Mr. AUKER. Mr. Speaker, I want to debate this bill and I would respectfully ask the members of the House to be as quiet as possible so that possibly those who do not understand the full impact and the full provision of the bill can get some enlightenment on it. I, in my humble way, will try to give it to them. I know the hour is getting late, but the longer we take on these delays, the longer it is going to run and it is awfully hard to talk with a hum and a buzz of loud conversation going on around one.

Mr. Speaker, we are considering House bill 1803, known as the charitable organization registration act. As I understand it, the act was originally introduced to try to get at the people who are so-called charity gyps, that is, in the way of contributions from the public at large to charitable purposes, who misrepresent themselves or charge large exorbitant fees, or sometimes none of the money may go to the charitable organization, if they are real gyps, or in some cases as high as 50 percent of the money collected, or more, will not go to the charity organizations where there is regularly conducted public fund drives.

We have an act on the books, Mr. Speaker, known as the Solicitations Act of 1925, which this act, of course, repeals. I really say sincerely I had hoped that this kind of an act would have come out early in the session. I want to say in debating this act that I am not taking a partisan stand whatsoever on it, although, possibly, due to events of the last four or five weeks, it could be interpreted in various circles that I would be speaking partisanwise, but I am not.

I believe what this bill does is to create a giant to slay a child. In my opinion, it is better to start off with something small basically in such a matter as this, because it is a new idea in Pennsylvania, this kind of legislation, and then build on it as we see fit in years to come, rather than to create a giant such as this bill seeks to create and then possibly in years to come, or in the sessions to come, due to opposition that is bound to arise from various organizations and groups over the State to amend the act down to a proper size and a workable size.

Mr. Speaker, in the beginning of the bill charitable organizations are defined and it is all-embracing. It means any benevolent, educational, philanthropic, humane, patriotic or eleemosynary person, or one holding itself out to be a charitable organization, and this I want to specifically note, or one which receives a tax exemption from the United States Government. That particular part of it embraces every veterans' organization and it will embrace every fraternal organization throughout this State.

There are exemptions in the act and one of them is religious institutions, and I want to read that part of it because I do not know who is going to interpret or how you are going to interpret that part of it.

Now, this is exempt under the act, "Religious organizations and religious societies and organizations and institutions affiliated therewith which are under the supersion or control thereof." I do not know who is going to get into the theological end of this thing and interpret what organizations are controlled by religious bodies and what organizations are not, and I do not know anybody in this State who is wise enough to do so.

Then, Mr. Speaker, besides the specific exemptions as stated in the act, those who are not exempted would be every organization with assets of a million dollars, or over, whether they solicit funds from the public or not. Now keep that in mind. That could take in possibly the Buhl Foundation in Pittsburgh, the Mellon charitable organizations in Pittsburgh, the various Masonic organizations, Shrine organizations, various religious organizations.

It also provides, Mr. Speaker, that any organization that has assets of $5,000 and solicits or receives from the public $2,000 in public funds in a year's time will have to register under the act, and register annually. Now, these organizations would have to register annually even though they do not solicit any funds from the public and have to furnish full financial statements, and in this bill are three or four pages of the financial statement they have to file. They have to file, also, an involved statement of all their investment security transactions and that is a terrific hardship, especially on a charitable organization which does not even solicit funds from the public. So I say to you that part of this bill is not even germane to the problem that it is trying to be attacked, it is enirely foreign to the act and should not be in there.

We had a hearing on this bill and that hearing went into 111 pages of testimony. That testimony should have been thoroughly digested by the committee and gone over and torn apart. There are any number of organizations whose objections to the act have not been met. I would like to name a few of them.

This was in the testimony, Mr. Speaker, and members of the House:

The John Rich Company, which is one of the most outstanding and most respected fund-raisers in this State, and there has never been one bit of criticism as far as I know of leveled at them. They raised the objection that has not been met, and no excuse has been given by the actual sponsor of the bill, the Justice Department of the State, of 15 percent allowed as a fee. I myself heard Judge Alpern say at the hearing that she would not give on the 10 percent, that that was enough, and she did not substantiate it with any factual data whatsoever.

Also, Joseph McLaughlin, who represents the Philadelphia Public Relations Associations, and I do not know how many different associations they represent, but certainly I think many in Philadelphia, and they are against this bill in its present form. They feel that it is going to hurt many, many small charitable organizations and will work a considerable hardship on them and harrass

them so that they probably will not be able to raise the funds that heretofore they have been raising.

The Heart Fund Association, which files an annual audit, is not satisfied with the bill.

The Arthritis and Rheumatism Foundation of Pennsylvania is not satisfied with the bill and they have made objections and no effort has been made to meet the objections of these people.

The veterans' organizations' objections have not been met, and that takes in all the veterans' organizations.

So you see that the many people who are objecting to this bill is very, very far-stretched and very wide in some cases, very wide.

Mr. Speaker, I believe that possibly we do need some kind of a bill to attack this problem. I believe we need a bill that will make these professional fund-raisers and professional solicitors register with the State, get a permit, file a bond, and possibly, also, every charitable organization that raises funds through a professional fund-raiser should be made to register with the State. I could not find much fault possibly with that, but certainly this bill is a monstrosity in its very implications. It is going to do more harm than it will do good. It reminds me, Mr. Speaker, of the bill we have been talking about in this session to protect those people who own homes and who are possibly somewhat gullible and become victims of these home-repair gyps. We have tried to attack the problem various times, not only in this session, but in other sessions, and we cannot do it without materially hurting innocent people and, therefore, nothing has been done. I say this bill is somewhat analogous to that, because in passing this bill I feel that we are going to do as much harm, if not more harm, than good.

Mr. Speaker, we still have time. I am not saying, defeat this bill and we are not going to have anything passed. There has been a bill passed by the other body. I have had time to glance at it, not to thoroughly analyze it, but I believe it is the kind of a bill that can be passed in this House and I feel sure it would be passed in this House if it were brought out of committee. We still have time to pass it. It is possible that this bill could be reported out of committee yet this evening and, if it needs amendments, it could be amended tomorrow, if it needed any amendments at all, and still reach final passage by the final date set for adjournment. I say that is the bill we should have. That is a good workable bill, that is a bill that will not cause harrassment to legitimate charities throughout Pennsylvania, and it is a bill that will practically remove all the objections of these people who testified at the hearing. That is a bill I think we should pass. I do not believe if you pass this bill tonight that you will get this bill enacted into law, and we will adjourn this session without having any bill passed at all. In that respect we are analogous to the strip mining bill. Let us take what we are sure we can get. Let us do some good, at least, and I say that this other bill which has already passed the Senate and is over here in the House, but has not been reported out of committee, according to the Senate history, is a good bill. I believe we can pass that bill in the House.

Therefore, Mr. Speaker, I respectfully submit and I ask the members on both sides of the aisle, everybody in the House, to vote against this bill. Then let us get the other bill out and pass good remedial legislation on this solicitation problem and not on registration of charity organizations whether or not they solicit funds and put them to the harrassment of filing all kinds of financial statements, which they have no business filing when they are not even asking contributions from the public.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Petrosky.

Mr. PETROSKY. Mr. Speaker, and members of the House, I rise in support of House bill No. 1803. I submit to the membership of this House, and I refer in particular to the history of the House of Representatives on House bill No. 1803, that House bill No. 1803, introduced on June 22nd, moved through this House, was referred to the Committee on Appropriations and was then referred back to the Committee on Welfare for the purpose of a public hearing. This same public hearing was held in the House Caucus Room on July 18th.

Mr. Speaker, the chairman of the Welfare Committee conducted the public hearing, attended by a minimum of at least 100 individuals interested in this type of legislation. I submit to this House, Mr. Speaker, it was one of the finest public hearings I have ever had the pleasure of attending. It further ensued at this public hearing, Mr. Speaker, that this bill was submitted with certain reservations, and these reservations were studied by the Committee on Public Welfare. Amendments were attached to this bill and it was re-reported for a vote. It received support statewide in this area.

This is an area, Mr. Speaker, that needs the attention of this General Assembly, for it has been pointed out time and again by various foundations that have made an analysis of the charitable solicitations, not only in this State, but throughout the country, and it has been found that millions upon millions of dollars intended for public use have gone astray.

Mr. Speaker, the majority leader and myself have sponsored this legisaltion because we felt that in this area there was a great need for a regulatory measure wherein moneys intended for public use were not sufficiently regulated, wherein they would be put to the particular use for which they were contributed or left in trust.

After the public hearing, Mr. Speaker, the proponents of this bill accepted every amendment that it was possible to accept within the confines of continuing to keep before this body a proper measure. To this the record will attest.

Now, Mr. Speaker, what is wrong with this bill? The gentleman points to a bill that is coming from another body that would, in effect, be simply a registration act. In this area there can be no control, there can be no honesty in controlling these funds that were intended for public use, unless we have some registration. Let us survey this point. In this area what is asked of these people who are entrusted with public money? There are basically three requisites, and not one of them is onerous.

The number one thing that you must recognize in this area is a disclosure of that which is intended for public use. Number one, disclosure, gives the official the basis of operation for action. What further is asked in disclosure? In disclosure we have one for the enforcement officials in this area, a basis for action. Let me elaborate on this just for a moment: Let us take the recently publicized editorial which indicated that this is not necessary, but let me point out to the membership of this House in the case of the

Barnes Foundation. No one would have known how much it was, unless this very same newspaper had indicated and brought to the attention of the Attorney General that there was a need of action here because those trusts that were left and intended for the public use were being subverted and not used for that particular purpose. Only in this manner was the enforcement official able to proceed and open up this area that it was intended for—the public use, and today is for the public use.

A basis for action is all we ask for money that is left for the public use. The report is made only once every three years. Certainly this is not a trial and tribulation, because practically every one of these foundations has an accountant with figures that are readily available to anybody. It takes nothing more than a matter of a half hour or an hour to complete the form and receipt it. Now why do you want to hide money that was intended for public use? Are we to assume that you want, and those people would want, the trustees, or whoever it may be, not those who do not do this, but those who have been known to use those moneys, to manipulate in stocks and bonds, money intended for the public use? There is nothing wrong with this bill. What have you got to fear? It appears to me that just recently this very same paper that today is writing an editorial ran three special items on a weekly basis indicating the great need for just such legislation.

Ladies and gentleman of the House, Senate bill 791 that purports to enter this same area that we are trying to look into here has no teeth in it. The present act upon which we are operating has no teeth in it. You can do nothing here. Who, if anyone, would dispute the fact that this bill 1803, under the printer's numbers was, time and again the subject of conferences with people of the various charities who have made every objection, and have given my colleague, Mr. McCann and myself, every right to say they have withdrawn the exceptions they have had about this bill because of these amendments, and today, at this late hour, you say that this is too stringent? Certainly I know that on both sides of this House each and every one of us wants to protect those funds that are left for public use to be used for the purpose for which they were intended, whether it is a foundation or whether it is a contributor to a charitable campaign for funds. You know and I know that this bill will eliminate the people who have evidenced the situation in professional fund-raising that have taken as much as 98 percent of the funds that were supposedly to be used for a public purpose and used them for their professional campaign drive and sales and expenditures. This will cut this out. Senate bill 791 has no such limitations. This is a bill that is truly tailored to meet the needs of today.

I am asking the membership on this non-partisan issue on both sides of the House to vote for this measure because of the tremendous need for the bill that is before us, because those charities, those institutions, that we believe in will get the charitable dollar that has been going astray. So, I say to you in behalf of the sponsors, and the charity in your hearts, this is a move in the right direction. I ask the members on both sides of this House to vote for the measure.

The SPEAKER. Does the gentleman from Berks, Mr. Piper, desire recognition?

Mr. PIPER. Yes, I do, Mr. Speaker. I would like to interrogate the gentleman from Westmoreland. Mr. Speaker, does this bill require all those little rural fire companies to apply for a permit before they solicit in their little localities?

Mr. PETROSKY. It requires anybody who solicits for a charitable purpose to be registered.

Mr. PIPER. Does the gentleman think that local fire companies or volunteer fire companies are charitable organizations?

Mr. PETROSKY. Yes, sir.

Mr. PIPER. Then they are required to apply for this permit?

Mr. PETROSKY. This is so.

Mr. PIPER. Does the gentleman require the Girl Scouts of the local community to apply for this permit, or the Boy Scouts, for their charitable projects?

Mr. PETROSKY. The registration is for any of those that come within the meaning of the definition of those that solicit contributions from the public for public use.

Mr. PIPER. Then there is no intention of a statewide license or bond or a permit? Every little local organization must apply for this.

Mr. PETROSKY. No, the amendment that has been inserted into this bill would not require 67 county chapters to register. The statewide organization would register and the reports from the 67 individual organizations would go to the state organization and then it would register under the requirements of this act.

Mr. PIPER. I thank the gentleman. Mr. Speaker, I rise to oppose this bill because I feel that it would work an undue hardship. Many of our local fire companies are plain volunteers who do this work for nothing, who have no one to keep their books and every cent they get they tell them to buy fire equipment or do some good in the neighborhood. I also rise to oppose the bill because our local cancer society of Berks County says "Bonding requirements advocated in House bill 1803 will rob legitimate organizations of much needed funds used to carry on life-saving programs within the State of Pennsylvania. On behalf of the board of directors of the Berks County Unit, American Cancer Society, I respectfully urge your negative vote on bill 1803. John P. Scully, M.D., president board of directors"

I have the same type of letter from our local Berks County Heart Association, Inc., and the same type of telegram from the Tuberculosis and Health Associations of Berks County. On this basis, gentleman, I urge everybody to vote against passage of this bill. Thank you.

Mr. PIPER submitted the following for the record:

BERKS COUNTY HEART ASSOCIATION, INC.

10 July 1961

Mr. William Piper
State Representative
House Office Bldg.
Harrisburg, Pennsylvania
Dear Mr. Piper:

Our attention has been called to a House bill No. 1803, and other bills, pertaining to charitable solicitations. We are concerned about the fact that local chapters of our Health Organizations may be required to register and fill out forms. This would naturally be costly at the expense of funds raised for research, education and community service. We suggest that one registration by the state office listing its chapter should suffice.

We urgently request that in the public interest you try to have this provision included.

Sincerely yours,
Irving Imber, M.D., President

Wording of House Bill 1803 poor could be misinterpreted page three section two-five and six could be interpreted to mean program workers and clerical workers working on fund raising. Page eight section five could limit all fund raising costs to ten percent without specifying what costs are to be included. Page eleven section eight gives broad powers to the department could work againts agencies the bill should protect. We agree to the intent of the bill but oppose the wording.

Richard J. Essick, Secretary
Reading Berks Tuberculosis and
Health Association

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, so that there is no misunderstanding, I will specifically correct what the gentleman from Berks has stated. The Berks County Cancer Unit would not be required to register. It is part of a statewide organization and the society of Pennsylvania agreed to this and stated so. The Berks County Tuberculosis and Health Association would not be required to register, and even though you have a telegram and a letter to that effect, that is in error. The Berks County Heart Association would not be required to register if they are a part of the Pennsylvania Heart Association, and that organization has agreed to this. Therefore, so there is no misunderstanding, these statewide representatives were here and agreed to this and that must be misinformation that you have in your possession.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Auker.

Mr. AUKER. Mr. Chairman, this is a very brief statement in the way of rebuttal to Mr. Petrosky, the gentleman from Westmoreland County. I have read Senate bill 791, and I want to reiterate to the members of this House, with all due respect to the sponsors of this bill, that Senate bill 791 will do the trick and do the job that they are trying to do without causing undue hardship or harrassment to hundreds of fraternal organizations and other organizations throughout this State who do not agree to the provisions of this bill. That is the reason I am making this statement now. I say that Senate bill 791 is the best bill under the circumstances.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—108

Anderson, S. A.,	Galley,	Maxwell,	Reidenbach,
Arlene,	Gallagher,	McCann,	Renwick,
Bachman	Gelfand,	McDonald	Riley,
Boles,	Gray,	McDevitt,	Rovansek,
Bonner,	Greenlee,	McKeever,	Rubin,
Branca,	Gremminger,	McLaughlin,	Rudisill,
Breth,	Guesman,	McNally,	Sakulsky,
Capano,	Hamilton,	Meholchick,	Scarcelli,
Capitolo,	Hankins,	Mills,	Schaaf,
Cauley,	Hartley,	Monroe,	Schuster,
Cianfrani,	Heavey,	Morley,	Shelton,
Cioffi,	Irvis,	Mullen,	Sherman,
Clarke,	Jenkins,	Munley,	Shupnik,
Comer,	Jim,	Murphy,	Stank,
Cooley,	Jones,	Murray,	Stone,
Crossin,	Kamyk,	Musto,	Sullivan, J. A.,
Curwood,	Kelly,	Needham,	Sullivan, T. F.,
Dougherty,	Klein,	O'Donnell, J. A.,	Taylor,
Doughten,	Kornick,	O'Donnell, J. P.,	Tomascik,
Ellberg,	Kramer,	Parlante,	Trusio,
Farabaugh,	Lamb,	Pashley,	Verona,
Filo,	Lawson,	Perry,	Walsh,
Fineman,	Leonard,	Petrosky,	Wargo,
Flynn,	Limper,	Polaski,	Welsh,
Foerster,	Long, Wm. Jas.,	Polen,	Williams, A. D.,
Frascella,	Long, Wm. Jos.,	Prendergast,	Yetter,
Fry,	Lutty,	Reibman,	Andrews, Speaker

NAYS—94

Adams,	George,	King,	Slack,
Anderson, J. H.	Gibb,	Kistler,	Snare,
Auker,	Gibbons,	Kooker,	Steckel,
Backenstoe,	Goldstein, J. H.,	Korns,	Stimmel,
Blair,	Goldstein, M. H.,	Lee, A. M.,	Stiteler,
Bossert,	Goodrich,	Lee, K. B.,	Strausser,
Bower,	Gramlich,	Magee,	Thompson,
Bowman,	Gross,	Manbeck,	Tompkins,
Buchanan,	Guthrie,	Markley,	Ujobai,
Bush,	Haudenshield,	Marsh,	Varner,
Davis,	Heffner,	May,	Wall,
Dengler,	Helm,	McCandless,	Weidner,
Dennison,	Henzel,	Merry,	Wescott
Donaldson,	Hocker,	Miller,	Whittaker,
Down,	Holl,	O'Dell,	Willard,
Edwards,	Holliday,	Odorisio,	Willaredt,
Elvey,	Holman,	Ogilvie,	Williams, E. S.,
Eshback,	Horst,	Piper,	Wilt,
Eshleman,	Isaacs,	Price,	Wood,
Ewing,	Johnson, A. W.,	Pursley,	Worley,
Fetterolf,	Johnson, R. P.,	Rutherford,	Wynd,
Foor,	Keiser,	Seltzer,	Zember,
Fox,	Kernaghan,	Simmons,	Zimmerman,
Fulmer,	Kessler,		

NOT VOTING—8

Ashton,	Knecht,	McCormack,	Mihm,
Esler,	Lippincott,	McInroy,	Royer,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1841, entitled:

An Act amending "The General Appropriation Act of 1961" approved May 25, 1961 (Appropriation Act No. 5-A), changing certain amounts appropriated to the Department of Public Instruction and the Department of Revenue and making an appropriation to the Department of Public Instruction for community colleges.

On the question,

Shall the bill pass finally?

The SPEAKER. Does the gentleman from Cameron, Mr. Tompkins, desire to be recognized?

Mr. TOMPKINS. Mr. Speaker, I should like to interrogate the gentleman from Washington, Mr. Polen.

The SPEAKER. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, this is an amendment, as I understand it, to the general appropriations bill, is it not? This bill is an amendment to the general appropriations bill?

Mr. POLEN. It is, Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, on page 4, beginning on line 4, it says: "in addition to this amount"—that is $5,308,-232, which is applicable to the State Council of Higher Education, the State Council of Education—". . . all moneys received from the Federal Government or from any other source as contributions for this program shall be paid into the General Fund and credited to this appropriation." Now

which appropriation does that refer to, the one for Council of Higher Education and the Council of Education or to the general appropriations bill, or the Department of Public Instruction, or what?

Mr. POLEN. It refers to the Department of Public Instruction for general governmental expenses.

Mr. TOMPKINS. Mr. Speaker, can the gentleman tell me how much money is calculated will be received from the Federal Government for the program?

Mr. POLEN. Mr. Speaker, at this time we have no information as to any new Federal monies which will be received other than what we are receiving under the various programs of the National Defense Education Act and the school lunch program and such as that.

According to newspaper reports I read, I believe we will receive a substantial sum if the Federal aid to education bill would go through, but we cannot—

Mr. TOMPKINS. Mr. Speaker, would the gentleman tell me, if that Federal aid passes, how much money might be involved from the Federal government?

Mr. POLEN. Mr. Speaker, I have heard various amounts ranging from $30 million to $45 million. I think the accepted figure is something around $32 million. That is a pure guess at this time because we have no definite information, but, based on the formula that we have heard of, it would be between $30 million and $40 million.

Mr. TOMPKINS. Mr. Speaker, how much money do we receive at the present time on the program which the gentleman has suggested?

Mr. POLEN. Mr. Speaker, I do not have that information here before me. I did not know the gentleman would want it or I could have got it. I could not offhand just give you the amounts that we do receive under the Federal program.

Mr. TOMPKINS. Mr. Speaker, the gentleman does not know right now how much we are receiving under the present program?

Mr. POLEN. We know, Mr. Speaker, and I have the figures in my office, but I just cannot off-the-cuff give every figure that someone might ask for. I might say they will go into restricted accounts. They are not used for any purpose other than that which the Federal Government has allocated to them. School lunch programs will go into a special account. They are restrictive receipts accounts. They can only be used for the purpose for which they are given by the Federal Government.

Mr. TOMPKINS. Would that money go into the general fund and then be re-allocated to this, or what?

Mr. POLEN. It goes into the general fund as what is known as "restrictive receipts." It can only be used for the purpose for which it was given by the Federal Government, or allocated by the Federal Government.

Mr. TOMPKINS. Mr. Speaker, the bill also speaks of money received from any other source as contributions. Are any monies received from any other source at the present time for this particular program?

Mr. POLEN. Yes, we do get in, for instance, in connection with professional licensure.

Mr. TOMPKINS. I am sorry. I did not hear the gentleman.

Mr. POLEN. In connection with the various special boards in professsional licensure we get in the various fees; and there are many programs for which fees are paid and they go into the general fund.

Mr. TOMPKINS. Well, Mr. Speaker, does the money from professional licensure—I thought they were earmarked. Are these funds under this educational program or does it go into the particular fund for which these fees are paid?

Mr. POLEN. Money that is received from professional licensure goes into the general fund. Appropriations are made for the various boards from the general fund and the money received and credited is paid into the general fund and becomes a part of the general fund.

Mr. TOMPKINS. Well, then, Mr. Speaker, that would not be another source of funds for this particular program, would it?

Mr. POLEN. No, but that is the language that is necessary in the bill, that those funds shall be paid to the general fund.

If any money is received under the school construction program that we read about, under the Federal program, it would go into the general fund.

Mr. TOMPKINS. Well, the gentleman is mixing up Federal funds with funds from other sources. I am talking now about funds from other sources.

Mr. POLEN. The funds from other sources is what I just mentioned, such as professional licensure.

Mr. TOMPKINS. Well, are there funds from other sources other than professional licensure?

Mr. POLEN. There are a number of funds into which fees are paid to the department. They are not particular funds but there are fees, charges made, for examinations and things like that. The amount received from these fees is not of any great amount but that is what we are referring to in this bill. This is not new language in the bill; it is the language that is in the present general appropriations bill and has been in the appropriations bills as long as I can remember.

Mr. TOMPKINS. Mr. Speaker, this is an amendment to the appropriations bill for the fiscal year of July 1, 1961, to June 30, 1962. I would like to know if perchance they pass the Federal aid to education and there should be, let us say the gentleman has given, a minimum of $30 million up to as high as $41 million—I do not know what the amount might be, but, let us say there would be $30 million come in from the Federal Government—would that money go into this year's counting and be applied to the educational programs for this fiscal year?

Mr. POLEN. If the money was received during this fiscal year, it would go into the general fund for this fiscal year.

Mr. TOMPKINS. Would it be re-appropriated and used for educational purposes?

Mr. POLEN. It could be used, as I said before. Anything of that nature coming from the Federal Government is called restrictive receipts. It would have to be used for the purpose for which the Federal Government issued and allocated it.

Mr. TOMPKINS. Mr. Speaker, could that money be used to pay off any portion of the deficit?

Mr. POLEN. Mr. Speaker, the money could only be used for the purpose for which the Federal Government had allocated it. For instance, if it was given for school construction, it would have to be used for school construction.

Mr. TOMPKINS. And that then would release $30 million out of the general fund that is not marked for that purpose to help pay off the deficit, is that right?

Mr. Speaker, if perchance the Federal aid to education should pass and we get $30 million during this particular

fiscal year, that would come into the general fund and be applied toward the educational program?

Mr. POLEN. That is correct, Mr. Speaker. But it can only be used for the specific purpose for which the Federal Government has allocated it.

Mr. TOMPKINS. And when that would occur then there would be $30 million excess in the general fund which could be used to pay off the deficit, is that right?

Mr. POLEN. Mr. Speaker, it is pretty hard to say. It could not be particularly used, specificaly used, to pay off the deficit, but I think what the gentleman is wanting to know is, if we receive $30 million from the Federal Government, would that release $30 million of funds. If it were for a school construction, it would definitely release $30 million of moneys which we have or should have appropriated towards school construction. And under our program I think we have enough that it would release that amount for other purposes. I think that is what the gentleman wants to know.

Mr. TOMPKINS. Yes, it is, Mr. Speaker. I am trying to get at just what is going to happen here should that stuff come through. I thank the gentleman.

I hope the Federal Aid bill does not pass because to get that money it would cost us about $1.48 for every dollar we got back. It goes along the same lines as some of the arguments we heard from the floor this afternoon. But that goes to show you how some of these things are being tied into this situation here and a very clever device for the purpose of trying to raise a lot of additional revenue, through the back door for the purpose of trying to eliminate the necessity for taking care of these other projects for the coming year. I have no particular objection to the stuff being done, but I think it is very much of a back door approach to try and lick this situation. I am very happy, however, to find out that these moneys will have to be applied to education. We have nothing against the bill generally otherwise but I wanted to clarify some of these points.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas andf nays were taken and were as follows:

YEAS—154

Anderson, J. H.	Fulmer,	Lee, K. B.,	Riley,
Anderson, S. A.,	Galley,	Leonard,	Rovansek,
Arlene,	Gallagher,	Limper,	Rubin,
Bachman	Gelfand,	Long, Wm. Jas.,	Rudisill,
Backenstoe,	Gibb,	Long, Wm. Jos.,	Rutherford,
Boles,	Gibbons,	Lutty,	Sakulsky,
Bonner,	Goldstein, J. H.,	Markley,	Scarcelli,
Bossert,	Goldstein, M. H.,	Marsh,	Schaaf,
Branca,	Gray,	Maxwell,	Schuster,
Breth,	Greenlee,	McCann,	Seltzer,
Buchanan,	Gremminger,	McDevitt,	Shelton,
Capano,	Guesman,	McDonald	Sherman,
Capitolo,	Guthrie,	McKeever,	Shupnik,
Cauley,	Hamilton,	McLaughlin,	Simmons,
Cianfrani,	Hankins,	McNally,	Stank,
Cioffi,	Hartley,	Meholchick,	Steckel,
Clarke,	Haudenshield,	Mills,	Stimmel,
Comer,	Heavey,	Monroe,	Stiteler,
Cooley,	Heffner,	Morley,	Stone,
Crossin,	Helm,	Mullen,	Sullivan, J. A.,
Curwood,	Henzel,	Munley,	Sullivan, T. F.,
Donaldson,	Holl,	Murphy,	Taylor,
Dougherty,	Irvis,	Murray,	Thompson,
Doughten,	Jenkins,	Musto,	Tomascik,
Down,	Jim,	Needham,	Tompkins,
Edwards,	Johnson, A. W.,	O'Donnell, J. A.,	Trusio,
Ellberg,	Jones,	O'Donnell, J. P.,	Verona,
Eshback,	Kamyk,	Ogilvie,	Wall,
Eshleman,	Kelly,	Parlante,	Wargo,
Ewing,	Kessler,	Pashley,	Welsh,
Farabaugh,	King,	Perry,	Williams, A. D.,
Fetterolf,	Klein,	Petrosky,	Williams, E. S.,
Filo,	Kooker,	Piper,	Wilt,
Fineman,	Kornick,	Polaski,	Worley,
Flynn,	Korns,	Polen,	Wynd,
Foerster,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Andrews,
Fry,	Lee, A. M.,		Speaker

NAYS—47

Adams,	Goodrich,	Magee,	Snare,
Auker,	Gramlich,	Manbeck,	Strausser,
Blair,	Gross,	May,	Ujobai,
Bower,	Hocker,	McCandless,	Varner,
Bowman,	Holliday,	Merry,	Weidner,
Bush,	Holman,	Miller,	Wescott,
Davis,	Horst,	O'Dell,	Whittaker,
Dengler,	Isaacs,	Odorisio,	Willard,
Dennison,	Johnson, R. P.,	Prendergast,	Willaredt,
Elvey,	Keiser,	Price,	Wood,
Foor,	Kernaghan,	Pursley,	Zimmerman,
George,	Kistler,	Slack,	

NOT VOTING—9

Ashton,	Lippincott,	McInroy,	Royer,
Esler,	McCormack,	Mihm,	Walsh,
Knecht,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 191, entitled:

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" including additional buses within the provisions relating to school buses further providing for the operation of school buses and lights located thereon and providing penalties.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. WORLEY asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 1, last line of Title, by inserting after "AVAILABLE" further regulating the use of red lights on certain vehicles

Amend Sec. 1, page 3, lines 18 and 19, by striking out "CLAUSE (9) OF SUBSECTION (B) OF SECTION 840" and inserting: Section 814

Amend Sec. 1, page 4, line 1, by striking out "AMENDED DECEMBER 10, 1959 (P. L. 1749)"

Amend Bill, page 4, by inserting between lines 2 and 3:

Section 814. Red Light Visible From in Front of Vehicles.—No person shall operate or move any vehicle or tractor with a red light displayed to the front thereof, except school bus, fire department, fire patrol apparatus, police department vehicles, ambulances or the private vehicles of those chiefs of fire or police departments, assistant chiefs of fire or police departments or fire marshals who, in accordance with a statement filed with

the Pennsylvania State Police prior thereto, use the same for answering or returning from fire, police or emergency calls upon a highway.

Penalty.—Any person violating any of the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten dollars ($10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 2. Clause (9) of subsection (b) of section 840 of the act, amended December 10, 1959 (P. L. 1749), is amended to read:

Amend Sec. 2, page 5, line 16, by striking out "2" and inserting: 3

Amend Sec. 3, page 9, line 12, by striking out "3" and inserting: 4

Amend Sec. 4, page 14, line 1, by inserting out "4" and inserting: 5

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER. For what purpose does the majority leader rise?

Mr. McCANN. Can the gentleman from Adams quickly explain the amendments in the brief form rather than the long form?

The SPEAKER. The Chair recognizes the gentleman from Adams.

Mr. WORLEY. Mr. Speaker, I have offered these amendments at the request of the Adams County Fire Police, whose secretary has informed me, by telephone conversation, that the Adams County Fire Police want me to amend section 814, as provided in my amendment to Senate bill 191. The purpose is to have the privilege of using a blinker light in front of fire department vehicles on returning from a fire or emergency in order to protect the lives of our firemen who frequently are required to ride on all parts of these fire vehicles, on returning as well as going to a fire. Under the present law, the firemen can use a blinker light in front while going to a fire, but they cannot upon returning from a fire or an emergency. This amendment will protect their lives upon returning because they still may have to ride in a dangerous location on the fire vehicle, and possibly in great numbers thereon. Mr. Speaker, I ask for a roll call.

The SPEAKER. There ultimately will be a roll call. For what purpose does the majority leader rise?

Mr. McCANN. Mr. Speaker, the amendments offered by the gentleman from Adams, Mr. Worley, pertain to fire trucks which use the red blinker upon returning, not going to. This is now in the law. By the amendment they would use this on returning. There has never been any request of the organized firemen's association asking for this across the State. If you are a member of a fire company, as many of us are, when a fire is over the equipment returns the same as all other traffic to its proper destination, fire shed or wherever it may be located. We have never asked for this; we only ask for the present law which provides for that which is now in the law, the use of the blinker while going to a fire or emergency. For that reason, Mr. Speaker, I ask the membership to vote "no" on the amendments offered by the gentleman from Adams, Mr. Worley.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. WORLEY and McCANN and were as follows:

YEAS—39

Adams,	Gibb,	Magee,	Tomascik,
Anderson, J. H.	Gibbons,	Marsh,	Tompkins,
Bower,	Gramlich,	May,	Wall,
Cianfrani,	Heffner,	McCandless,	Weidner,
Davis,	Horst,	Miller,	Willaredt,
Dennison,	Isaacs,	O'Donnell, J. P.,	Williams, E. S.,
Edwards,	Kernaghan,	Piper,	Wilt,
Elvey,	Kessler,	Pursley,	Wood,
Eshback,	Korns,	Seltzer,	Worley,
Fetterolf,	Lee, K. B.,	Stiteler,	

NAYS—160

Anderson, S. A.,	Fulmer,	Lawson,	Riley,
Arlene,	Gailey,	Lee, A. M.,	Rovansek,
Auker,	Gallagher,	Leonard,	Rubin,
Bachman	Gelfand,	Limper,	Rudisill,
Backenstoe,	George,	Long, Wm. Jas.,	Rutherford,
Blair,	Goldstein, J. H.,	Long, Wm. Jos.,	Sakulsky,
Boies,	Goldstein, M. H.,	Lutty,	Scarcelli,
Bonner,	Goodrich,	Manbeck,	Schaaf,
Bossert,	Gray,	Markley,	Schuster,
Bowman,	Greenlee,	Maxwell,	Shelton,
Branca,	Gremminger,	McCann,	Sherman,
Breth,	Gross,	McDevitt,	Shupnik,
Buchanan,	Guesman,	McDonald	Simmons,
Bush,	Guthrie,	McKeever,	Slack,
Capano,	Hamilton,	McLaughlin,	Snare,
Capitolo,	Hankins,	Meholchick,	Stank,
Cauley,	Hartley,	Merry,	Steckel,
Cioffi,	Haudenshield,	Mills,	Stimmel,
Clarke,	Heavey,	Monroe,	Stone,
Comer,	Helm,	Morley,	Strausser,
Cooley,	Henzel,	Mullen,	Sullivan, J. A.,
Crossin,	Hocker,	Munley,	Sullivan, T. F.,
Curwood,	Holl,	Murphy,	Taylor,
Dengler,	Holliday,	Murray,	Thompson,
Donaldson,	Holman,	Musto,	Trusio,
Dougherty,	Irvis,	Needham,	Ujobai,
Doughten,	Jim,	O'Dell,	Varner,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Verona,
Eilberg,	Johnson, R. P.,	Odorisio,	Walsh,
Eshleman,	Jones,	Ogilvie,	Wargo,
Ewing,	Kamyk,	Parlante,	Welsh,
Farabaugh,	Keiser,	Pashley,	Wescott,
Filo,	Kelly,	Perry,	Whittaker,
Fineman,	King,	Petrosky,	Willard,
Flynn,	Kistler,	Polaski,	Williams, A. D.,
Foerster,	Klein,	Polen,	Wynd,
Foor,	Kooker,	Prendergast,	Yetter,
Fox,	Kornick,	Reibman,	Zember,
Frascella,	Kramer,	Reidenbach,	Zimmerman,
Fry,	Lamb,	Renwick,	Andrews, Speaker

NOT VOTING—11

Ashton,	Knecht,	McInroy,	Price,
Esler,	Lippincott,	McNally,	Royer,
Jenkins,	McCormack,	Mihm,	

So the question was determined in the negative and the amendments are not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. KING asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 2, last line of Title, by inserting after "thereon": defining and prohibiting the use of speed traps and prohibiting the use of evidence obtained thereby

Amend Bill, page 9, by inserting between lines 11 and 12:

Section 3. The act is amended by adding, after section 1002, a new section to read:

Section 1002.1. Speed Traps Defined and Prohibited.—

(a) A "speed trap," for the purposes of this section, shall mean a particular section of highway measured as to distance and with boundaries marked, designated or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel such known distance.

(b) No officer or other person shall use a speed trap in arresting or participating or assisting in the arrest of any person for any alleged violation under section 1002 of this act, nor shall any speed trap be used in securing evidence as to the speed of any vehicle for the purpose of an arrest or prosecution under this act

(c) No evidence as to the speed of a vehicle upon a highway shall be admitted in any court upon the trial of any person for an alleged violation of section 1002 of this act upon when such evidence is based upon or obtained from or by the maintenance or use of a speed trap.

Amend Sec. 3, page 9, line 12, by striking out "3" and inserting: 4

Amend Sec. 4, page 14, line 1, by striking out "4" and inserting: 5

Amend Sec. 4, page 14, line 3, by inserting after "1002" and the provisions of section 1002.1

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER. Will the gentleman explain his amendments?

Mr. KING. I will explain them, Mr. Speaker. Ladies and gentlemen of the House, tonight I rise to offer an amendment which I honestly believe has no political issue. This amendment would eliminate an evil that 99 percent of your constituents abhor. The amendments that I offer would define and prohibit speed traps on our highways.

I could elaborate on all the bad points of speed traps, but you people have heard all the arguments against them. With the advent of radar in our State, I see no necessity for speed traps. Ladies and gentlemen of the House, will you do the motorists of Pennsylvania a favor and vote for this amendment? Thank you.

Mr. McCANN. Mr. Speaker, I ask that the members vote "no" on the amendments offered by the gentleman from Butler, Mr. King, to Senate bill 191, printer's No. 1225.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. KING and McCANN and were as follows:

YEAS—99

Adams,	Fulmer,	Kistler,	Steckel,
Anderson, J. H.	Gailey,	Kooker,	Stimmel,
Auker,	Gelfand,	Korns,	Stiteler,
Backenstoe,	George,	Lee, A. M.,	Strausser,
Blair,	Gibbons,	Lee, K. B.,	Sullivan, T. F.,
Boies,	Goldstein, J. H.,	Magee,	Thompson,
Bossert,	Goldstein, M. H.,	Manbeck,	Tompkins,
Bower,	Goodrich,	Markley,	Ujobai,
Bowman,	Gramlich,	Marsh,	Varner,
Buchanan,	Gross,	May,	Wall,
Bush,	Guthrie,	McCandless,	Walsh,
Davis,	Heffner,	Merry,	Weidner,
Dengler,	Helm,	Miller,	Wescott,
Dennison,	Hocker,	Mullen,	Whittaker,
Donaldson,	Holl,	Murphy,	Willard,
Doughten,	Holliday,	O'Donnell, J. P.,	Willaredt,
Down,	Holman,	Ogilvie,	Williams, A. D.,
Elvey,	Horst,	Perry,	Williams, E. S.,
Eshback,	Isaacs,	Piper,	Wilt,
Eshleman,	Johnson, A. W.,	Price,	Wood,
Ewing,	Johnson, R. P.,	Pursley,	Worley,
Fetterolf,	Keiser,	Rutherford,	Wynd,
Foor,	Kernaghan,	Seltzer,	Zember,
Fox,	Kessler,	Slack,	Zimmerman,
Fry,	King,	Snare,	

NAYS—101

Anderson, S. A.,	Gibb,	Maxwell	Reidenbach,
Arlene,	Greenlee,	McCann,	Renwick,
Bachman	Gremminger,	McDevitt,	Riley,
Bonner,	Guesman,	McDonald	Rovansek,
Branca,	Hamilton,	McKeever,	Rubin,
Breth,	Hankins,	McLaughlin,	Rudisill,
Capano,	Hartley,	McNally,	Sakulsky,
Capitolo,	Haudenshield,	Meholchick,	Scarcelli,
Cauley,	Heavey,	Mills,	Schaaf,
Cianfrani,	Irvis,	Monroe,	Schuster,
Cioffi,	Jenkins,	Morley,	Shelton,
Clarke,	Jim,	Munley,	Sherman,
Comer,	Jones,	Murray,	Shupnik,
Cooley,	Kamyk,	Musto,	Simmons,
Crossin,	Kelly,	Needham,	Stank,
Curwood,	Klein,	O'Dell,	Stone,
Dougherty,	Kornick,	O'Donnell, J. A.,	Sullivan, J. A.,
Edwards,	Kramer,	Odorisio,	Taylor,
Ellberg,	Lamb,	Parlante,	Tomascik,
Farabaugh,	Lawson,	Pashley,	Trusio,
Filo,	Leonard,	Petrosky,	Verona,
Fineman,	Limper,	Polaski,	Wargo,
Flynn,	Long, Wm. Jas.,	Polen,	Welsh,
Foerster,	Long, Wm. Jos.,	Prendergast,	Yetter,
Frascella,	Lutty,	Reibman,	Andrews, Speaker
Gallagher,			

NOT VOTING—10

Ashton,	Henzel,	McCormack,	Mihm,
Esler,	Knecht,	McInroy,	Royer,
Gray,	Lippincott,		

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. DENNISON. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. McCANN. Mr. Speaker, I ask that the membership oppose the recommittal motion so the bill may be voted on.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Dennison.

Mr. DENNISON. Mr. Speaker, I make this motion for this reason: This bill is not in conformity with the national vehicle code and therefore would cause considerable confusion to out-of-State motorists when they come into Pennsylvania and attempt to pass a school bus. It will also have a tendency to cause more accidents than we now have because these drivers who are approaching a school bus, knowing they have 250 feet in which to make a stop, will immediately speed up and try to get past that school bus before it gets stopped, thereby causing a number of perhaps fatal accidents.

The SPEAKER. Does the gentleman from Potter, Mr. Goodrich, desire to be recognized on the motion to recommit?

Mr. GOODRICH. Mr. Speaker, I would ask the members of the House to support the motion to recommit. This is a real fuzzy bill; I think it should be recommitted.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. DENNISON and GOODRICH and were as follows:

YEAS—100

Adams,	Gibb,	Lee, A. M.,	Snare,
Anderson, J. H.,	Gibbons,	Lee, K. B.,	Steckel,
Backenstoe,	Goldstein, J. H.,	Magee,	Stimmel,
Bossert,	Goodrich,	Manbeck,	Stiteler,
Bower,	Gramlich,	Markley,	Stone,
Bowman,	Gross,	Marsh,	Strausser,
Buchanan,	Guthrie,	Maxwell,	Thompson,
Bush,	Hamilton,	May,	Tompkins,
Davis,	Haudenshield,	McCandless,	Ujobai,
Dengler,	Heffner,	McNally,	Varner,
Dennison,	Helm,	Merry,	Verona,
Donaldson,	Holl,	Miller,	Wall,
Down,	Holliday,	Mills,	Walsh,
Edwards,	Holman,	Murphy,	Weidner,
Elvey,	Horst,	Odorisio,	Wescott,
Eshback,	Isaacs,	Ogilvie,	Willard,
Eshleman,	Jim,	Piper,	Willaredt,
Ewing,	Johnson, A. W.,	Prendergast,	Williams, E. S.,
Farabaugh,	Johnson, R. P.,	Price,	Wilt,
Fetterolf,	Keiser,	Pursley,	Wood,
Flynn,	Kernaghan,	Reibman,	Worley,
Foor,	Kessler,	Rutherford,	Wynd,
Fox,	Kistler,	Seltzer,	Yetter,
Fulmer,	Kooker,	Simmons,	Zember,
George,	Korns,	Slack,	Zimmerman,

NAYS—97

Anderson, S. A.,	Fry,	Limper,	Polen,
Arlene,	Gailey,	Long, Wm. Jas.,	Reidenbach,
Bachman,	Gallagher,	Long, Wm. Jos.,	Renwick,
Blair,	Gelfand,	Lutty,	Riley,
Boies,	Goldstein, M. H.,	McCann,	Rovansek,
Bonner,	Gray,	McDevitt,	Rubin,
Branca,	Greenlee,	McDonald,	Rudisill,
Breth,	Gremminger,	McKeever,	Sakulsky,
Capano,	Guesman,	McLaughlin,	Scarcelli,
Capitolo,	Hankins,	Meholchick,	Schaaf,
Cauley,	Hartley,	Monroe,	Schuster,
Cianfrani,	Heavey,	Morley,	Shelton,
Cioffi,	Hocker,	Mullen,	Sherman,
Clarke,	Irvis,	Munley,	Shupnik,
Comer,	Jones,	Musto,	Stank,
Cooley,	Kamyk,	Needham,	Sullivan, J. A.,
Crossin,	Kelly,	O'Dell,	Sullivan, T. F.,
Curwood,	King,	O'Donnell, J. A.,	Taylor,
Dougherty,	Klein,	O'Donnell, J. P.,	Tomascik,
Doughten,	Kornick,	Parlante,	Trusio,
Elberg,	Kramer,	Pashley,	Wargo,
Filo,	Lamb,	Perry,	Welsh,
Fineman,	Lawson,	Petrosky,	Williams, A. D.,
Foerster,	Leonard,	Polaski,	Andrews,
Frascella,			Speaker

NOT VOTING—13

Ashton,	Jenkins,	McCormack,	Murray,
Auker,	Knecht,	McInroy,	Royer,
Esler,	Lippincott,	Mihm,	Whittaker,
Henzel,			

So the question was determined in the affirmative and the motion was agreed to.

INTERROGATION

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, the membership is wondering what time we are operating by. I see we have not covered the bills that were announced before the supper hour. What are the majority leader's plans for the rest of the evening, so the membership will know?

Mr. McCANN. Mr. Speaker, I have been informed officially that the time is that on the clock as you see it on the wall, eastern standard time.

I have four committee meetings that must be called. There is Senate bill 667 and all the concurrences, and I must do this before that clock strikes 12 under eastern standard time. I have wasted two and one-half hours on bills that could certainly have been debated in another vein or easier, or, perhaps I should say, they could have been debated a little sooner, but I would say to you that at this point I am going to call up Senate bill 667. There are four committee meetings that must meet off the floor to report the Senate bills in their possession, the Committee on Welfare, Committee on Law and Order, Committee on Cities—Third Class, the Committee on State Government, and the Senate has sent over a series of other bills. I ask that we operate until that time because this will give us an opportunity to be a little freer tomorrow.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 667, entitled:

An Act creating and establishing a continuing career system for technical and professional personnel in or assigned to the Department of Highways establishing and vesting certain powers in the Highway Technical and Professional Personnel Board and making an appropriation.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. CIOFFI asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 1, first line of Title, by striking out "technical and"

Amend Title, page 1, next to last line of Title, by striking out "Technical and"

Amend Sec. 2, page 2, line 6, by striking out "technical and"

Amend Sec. 3, page 2, line 12, by striking out "Technical and"

Amend Sec. 3, page 2, line 14, by inserting after "all" persons holding

Amend Sec. 3, page 2, line 18, by inserting after "ONLY" persons who have obtained a degree from an accredited college or university or who have had experience equivalent thereto who now or hereafter hold

Amend Sec. 3, page 3, by inserting between lines 8 and 9:

(XI) cartographers
(XII) draftsmen
(XIII) surveyors

Amend Sec. 3, page 3, lines 10 to 19; page 4, lines 1 to 9, by striking out all of said lines.

Amend Sec. 4, page 4, line 10, by striking out "Technical and"

Amend Sec. 4, page 4, line 11, by striking out "Technical and"

Amend Sec. 4, page 4, line 14, by striking out "technical and"

Amend Sec. 4, page 4, line 16, by striking out "technical and"

Amend Sec. 4, page 5, line 1, by striking out "technical and"

Amend Sec. 4, page 5, line 4, by striking out "technical or"

Amend Sec. 4, page 5, line 7, by striking out "technical or"

Amend Sec. 5, page 5, line 9, by striking out "technical or"

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Cioffi.

Mr. CIOFFI. Mr. Speaker, this amendment strikes out the technical personnel and includes only the professional. Briefly, it strikes out on page 4 all those listed from line 1 to line 9 and includes in the professional line the names under the technical list, those listed as photographers, draftsmen and surveyors. This amendment does not in any way affect the efficiency of the department, but places the professional people in a category in which they should have been many times under civil service.

I request a roll call vote, Mr. Speaker.

Mr. McCANN. Mr. Speaker, may I ask if there are going to be any other amendments to this bill if this amendment carries? I am still not clear on the other amendments to be offered. Are there going to be any from any member to Senate bill 667?

The SPEAKER. The Chair hears none.

Mr. McCANN. Mr. Speaker, rather than ask for a roll call, if it is satisfactory, I will agree that the amendments go into the bill for printing, unless there is objection.

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Murphy. For what purposes does the gentleman rise?

Mr. MURPHY. Mr. Speaker, I would like to interrogate the gentleman from Lawrence, Mr. Cioffi, on his amendments, for a moment.

The SPEAKER. Will the gentleman from Lawrence, Mr. Cioffi, permit himself to be interrogated?

Mr. CIOFFI. I shall, Mr. Speaker.

Mr. MURPHY. Mr. Speaker, do I understand that these amendments take out some technical employes now covered by the bill?

Mr. CIOFFI. That is right.

Mr. MURPHY. What technical employes would be removed from the bill?

Mr. CIOFFI. All with the exception of those listed under the technical, with the exception of cartographers, draftsmen and surveyors. Those three are placed under the professional list.

Mr. MURPHY. Do I understand that right-of-way agents are being taken out of the bill?

Mr. CIOFFI. That is right.

Mr. MURPHY. And you are taking construction inspectors out of the bill?

Mr. CIOFFI. That is right.

Mr. MURPHY. I thank the gentleman.

Mr. Speaker, I would like to oppose the amendments as proposed. I think the purpose of the bill is to provide all our technical and professional highway employes under civil service coverage that will provide our Department of Highways with a better working system. These men will know they have tenure in office; they will know that we can attract men for these positions and I request a roll call.

Mr. M. H. GOLDSTEIN. Mr. Speaker, I again have the pleasure of calling to the attention of the Democratic majority leader and the Democratic members the Democratic platform of 1958, paragraph 13, which reads "Tenure in State jobs requiring special professional skills." If you vote for this amendment, you are voting against the Democratic platform. I am voting "no."

Mr. McCANN. Mr. Speaker, I want to clearly have the gentleman again read the platform. That is where I got into this problem,—professional employes tenure. I certainly was trying to work this bill into a position to be voted, and it carries professional and technical. If you will read the platform again you will find just what you read a moment ago. That is the problem I have run into. Professional, technical, all these people are supporting the platform on professional employes. They will not support unanimously the platform which does not carry that pledge on technical employes. That is the problem and that is why the amendments.

Mr. M. H. GOLDSTEIN. Mr. Speaker, I am carrying a summary in my hand of the Pittsburgh Press for September 15, 1958. My recollection is that if you turn to page 75 of the Legislative Journal when the platform was read out in full, if you want to wait and have somebody from Mr. Ominsky's office bring it up, I am quite certain it read "technical and professional employes" and certainly these items which have been deleted by the proposed amendment are technical employes and I think it is contrary to the spirit of the proposed platform of the Democratic Party, and I think you are getting awfully technical over your platform.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Williams.

Mr. A. D. WILLIAMS, Jr. I would like to request a roll call.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. McNally.

Mr. McNALLY. Mr. Speaker, I rise in support of the amendments made by the gentleman from Lawrence. These amendments striking out the word technical in the program, I think, are very well placed.

They have in here construction inspectors. They have in this right-of-way assistant engineers. I believe the spirit of the gentleman from Lawrence is well-placed, and I also feel they have in the amendments offered today that in order to qualify to be in a professional status you must have a college degree or the equivalent. That does not mean you have to freeze out the present employes who never went to college, but it does mean that you have to have the equivalent of a college degree.

I very well trust our present Secretary of Highways, but we are putting a bill in here for the future and it is not too difficult for somebody in the Secretary of Highway's office anything they so choose. I believe it is a bill in the right direction and I urge members on both sides to support the amendments. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. CIOFFI, MURPHY and A. D. WILLIAMS, Jr. and were as follows:

YEAS—158

Adams,	Gibbons,	Magee,	Rovansek,
Anderson, J. H.	Goldstein, J. H.,	Manbeck,	Rubin,
Anderson, S. A.,	Goodrich,	Markley,	Rudisill,
Arlene,	Gramlich,	Marsh,	Rutherford,

Backenstoe,	Greenlee,	Maxwell,	Sakulsky,
Blair,	Gremminger,	May,	Scarcelli,
Boies,	Gross,	McCandless,	Schaaf,
Bower,	Guesman,	McCann,	Shelton,
Bowman,	Guthrie,	McDevitt,	Sherman,
Branca,	Hamilton,	McDonald	Shupnik,
Buchanan,	Hankins,	McKeever,	Slack,
Bush,	Hartley,	McLaughlin,	Snare,
Capano,	Heavey,	McNally,	Stank,
Capitolo,	Heffner,	Meholchick,	Steckel,
Cauley,	Helm,	Merry.	Stimmel,
Cioffi,	Hocker,	Miller,	Stone,
Clarke,	Holliday,	Mills,	Strausser,
Comer,	Horst,	Monroe,	Sullivan, J. A.,
Cooley,	Irvis,	Morley,	Sullivan, T. F.,
Crossin,	Isaacs,	Mullen,	Taylor,
Davis,	Jim,	Musto,	Tompkins,
Dennison,	Johnson, A. W.,	O'Dell,	Trusio,
Dougherty,	Johnson, R. P.,	O'Donnell, J. A.,	Ujobai,
Doughten,	Jones,	O'Donnell, J. P.,	Varner,
Down,	Kamyk,	Odorisio,	Verona,
Edwards,	Keiser,	Ogilvie,	Wall,
Eilberg,	Kelly,	Parlante,	Welsh,
Eshleman,	Kernaghan,	Pashley,	Wescott,
Farabaugh,	King,	Perry,	Whittaker,
Fetterolf,	Klein,	Petrosky,	Willard,
Filo,	Kooker,	Piper,	Willaredt,
Fineman,	Kramer,	Polaski,	Williams, E. S.,
Flynn,	Lamb,	Polen,	Wood,
Foor,	Lawson,	Prendergast,	Worley,
Frascella,	Lee, K. B.,	Price,	Wynd,
Fry,	Leonard,	Pursley,	Yetter,
Fulmer,	Limper,	Reibman,	Zember,
Gallagher,	Long, Wm. Jas.,	Renwick,	Zimmerman,
Gelfand,	Long, Wm. Jos.,	Riley,	Andrews,
George,	Lutty,		Speaker

NAYS—35

Auker,	Eshback,	Holman,	Reidenbach,
Bachman,	Ewing,	Kessler,	Simmons,
Bonner,	Foerster,	Kistler,	Stiteler,
Bossert,	Fox,	Kornick,	Thompson,
Breth,	Gailey,	Korns,	Walsh,
Cianfrani,	Gibb,	Lee, A. M.,	Wargo,
Curwood,	Goldstein, M. H.,	Munley,	Williams, A. D.,
Donaldson,	Haudenshield,	Murphy,	Wilt,
Elvey,	Holl,	Needham,	

NOT VOTING—17

Ashton,	Jenkins,	McInroy,	Schuster,
Dengler,	Knecht,	Mihm,	Seltzer,
Esler,	Lippincott,	Murray,	Tomascik,
Gray,	McCormack,	Royer,	Weidner,
Henzel,			

So the question was determined in the affirmative and the amendments were agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1852, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333), further regulating the form of the official primary ballot.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I want to say to the members, particularly on this side of the House, we were against the companion bill to this bill which was recommitted recently, and this bill was brought out of committee the same day; the other was recommitted. We think this is not good legislation. It will not inform the elector-ate as to the identification of a candidate. We repeat that it is not good for the citizenry of the State and we ask everybody to vote against this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—98

Anderson, S. A.,	Gailey,	McDevitt,	Renwick,
Arlene,	Gallagher,	McDonald,	Riley,
Bachman,	Gelfand,	McKeever,	Rovansek,
Boies,	Greenlee,	McNally,	Rubin,
Bonner,	Gremminger,	Meholchick,	Rudisill,
Branca,	Guesman,	Mills,	Sakulsky,
Breth,	Hamilton,	Monroe,	Scarcelli,
Capano,	Hankins,	Morley,	Schaaf,
Capitolo,	Hartley,	Mullen,	Schuster,
Cauley,	Irvis,	Munley,	Shelton,
Cianfrani,	Jim,	Murphy,	Sherman,
Cioffi,	Jones,	Musto,	Shupnik,
Clarke,	Kamyk,	Needham,	Stank,
Comer,	Kelly,	O'Donnell, J. A.,	Stone,
Cooley,	Klein,	O'Donnell, J. P.,	Sullivan, J. A.,
Crossin,	Kornick,	Parlante,	Sullivan, T. F.,
Curwood,	Lamb,	Pashley,	Taylor,
Dougherty,	Lawson,	Perry,	Tomascik,
Doughten,	Leonard,	Petrosky,	Trusio,
Eilberg,	Limper,	Polaski,	Verona,
Farabaugh,	Long, Wm. Jas.,	Polen,	Wargo,
Fineman,	Long, Wm. Jos.,	Prendergast,	Welsh,
Foerster,	Lutty,	Reibman,	Yetter,
Frascella,	Maxwell,	Reidenbach,	Andrews,
Fry,	McCann,		Speaker

NAYS—98

Adams,	George,	Kistler,	Slack,
Anderson, J. H.,	Gibb,	Kooker,	Snare,
Auker,	Gibbons,	Korns,	Steckel,
Backenstoe,	Goldstein, J. H.,	Kramer,	Stimmel,
Blair,	Goldstein, M. H.,	Lee, A. M.,	Stiteler,
Bossert,	Goodrich,	Lee, K. B.,	Strausser,
Bower,	Gramlich,	Magee,	Thompson,
Bowman,	Gross,	Manbeck,	Tompkins,
Buchanan,	Guthrie,	Markley,	Ujobai,
Bush,	Haudenshield,	Marsh,	Varner,
Davis,	Heavey,	May,	Wall,
Dengler,	Heffner,	McCandless,	Walsh,
Dennison,	Helm,	McLaughlin,	Wescott,
Donaldson,	Hocker,	Merry,	Whittaker,
Down,	Holl,	Miller,	Willard,
Edwards,	Holliday,	O'Dell,	Willaredt,
Elvey,	Holman,	Odorisio,	Williams, A. D.,
Eshback,	Horst,	Ogilvie,	Williams, E. S.,
Eshleman,	Isaacs,	Piper,	Wilt,
Ewing,	Johnson, A. W.,	Price,	Wood,
Fetterolf,	Johnson, R. P.,	Pursley,	Worley,
Filo,	Keiser,	Rutherford,	Wynd,
Flynn,	Kernaghan,	Seltzer,	Zember,
Foor,	Kessler,	Simmons,	Zimmerman,
Fox,	King,		

NOT VOTING—14

Ashton,	Henzel,	McCormack,	Murray,
Esler,	Jenkins,	McInroy,	Royer,
Fulmer,	Knecht,	Mihm,	Weidner,
Gray,	Lippincott,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Mr. HELM IN THE CHAIR.

The SPEAKER pro tempore. The Chair would request that the members remain for very important committee meetings.

Mr. McCANN. Mr. Speaker, I call up on page 11, appropriation bills on concurrence in Senate amendments.

Mr. SCHAAF. Mr. Speaker, I would like to debate these bills at such time as they are called up.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 775.

An Act making appropriations to the Trustees of the University of Pennsylvania, for the general maintenance and operation of the University, for the School of Medicine, and for the School of Veterinary Medicine.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 3, page 2, line 14, by striking out after the word "of" the following: "Six hundred fifty-three thousand, five hundred eighty-nine dollars ($653,589)," and inserting in lieu thereof the following: "six hundred ninety-three thousand, five hundred eighty-nine dollars ($693,589)."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, as I understand it, this bill and all bills on page 11, with the exception of House bill 1564, will require 140 votes, is that right?

The SPEAKER pro tempore. The gentleman is correct.

Mr. TOMPKINS. Mr. Speaker, we concur in this particular amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Schaaf.

Mr. SCHAAF. Mr. Speaker, may I briefly interrogate the chairman of the Appropriations Committee?

The SPEAKER pro tempore. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. SCHAAF. Mr. Speaker, with the consent of the House I would like to ask the gentleman a question about all the bills on this page. Am I correct, Mr. Speaker, that the combined increase in these appropriations approximates in excess of $300,000?

Mr. POLEN. $361,648.

Mr. SCHAAF. Mr. Speaker, can the gentleman inform us whether or not the money is available for this increase in appropriations?

Mr. POLEN. It is not, Mr. Speaker, under my estimate of revenues that I have.

Mr. SCHAAF. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I understand there is a move afoot, if you will, to concur in the amendments placed in these bills by the Senate, pass them and send them to the Governor, and let the Governor selectively determine which appropriations will be met and the extent to which they will be met.

The only thing I object to is that this seems to me to be an abdication of legislative responsibility. I think, under the circumstances, Mr. Speaker, and I regret being in the position that I have to recommend this, but I do feel that we should non-concur in all of these bills.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, I agree with the gentleman from Erie. We are here being asked to appropriate an additional $400,000. I understand that these amendments were placed in these bills by the majority leader of the other body who well knows that the money is not available, as our Appropriations chairman has stated. I feel that if we non-concur, we will inform the other body that the appropriations are not here, the money is not here. I do not feel that we should place this duty upon the Chief Executive to strike out line by line, or strike out what he may. It is the duty of this body to set the appropriations, and, therefore, I ask for a roll call and ask the members to non-concur.

The SPEAKER pro tempore. For the information of the gentleman, the constitution requires a roll call.

The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, so the record will be straight, as to House bill 775, printer's No. 2638, the amendments to this bill were offered by Senator Kessler.

The SPEAKER pro tempore. Does the gentleman from Berks, Mr. Adams, desire to be recognized?

Mr. ADAMS. Mr. Speaker, I rise to support the position of the gentleman from Erie, Mr. Schaaf. I do not believe we have the right to throw around money that we do not have and that we are trying to hold down the taxes on.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—109

Anderson, S. A.,	Frascella,	Lawson,	Reidenbach,
Arlene,	Gallagher,	Lee, A. M.,	Riley,
Bachman,	Goldstein, J. H.,	Lee, K. B.,	Rubin,
Boles,	Greenlee,	Leonard,	Rudisill,
Bonner,	Guthrie,	Limper,	Scarcelli,
Boesert,	Hamilton,	Long, Wm. Jas.,	Schuster,
Branca,	Hankins,	Lutty,	Shelton,
Breth,	Hartley,	Markley,	Sherman,
Buchanan,	Heavey,	McCandless,	Stank,
Capitolo,	Heffner,	McCann,	Stone,
Cianfrani,	Helm,	McDevitt,	Sullivan, J. A.,
Cioffi,	Hocker,	McKeever,	Sullivan, T. F.,
Clarke,	Horst,	McLaughlin,	Taylor,
Comer,	Irvis,	Meholchick,	Tomascik,
Cooley,	Isaacs,	Monroe,	Tompkins,
Crossin,	Johnson, A. W.,	Mullen,	Trusio,
Davis,	Jones,	Munley,	Varner,
Dengler,	Kamyk,	Murray,	Verona,
Dougherty,	Kelly,	Needham,	Wall,
Doughten,	Kernaghan,	O'Donnell, J. A.,	Wargo,
Down,	Kessler,	Odorisio,	Welsh,
Edwards,	King,	Parlante,	Wescott,
Eilberg,	Kistler,	Perry,	Williams, A. D.,
Elvey,	Klein,	Petrosky,	Williams, E. S.,
Eshback,	Kooker,	Polaski,	Wood,
Ewing,	Kornick,	Polen,	Worley,
Filo,	Korns,	Reibman,	Yetter,
Fineman,			

NAYS—87

Adams,	Gailey,	Marsh,	Sakulsky,
Anderson, J. H.,	Gelfand,	Maxwell,	Schaaf,
Auker,	George,	May,	Seltzer,
Backenstoe,	Gibb,	McDonald,	Shupnik,
Blair,	Gibbons,	McNally,	Simmons,

Bower,	Goldstein, M. H.,	Merry,	Slack,
Bowman,	Goodrich,	Miller,	Snare,
Bush,	Gramlich,	Mills,	Stimmel,
Capano,	Gremminger,	Morley,	Stiteler,
Cauley,	Gross,	Murphy,	Strausser,
Curwood,	Guesman,	Musto,	Thompson,
Dennison,	Haudenshield,	O'Dell,	Ujobai,
Donaldson,	Holl,	O'Donnell, J. P.,	Walsh,
Eshleman,	Holliday,	Ogilvie,	Whittaker,
Farabaugh,	Holman,	Pashley,	Willard,
Fetterolf,	Jim,	Piper,	Willaredt,
Flynn,	Johnson, R. P.,	Prendergast,	Wilt,
Foerster,	Keiser,	Price,	Wynd,
Foor,	Kramer,	Pursley,	Zember,
Fox,	Lamb,	Renwick,	Zimmerman,
Fry,	Magee,	Rovansek,	Andrews,
Fulmer,	Manbeck,	Rutherford,	Speaker

NOT VOTING—14

Ashton,	Jenkins,	McCormack,	Royer,
Esler,	Knecht,	McInroy,	Steckel,
Gray,	Lippincott,	Mihm,	Weidner,
Henzel,	Long, Wm. Jos.,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 781.

An Act making an appropriation to the Philadelphia College of Osteopathy, Philadelphia, Pennsylvania.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "of" the following: "one hundred thirty six thousand and eighty dollars ($136,080)" and inserting in lieu thereof "two hundred fifty thousand dollars ($250,000)."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, in view of the temper of the House, every man is on his own.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—100

Anderson, S. A.,	Fry,	Lawson,	Price,
Arlene,	Gallagher,	Lee, A. M.,	Reibman,
Bachman,	Goldstein, J. H.,	Lee, K. B.,	Reidenbach,
Bonner,	Gramlich,	Leonard,	Riley,
Branca,	Gray,	Limper,	Rubin,
Breth,	Greenlee,	Long, Wm. Jas.,	Rudisill,
Buchanan,	Guthrie,	Long, Wm. Jos.,	Scarcelli,
Capitolo,	Hamilton,	Lutty,	Schuster,
Cianfrani,	Hankins,	Markley,	Shelton,
Cioffi,	Hartley,	McCann,	Sherman,
Clarke,	Heavey,	McDevitt,	Stank,
Comer,	Heffner,	McDonald,	Steckel,
Cooley,	Helm,	McKeever,	Stimmel,
Crossin,	Irvis,	McLaughlin,	Stone,
Davis,	Isaacs,	Meholchick,	Sullivan, J. A.,
Dengler,	Johnson, A. W.,	Monroe,	Taylor,
Dougherty,	Jones,	Mullen,	Tomascik,
Doughten,	Kamyk,	Murray,	Tompkins,
Down,	Kelly,	O'Donnell, J. A.,	Trusio,
Edwards,	Kernaghan,	O'Donnell, J. P.,	Varner,
Eilberg,	Kessler,	Odorisio,	Verona,
Eshback,	Kistler,	Parlante,	Wall,
Filo,	Klein,	Petrosky,	Welsh,
Fineman,	Kooker,	Polaski,	Williams, E. S.,
Frascella,	Kornick,	Polen,	Yetter,

NAYS—98

Adams,	Gailey,	Marsh,	Schaaf,
Anderson, J. H.,	Gelfand,	Maxwell,	Seltzer,
Auker,	George,	May,	Shupnik,
Backenstoe,	Gibb,	McCandless,	Simmons,
Blair,	Gibbons,	McNally,	Slack,
Boies,	Goldstein, M. H.,	Merry,	Snare,
Bossert,	Goodrich,	Miller,	Stiteler,
Bower,	Gremminger,	Mills,	Strausser,
Bowman,	Gross,	Morley,	Sullivan, T. F.,
Bush,	Guesman,	Munley,	Thompson,
Capano,	Haudenshield,	Murphy,	Ujobai,
Cauley,	Hocker,	Musto,	Walsh,
Curwood,	Holl,	Needham,	Wargo,
Dennison,	Holliday,	O'Dell,	Wescott,
Donaldson,	Holman,	Ogilvie,	Willard,
Elvey,	Horst,	Pashley,	Willaredt,
Eshleman,	Jim,	Perry,	Williams, A. D.,
Ewing,	Johnson, R. P.,	Piper,	Wilt,
Farabaugh,	Keiser,	Prendergast,	Wood,
Fetterolf,	King,	Pursley,	Worley,
Flynn,	Korns,	Renwick,	Wynd,
Foerster,	Kramer,	Rovansek,	Zember,
Foor,	Lamb,	Rutherford,	Zimmerman,
Fox,	Magee,	Sakulsky,	Andrews,
Fulmer,	Manbeck,		Speaker

NOT VOTING—12

Ashton,	Jenkins,	McCormack,	Royer,
Esler,	Knecht,	McInroy,	Weidner,
Henzel,	Lippincott,	Mihm,	Whittaker,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 785.

An Act making an appropriation to the Berean Manual Training School at Philadelphia, Pennsylvania.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 1, line 1 by striking out after the word "of" the following: "thirty five thousand nine hun-

dred ten dollars ($35,910)" and inserting in lieu thereof the following: "fifty thousand nine hundred ten dollars ($50,910)"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—116

Anderson, S. A.,	Fry,	Lee, A. M.,	Reidenbach,
Arlene,	Gallagher,	Lee, K. B.,	Riley,
Auker,	Gelfand,	Leonard,	Rubin,
Bachman,	George,	Limper,	Rudisill,
Backenstoe,	Goldstein, J. H.,	Long, Wm. Jas.,	Rutherford,
Boles,	Goodrich,	Lutty,	Scarcelli,
Bonner,	Gray,	Markley,	Schuster,
Branca,	Greenlee,	Marsh,	Shelton,
Breth,	Gremminger,	McCann,	Sherman,
Buchanan,	Guthrie,	McDevitt,	Stank,
Capitolo,	Hankins,	McDonald,	Steckel,
Cianfrani,	Hartley,	McKeever,	Stimmel,
Cioffi,	Heavey,	McLaughlin,	Stiteler,
Clarke,	Heffner,	Meholchick,	Stone,
Comer,	Helm,	Merry,	Sullivan, J. A.,
Cooley,	Irvis,	Monroe,	Taylor,
Crossin,	Isaacs,	Mullen,	Tomascik,
Dengler,	Jones,	Murray,	Tompkins,
Donaldson,	Kamyk,	O'Donnell, J. A.,	Trusio,
Dougherty,	Kelly,	O'Donnell, J. P.,	Varner,
Doughten,	Kernaghan,	Odorisio,	Verona,
Down,	Kessler,	Parlante,	Wall,
Edwards,	Klein,	Perry,	Wargo,
Eilberg,	Kooker,	Petrosky,	Welsh,
Eshback,	Kornick,	Polaski,	Williams, A. D.,
Eshleman,	Korns,	Polen,	Williams, E. S.,
Filo,	Kramer,	Prendergast,	Wood,
Fineman,	Lamb,	Pursley,	Yetter,
Frascella,	Lawson,	Reibman,	Zimmerman,

NAYS—79

Adams,	Fulmer,	Kistler,	Sakulsky,
Anderson, J. H.,	Galley,	Magee,	Schaaf,
Blair,	Gibb,	Manbeck,	Seltzer,
Bossert,	Gibbons,	Maxwell,	Shupnik,
Bower,	Goldstein, M. H.,	May,	Simmons,
Bowman,	Gramlich,	McCandless,	Slack,
Bush,	Gross,	McNally,	Snare,
Capano,	Guesman,	Miller,	Strausser,
Cauley,	Hamilton,	Mills,	Sullivan, T. F.,
Curwood,	Haudenshield,	Morley,	Thompson,
Davis,	Hocker,	Munley,	Ujobai,
Dennison,	Holl,	Murphy,	Walsh,
Elvey,	Holliday,	Needham,	Wescott,
Ewing,	Holman,	O'Dell,	Willaredt,
Farabaugh,	Horst,	Ogilvie,	Wilt,
Fetterolf,	Jim,	Pashley,	Worley,
Flynn,	Johnson, A. W.,	Piper,	Wynd,
Forester,	Johnson, R. P.,	Price,	Zember,
Foor,	Keiser,	Renwick,	Andrews,
Fox,	King,	Rovansek,	Speaker

NOT VOTING—15

Ashton,	Knecht,	McInroy,	Weidner,
Esler,	Lippincott,	Mihm,	Whittaker,
Henzel,	Long, Wm. Jos.,	Musto,	Willard,
Jenkins,	McCormack,	Royer,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 787.

An Act making an appropriation to the Delaware Valley College of Science and Agriculture at Doylestown, Pennsylvania.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "of" the following: "fifty two thousand two hundred seventy two dollars ($52,272)" and inserting in lieu thereof the following: "one hundred twenty thousand dollars ($120,000)"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—85

Anderson, S. A.,	Frascella,	Lee, K. B.,	Prendergast,
Arlene,	Fry,	Leonard,	Reibman,
Bachman,	Gallagher,	Limper,	Reidenbach,
Boles,	George,	Long, Wm. Jas.,	Rubin,
Bonner,	Gray,	Long, Wm. Jos.,	Rudisill,
Branca,	Greenlee,	Lutty,	Scarcelli,
Breth,	Hankins,	McCann,	Shelton,
Buchanan,	Hartley,	McDevitt,	Sherman,
Capitolo,	Heavey,	McDonald,	Stank,
Cianfrani,	Heffner,	McKeever,	Tomascik,
Cioffi,	Irvis,	McLaughlin,	Tompkins,
Clarke,	Isaacs,	Meholchick,	Trusio,
Comer,	Jones,	Merry,	Varner,
Cooley,	Kamyk,	Monroe,	Verona,
Crossin,	Kelly,	Murray,	Wall,
Dengler,	Kernaghan,	O'Donnell, J. A.,	Welsh,
Dougherty,	Kessler,	Odorisio,	Willard,
Doughten,	Kooker,	Parlante,	Williams, A. D.,
Down,	Kornick,	Petrosky,	Williams, E. S.,
Edwards,	Lawson,	Polaski,	Yetter,
Eilberg,	Lee, A. M.,	Polen,	Zimmerman,
Filo,			

NAYS—110

Adams,	Gibb,	Magee,	Schaaf,
Anderson, J. H.,	Gibbons,	Manbeck,	Schuster,
Auker,	Goldstein, J. H.,	Markley,	Seltzer,
Backenstoe,	Goldstein, M. H.,	Marsh,	Shupnik,
Blair,	Goodrich,	Maxwell,	Simmons,
Bossert,	Gramlich,	May,	Slack,
Bower,	Gremminger,	McCandless,	Snare,
Bowman,	Gross,	McNally,	Steckel,
Bush,	Guesman,	Miller,	Stimmel,
Capano,	Guthrie,	Mills,	Stiteler,
Cauley,	Hamilton,	Morley,	Stone,
Davis,	Haudenshield,	Mullen,	Strausser,
Dennison,	Helm,	Munley,	Sullivan, J. A.,
Donaldson,	Hocker,	Murphy,	Sullivan, T. F.,
Elvey,	Holl,	Needham,	Taylor,
Eshback,	Holliday,	O'Dell,	Thompson,
Eshleman,	Holman,	O'Donnell, J. P.,	Ujobai,
Ewing,	Horst,	Ogilvie,	Walsh,
Farabaugh,	Jim,	Pashley,	Wargo,
Fetterolf,	Johnson, A. W.,	Perry,	Wescott,
Fineman,	Johnson, R. P.,	Piper,	Willaredt,
Flynn,	Keiser,	Price,	Wilt,
Foerster,	King,	Pursley,	Wood,
Foor,	Kistler,	Renwick,	Worley,
Fox,	Klein,	Rovansek,	Wynd,
Fulmer,	Korns,	Rutherford,	Zember,
Galley,	Kramer,	Sakulsky,	Andrews,
Gelfand,	Lamb,		Speaker

NOT VOTING—15

Ashton,	Jenkins,	McInroy,	Royer,
Curwood,	Knecht,	Mihm,	Weidner,
Esler,	Lippincott,	Musto,	Whittaker,
Henzel,	McCormack,	Riley,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 795.

An Act making an appropriation to the Dickinson School of Law, Carlisle, Pennsylvania.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "of" the words and figures: "fifty-four thousand dollars ($54,000), and inserting in lieu thereof the following: "one hundred thirty-five thousand dollars ($125,000)."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, I love that old Dickinson School of Law like I love this House. I hope you will vote for this amendment.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—80

Anderson, S. A.,	Eshback,	Long, Wm. Jas.,	Rudisill,
Arlene,	Fry,	Long, Wm. Jos.,	Sakulsky,
Bachman,	George,	Lutty,	Scarcelli,
Boles,	Goldstein, J. H.,	Maxwell,	Sherman,
Bonner,	Greenlee,	McCann,	Slack,
Branca,	Hamilton,	McDevitt,	Stank,
Breth,	Hankins,	McDonald,	Steckel,
Buchanan,	Heavey,	Meholchick,	Stone,
Capitolo,	Heffner,	Merry,	Tomascik,
Cianfrani,	Horst,	Mills,	Tompkins,
Clarke,	Irvis,	Monroe,	Trusio,
Comer,	Isaacs,	Murray,	Ujobai,
Cooley,	Jim,	Odorisio,	Varner,
Crossin,	Kernaghan,	Parlante,	Verona,
Davis,	Kessler,	Petrosky,	Wall,
Dengler,	Kistler,	Polaski,	Welsh,
Donaldson,	Lawson,	Polen,	Williams, E. S.,
Down,	Lee, A. M.,	Reibman,	Worley,
Edwards,	Lee, K. B.,	Reidenbach,	Yetter,
Eilberg,	Leonard,	Rubin,	Zimmerman,

NAYS—111

Adams,	Gelfand,	Kramer,	Renwick,
Anderson, J. H.,	Gibb,	Lamb,	Riley,
Auker,	Gibbons,	Limper,	Rovansek,
Backenstoe,	Goldstein, M. H.,	Magee,	Rutherford,
Blair,	Goodrich,	Manbeck,	Schaaf,
Bossert,	Gramlich,	Markley,	Schuster,
Bower,	Gremminger,	Marsh,	Seltzer,
Bowman,	Gross,	May,	Shelton,
Bush,	Guesman,	McCandless,	Shupnik,
Capano,	Guthrie,	McKeever,	Simmons,
Cauley,	Hartley,	McLaughlin,	Snare,
Curwood,	Haudenshield,	McNally,	Stimmel,
Dennison,	Helm,	Miller,	Stiteler,
Doughten,	Hocker,	Morley,	Sullivan, J. A.,
Elvey,	Holl,	Mullen,	Sullivan, T. F.,
Eshleman,	Holliday,	Munley,	Taylor,
Ewing,	Holman,	Murphy,	Thompson,
Farabaugh,	Johnson, A. W.,	Needham,	Walsh,
Fetterolf,	Johnson, R. P.,	O'Dell,	Wargo,
Filo,	Jones,	O'Donnell, J. A.,	Wescott,
Flynn,	Kamyk,	O'Donnell, J. P.,	Willaredt,
Foerster,	Keiser,	Ogilvie,	Williams, A. D.,
Foor,	Kelly,	Pashley,	Wilt,
Fox,	King,	Perry,	Wood,
Frascella,	Klein,	Piper,	Wynd,
Fulmer,	Kooker,	Prendergast,	Zember,
Gailey,	Kornick,	Price,	Andrews,
Gallagher,	Korns,	Pursley,	Speaker

NOT VOTING—19

Ashton,	Gray,	McCormack,	Strausser,
Cioffi,	Henzel,	McInroy,	Weidner,
Dougherty,	Jenkins,	Mihm,	Whittaker,
Esler,	Knecht,	Musto,	Willard,
Fineman,	Lippincott,	Royer,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1564.

An Act limiting the use of appropriations for hospital or institutional care or training in certain cases.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 2, line 1, by striking out after the word "hospital" the word "can" and inserting in lieu thereof the word "may not," and by striking out on line 1, page 2, after the word "care" the word "and" and inserting the word "or"; line 2, page 2, by striking out after the word "care" the word "not."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, this is the one with the grammatical error and no other appropriation.

Mr. Speaker, I move the House do concur in the amendments placed in House bill 1564 by the Senate.

The SPEAKER pro tempore. For the information of the House, this bill requires a constitutional majority of 106 votes.

On the motion of the gentleman from Greene, Mr. McCann, would the gentleman from Cameron desire to be recognized?

Mr. TOMPKINS. We concur in the amendments, Mr. Speaker.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—195

Adams.	Fry,	Lawson,	Renwick,
Anderson, J. H.,	Fulmer,	Lee, A. M.,	Riley,
Anderson, S. A.,	Gailey,	Lee, K. B.,	Rovansek,
Arlene,	Gallagher,	Leonard,	Rubin,
Auker,	Gelfand,	Limper,	Rudisill,
Bachman,	George,	Long, Wm. Jas.,	Rutherford,
Backenstoe,	Gibb,	Lutty,	Sakulsky,
Blair,	Gibbons,	Magee,	Scarcelli,
Boles,	Goldstein, J. H.,	Manbeck,	Schaaf,
Bonner,	Goldstein, M. H.,	Marsh,	Schuster,
Bossert,	Goodrich,	Maxwell,	Seltzer,
Bower,	Gramlich,	Markley,	Shelton,
Bowman,	Gray,	May,	Sherman,
Branca,	Greenlee,	McCandless,	Shupnik,
Breth,	Gremminger,	McCann,	Simmons,
Buchanan,	Gross,	McDevitt,	Slack,
Bush,	Guesman,	McDonald,	Snare,
Capano,	Guthrie,	McKeever,	Stank,
Capitolo,	Hamilton,	McLaughlin,	Steckel,
Cauley,	Hankins,	McNally,	Stimmel,
Cianfrani,	Hartley,	Meholchick,	Stiteler,
Cioffi,	Haudenshield,	Merry,	Stone,
Clarke,	Heavey,	Miller,	Strausser,
Comer,	Heffner,	Mills,	Sullivan, J. A.,
Cooley,	Helm,	Monroe,	Sullivan, T. F.,
Crossin,	Hocker,	Morley,	Taylor,
Curwood,	Holl,	Mullen,	Thompson,
Davis,	Holliday,	Munley,	Tompkins,
Dengler,	Holman,	Murphy,	Trusio,
Dennison,	Horst,	Murray,	Ujobai,
Donaldson,	Irvis,	Musto,	Varner,
Dougherty,	Isaacs,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Welsh,
Elvey,	Kamyk,	Ogilvie,	Wescott,
Eshback,	Keiser,	Parlante,	Willard,
Eshleman,	Kelly,	Pashley,	Willaredt,
Ewing,	Kernaghan,	Perry,	Williams, A. D.,
Farabaugh,	Kessler,	Petrosky,	Williams, E. S.,
Fetterolf,	King,	Piper,	Wilt,
Filo,	Kistler,	Polaski,	Wood,
Fineman,	Klein,	Polen,	Worley,
Flynn,	Kooker,	Prendergast,	Wynd,
Foerster,	Kornick,	Price,	Yetter,
Foor,	Korns,	Pursley,	Zember,
Fox,	Kramer,	Reibman,	Zimmerman,
Frascella,	Lamb,	Reidenbach,	

NAYS—1

Andrews,
Speaker

NOT VOTING—14

Ashton,	Knecht,	McInroy,	Tomascik,
Esler,	Lippincott,	Mihm,	Weidner,
Henzel,	Long, Wm. Jos.,	Royer,	Whittaker,
Jenkins,	McCormack,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1709.

An Act making an appropriation to the Department of Public Welfare for the maintenance of certain hospitals.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "of" the following: "seventeen million two hundred fifty-nine thousand one hundred twenty-five dollars ($17,259,125)" and inserting in lieu thereof the following: "seventeen million three hundred three thousand one hunderd twenty-five dollars ($17,303,125)"

Amend Section 1, page 4, line 19, by striking out after the word "Philadelphia," the figures "81,000" and inserting in lieu thereof the figures "125,000"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, as I understand it, this increased appropriation to the Department of Welfare increases the appropriation to the Children's Hospital of Philadelphia from $81,000 to $125,000 and that is the only increase involved in the bill.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—181

Adams,	Gelfand,	Limper,	Rubin,
Anderson, S. A.,	Gibb,	Long, Wm. Jas.,	Rudisill,
Arlene,	Goldstein, J. H.,	Lutty,	Sakulsky,
Bachman,	Goldstein, M. H.,	Manbeck,	Scarcelli,
Backenstoe,	Goodrich,	Markley,	Schaaf,
Boles,	Gramlich,	Marsh,	Schuster,
Bonner,	Gray,	Maxwell,	Seltzer,
Bossert,	Greenlee,	May,	Shelton,
Bower,	Gremminger,	McCandless,	Sherman,
Branca,	Gross,	McCann,	Shupnik,
Breth,	Guesman,	McDevitt,	Simmons,
Buchanan,	Guthrie,	McDonald,	Slack,
Capano,	Hamilton,	McKeever,	Snare,
Capitolo,	Hankins,	McLaughlin,	Stank,
Cauley,	Hartley,	McNally,	Steckel,
Cianfrani,	Haudenshield,	Meholchick,	Stimmel,
Cioffi,	Heavey,	Merry,	Stiteler,
Clarke,	Heffner,	Miller,	Stone,
Comer,	Helm,	Mills,	Sullivan, J. A.,
Cooley,	Hocker,	Monroe,	Sullivan, T. F.,
Crossin,	Holl,	Morley,	Taylor,
Curwood,	Holliday,	Mullen,	Thompson,
Davis,	Horst,	Munley,	Tomascik,
Dengler,	Irvis,	Murphy,	Tompkins,
Dennison,	Isaacs,	Murray,	Trusio,
Donaldson,	Jim,	Musto,	Ujobai,
Dougherty,	Johnson, A. W.,	Needham,	Varner,

Doughten,	Johnson, R. P.,	O'Donnell, J. A.,	Verona,
Down,	Jones,	O'Donnell, J. P.,	Wall,
Edwards,	Kamyk,	Odorisio,	Walsh,
Ellberg,	Keiser,	Ogilvie,	Wargo,
Elvey,	Kelly,	Parlante,	Welsh,
Eshback,	Kernaghan,	Pashley,	Wescott,
Ewing,	Kessler,	Perry,	Willard,
Fetterolf,	King,	Petrosky,	Willaredt,
Filo,	Kistler,	Piper,	Williams, A. D.,
Fineman,	Klein,	Polaski,	Williams, E. S.,
Flynn,	Kooker,	Polen,	Wilt,
Foerster,	Kornick,	Prendergast,	Wood,
Foor,	Kramer,	Price,	Worley,
Fox,	Lawson,	Pursley,	Wynd,
Frascella,	Lamb,	Reibman,	Yetter,
Fry,	Lee, A. M.,	Reidenbach,	Zember,
Fulmer,	Lee, K. B.,	Riley,	Zimmerman,
Gailey,	Leonard,	Rovansek,	Andrews,
Gallagher,			Speaker

NAYS—13

Anderson, J. H.,	Bush,	Gibbons,	Magee,
Auker,	Farabaugh,	Holman,	O'Dell,
Blair,	George,	Korns,	Renwick,
Bowman,			

NOT VOTING—16

Ashton,	Jenkins,	McCormack,	Rutherford,
Eshleman,	Knecht,	McInroy,	Strausser,
Esler,	Lippincott,	Mihm,	Weidner,
Henzel,	Long, Wm. Jos.,	Royer,	Whittaker,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

COMMITTEES MEET DURING SESSION

Mr. McCANN. Mr. Speaker, may I use this time to call committee meetings and ask that they meet immediately and report their bills back before the clock gets to 12 so they can be read the first time?

The SPEAKER pro tempore. The gentleman will proceed.

Mr. McCANN. The following committees will meet immediately: Welfare, Law and Order, Cities—Third Class and State Government.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, there will be no further roll calls tonight. This House will convene tomorrow at 12 o'clock, daylight saving time. There are some committee meetings scheduled for tomorrow, I believe.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 195, entitled:

An Act providing for group life insurance for State employes establishing a schedule providing for payment providing for reduction of insurance upon retirement, authorizing the Secretary of the Commonwealth to act as exclusive broker for the purpose of contracting for insurance and providing for administration and advisory services by the Department of State.

On the question,

Will the House agree to the bill on third reading?

Mr. STIMMEL asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Title, page 1, fourth line of Title, by striking out "broker" and inserting: agent

Amend Sec. 2, page 3, line 15, by inserting after "any": mileage reimbursement or

Amend Sec. 3, page 4, line 4, by inserting after "reflect": and be reduced by

Amend Sec. 6, page 5, line 9, by striking out "Broker Fees" and inserting: Agent

Amend Sec. 6, page 5, line 17, by striking out "not be paid to any one or more life insurance agents but shall"

Amend Sec. 6, page 6, line 3, by striking out "if any"

Amend Sec. 7, page 6, line 6, by striking out "establishing and maintain" and inserting: employ

Amend Sec. 7, page 6, lines 6 and 7, by striking out "a bureau with"

Section 8. Applicability of Insurance Laws. Except as

Amend Bill, page 6, by inserting between lines 9 and 10: otherwise specifically provided, all insurance contracted under the provisions of this act shall be subject to the laws of this Commonwealth relating to insurance.

Amend Sec. 8, page 6, line 10, by striking out "8" and inserting: 9

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

Mr. STIMMEL asked unanimous consent to offer an additional amendment at this time.

The SPEAKER pro tempore. The amendment will be read by the clerk for information.

Amend Sec. 5, page 5, line 3, by striking out "by the board"

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

COMMITTEE MEETING

JUDICIARY, Mr. Rudisill, chairman, Room 149, Tuesday, August 19, at 10:00 a. m.

ALL TIMES ARE DAYLIGHT SAVING TIME

SENATE MESSAGES

The clerk of the Senate being introduced, presented extracts from the Journal of the Senate:

Senate adopts report of the Committee of Conference on Senate bill No. 111.

Amended House Bills returned for concurrence Nos. 840 and 1720.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 320.

An Act making an appropriation to the Pennsylvania Historical and Museum Commission to aid in the maintenance and operation of a shrine to house the replica of the Liberty Bell.

Referred to the Committee on Appropriations.

SENATE BILL No. 440.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Adminsitrative Code of 1929" requiring the Department of Health to develop a program for the study prevention treatment and control of alcoholism narcotic addiction and compulsive gambling providing for the maintenance of a certain institution for said purposes and making an appropriation.

Referred to the Committee on Rules.

SENATE BILL No. 461.

A Joint Resolution proposing an amendment to article four section twenty-one of the Constitution of the Commonwealth of Pennsylvania changing the time at which the Auditor General the State Treasurer and the Secretary of Internal Affairs take office and permitting the Auditor General and State Treasurer to succeed themselves for one additional term.

Referred to the Committee on Judiciary.

SENATE BILL No. 613.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" changing the per pupil unit cost reimbursement for elementary and secondary school construction authorizing reimbursement in the year of acquisition for school building sites purchased in advance of their need and harmonizing provisions related thereto and extending the provisions for reimbursement on preliminary payments on account of approved building construction to include the State Public School Building Authority and Municipal Authorities and abolishing the cost limitations on school building projects for reimbursement purposes.

Referred to the Committee on Education.

SENATE BILL No. 651.

An Act to empower cities of the second class second class A and third class boroughs incorporated towns townships of the first and second class and counties of the third through eighth class individually or jointly to plan their development and to govern the same by zoning subdivision and land development ordinances and other ordinances by official maps by reservation of certain land for future public purpose and by the acquisition of such land providing for the establishment of planning commissions planning departments and zoning hearing boards authorizing them to charge fees make inspections and hold public hearings providing for appropriations appeals to court and penalties for violations and repealing acts and parts of acts.

Referred to the Committee on Appropriations.

SENATE BILL No. 710.

An Act amending the act of October 14, 1959 (P. L. 1314), entitled "An act to regulate and establish the fees to be received by the clerk of oyer and terminer and quarter sessions of the peace and the municipal court of Philadelphia in counties of the first class" providing that the provisions of the act be subject to certain limitations.

Referred to the Committee on Cities—Counties First Class.

SENATE BILL No. 806.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for the establishment and operation of area technical schools departments or classes by the Department of Public Instruction in certain cases.

Referred to the Committtee on Education.

SENATE BILL No. 826.

An Act prohibiting the expression by the judge before the jury or any juror in a criminal proceeding of his belief opinion or thought concerning the guilt or innocence of any defendant in such proceeding.

Referred to the Committee on Judiciary.

SENATE BILL No. 828.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" creating a State Commission on Academic Facilities providing for its membership powers and duties and imposing duties upon the Superintendent of Public Instruction.

Referred to the Committee on Rules.

SENATE BILL No. 855.

An Act amending the act of July 28, 1953 (P. L. 674), entitled "An act to authorize courts to direct fiduciaries to make partial distribution or to pay into the State Treasury without escheat moneys the use benefit enjoyment or control of which would not be available to certain non-resident beneficiaries entitled thereto . . ." redefining fiduciary extending the provisions of the law to transfers by operation of law and sales and assignments thereof.

Referred to the Committee on Judiciary.

SENATE BILL No. 872.

An Act to authorize the Department of Health and County Departments of Health to render home nursing care services and to charge fees therefor.

Referred to the Committee on Rules.

SENATE BILL No. 880.

An Act amending the act of August 16, 1951 (P. L. 1236), entitled "An act authorizing the Supreme Court and the Superior Court to appoint and fix the compensation of reporters of their decisions and assistants and employes and repealing certain acts" removing the limitation on the salary of reporters.

Referred to the Committee on Rules.

SENATE BILL No. 881.

An Act amending the act of April 4, 1925 (P. L. 127), entitled "Adoption Law" clarifying provisions of existing law relating to the filing of foreign adoption records.

Referred to the Committee on Judiciary.

SENATE BILL No. 893.

An Act requiring certain persons in criminal proceedings to appear at preliminary hearings imposing liabilities and prescribing penalties.

Referred to the Committee on Judiciary.

SENATE BILL No. 901.

An Act amending the act of May 13, 1909 (P. L. 520), entitled "Pure Food Law" by providing for the use of sulphur dioxide in certain food items and changing the

labeling requirements relating to artifiical sweetening agents.

Referred to the Committee on Rules.

SENATE BILL No. 905.

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" excepting certain restaurants from the prohibition of granting licenses to places of amusement.

Referred to the Committee on Rules.

SENATE BILL No. 914.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing the awarding of additional scholarships.

Referred to the Committee on Education.

SENATE BILL No. 915.

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes' Retirement Code of 1959" providing retirement credit for sabbatical leaves of absence.

Referred to the Committee on Education.

SENATE BILL No. 916.

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code" authorizing counties to make appropriations and to enter into contracts for improvement of transportation operations and facilities and to accept gifts grants and federal loans in connection therewith.

Referred to the Committee on Rules.

SENATE BILL No. 919.

A Joint Resolution proposing an amendment to article nine section four of the Constitution of the Commonwealth of Pennsylvania providing for and regulating Commonwealth debt for capital improvements and certain other purposes and prohibiting debts and obligations inconsistent therewith.

Referred to the Committee on Judiciary.

SENATE BILL No. 920.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further regulating the election and term of office of school directors when districts are formed into union or merged districts.

Referred to the Committee on Education.

SENATE BILL No. 921.

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" increasing the compensation of certain employes of the Pennsylvania Liquor Control Board.

Referred to the Committee on Rules.

SENATE BILL No. 924.

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" further regulating the issuance of new licenses for airport restaurants.

Referred to the Committee on Rules.

REPORTS FROM COMMITTEE

Mrs. PASHLEY from the Committee on State Government reported as amended, Senate bill No. 666, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," increasing the membership of the Real Estate Commission and prescribing qualifications for the additional member.

Mr. GIBB from the Committee on Law and Order, reported as amended, Senate bill No. 884, entitled:

An Act amending the act of June 1, 1956 (P. L. 1997), entitled "An act relating to comic books, magazines and other publications prohibiting and regulating the sale thereof in certain instances and imposing penalties," defining the word "obscene."

Mr. McCANN from the Committee on Rules, reported as committed, House bill No. 1854, entitled:

An Act amending "The Military Code of 1949," approved May 27, 1949 (P. L. 1903), providing for the extension of the terms of service of enlisted personnel in the Pennsylvania National Guard.

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 354, entitled:

An Act authorizing business corporations engaged in community industrial development whose stock is owned exclusively by a nonprofit corporation to amend their charters to be converted into nonprofit corporations engaged in similar purposes with court approval and prescribing procedure.

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 413, entitled:

An Act amending the act of August 24, 1951 (P. L. 1304), entitled as amended "Local Health Administration Law," changing the number of signatures required on a petition to dissolve or withdraw from certain departments of health changing the time for circulating petitions in certain cases and changing the form of the question to be submitted to electors.

Mrs. ANDERSON from the Committee on Welfare, reported as committed, Senate bill No. 498, entitled:

An Act amending the act of June 24, 1937 (P. L. 2051), entitled "Public Assistance Law," changing the definition of dependent children for assistance purposes with limitations.

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 574, entitled:

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code," increasing the portion of the fee received from learners' permits appropriated to the Department of Public Instruction for carrying out a standardized program of teaching safe driving of motor vehicles.

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 869, entitled:

An Act amending the act of October 2, 1959 (P. L. 1251), entitled "An act relating to officers and employes of the General Assembly fixing the number qualifications compensation mileage and duties of the officers and employes of the Senate and of the House of Representatives . . ." further providing that one postmaster shall be employed on an annual basis and providing for the appointment of stenographers by the President pro tempore of the Senate.

Mr. GAILEY from the Committee on Cities—Third Class, reported as committed, Senate bill No. 876, entitled:

The Act amending the act of July 15, 1957 (P. L. 901), entitled "Optional Third Class City Charter Law" to permit cities adopting an optional charter plan under said act to provide for the hearing of appeals from assessments and the revision thereof by an administrative procedure.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1854, entitled:

An Act amending "The Military Code of 1949," approved May 27, 1949 (P. L. 1903), providing for the extension of the terms of service of enlisted personnel in the Pennsylvania National Guard.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 354, entitled:

An Act authorizing business corporations engaged in community industrial development whose stock is owned exclusively by a nonprofit corporation to amend their charters to be converted into nonprofit corporations engaged in similar purposes with court approval and prescribing procedure.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 413, entitled:

An Act amending the act of August 24, 1951 (P. L. 1304), entitled as amended "Local Health Administration Law," changing the number of signatures required on a petition to dissolve or withdraw from certain departments of health changing the time for circulating petitions in certain cases and changing the form of the question to be submitted to electors.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 498, entitled:

An Act amending the act of June 24, 1937 (P. L. 2051), entiteld "Public Assistance Law," changing the definition of dependent children for assistance purposes with limitations.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 574, entitled:

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code," increasing the portion of fee received from learners' permits appropriated to the Department of Public Instruction for carrying out a standardized program of teaching safe driving of motor vehicles.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 869, entitled:

An Act amending the act of October 2, 1959 (P. L. 1251), entitled "An act relating to officers and employes of the General Assembly fixing the number qualifications compensation mileage and duties of the officers and employes of the Senate and of the House of Representatives . . ." further providing that one postmaster shall be employed on an annual basis and providing for the appointment of stenographers by the President pro tempore of the Senate.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 876, entitled:

An Act amending the act of July 15, 1957 (P. L. 901), entitled "Optional Third Class City Charter Law," to permit cities adopting an optional charter plan under said act to provide for the hearing of appeals from assessments and the revision by an administrative procedure.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 298.

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177), changing membership of the State Board of Medical Education and Licensure.

HOUSE BILL No. 301.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), providing for separate computation of tuition for junior high school tuition pupils and senior high school tuition pupils at ths request of the receiving district.

With the information that the Senate has passed the same without amendment.

ADJOURNMENT

Mr. DENNISON. Mr. Speaker, I move that this House do now adjourn until Tuesday, August 29, 1961, at 11 a. m., e. s. t.

The motion was agreed to, and (at 12 m., e. s. t.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

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SENATE

TUESDAY, AUGUST 29, 1961

The Senate met at 11:00 a. m., Eastern Standard Time.

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

PRAYER

The Chaplain, Rev. JACK P. WISE, Assistant Pastor of Market Square Presbyterian Church, Harrisburg, offered the following prayer:

Let us pray.

Eternal God, Thou Who art the King of Kings and the Lord of Lords, we praise Thee this day that Thou art concerned about each of us and that Thou art a personal God who cares. Thou art interested in what happens to us and what we do. For this, we give Thee thanks.

But, our God, we confess that right at this moment we are not too anxious to think about Thee. Forgive us our haste to get to our business.

May we each pause for a moment in the light of Thy presence. May we draw from Thee the spiritual and moral strength we need if we are to do our job in the best way. May we then step forth to serve Thee and our people with vigor and conviction. May we find that we have sought Thy guidance before we have acted rather than asked Thy blessing upon the things we have already done.

We pray in the Savior's name. Amen.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WEINER and Mr. LANE, further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives being introduced, informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 775.**

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO **HB 775**

Mr. WEINER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 775, and that a Committee of Conference on the part of the Senate be appointed.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 781.**

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO HB **781**

Mr. WEINER. Mr. President, I move that the Senate do insist upon its amendments to House bill No. 781, and that a Committee of Conference on the part of the Senate be appointed.

Mr. SILVERT. Mr. President, I second the motion.

The motion was agreed to.

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 785.**

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO **HB 785**

Mr. WEINER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 785, and that a Committee of Conference on the part of the Senate be appointed.

Mr. SILVERT. Mr. President, I second the motion.

The motion was agreed to.

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 787.**

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO **HB 787**

Mr. WEINER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 787, and that a Committee of Conference on the part of the Senate be appointed.

Mr. SILVERT. Mr. President, I second the motion.

The motion was agreed to.

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 795.**

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO **HB 795**

Mr. WEINER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 795, and that a Committee of Conference on the part of the Senate be appointed.

Mr. SILVERT. Mr. President, I second the motion.

The motion was agreed to.

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 1564** and **1709.**

REPORTS FROM COMMITTEES

Mr. SILVERT, from the Committee on Law and Order, reported, as committed, **SB 907** and **HB 1048.**

Mr. MURRAY, from the Committee on State Government, reported, as committed, **HB 56** and **1080.**

Mr. KALMAN, from the Committee on Insurance, reported, as committed, **HB 1597.**

Mr. McCREESH, from the the Committee on Military Affairs and Aeronautics, reported, as committed, **SB 890.**

PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, I am about to offer a very important resolution. All resolutions are important, but this one is very interesting and timely.

The resolution deals with the demands made in my Senatorial District by numerous physicians who, time and and again, came to me in delegations, asking for opportunities to pursue the postgraduate study of medicine. As you know, my Fifth Senatorial District is the backyard of the great Temple University. The Medical School of Temple University is one of the outstanding schools in the Nation. The physicians in my District clamor for a night school in order for them to be able to come, after a day's work, and proceed with graduate work at night in order to keep abreast of new developments.

Mr. President, this resolution directs the Joint State Government Commission to study, before January of 1962, the feasibility of establishing a night school for the graduate study of medicine, under the aegis of Temple University.

I now offer this resolution on behalf of Senator Chapman and myself, and request its immediate adoption.

SENATE RESOLUTION

REQUESTING THE JOINT STATE GOVERNMENT COMMISSION TO UNDERTAKE A STUDY OF FEASIBILITY OF A NIGHT SCHOOL FOR GRADUATE STUDY OF MEDICINE AT TEMPLE UNIVERSITY.

Messrs. STIEFEL and CHAPMAN offered the following resolution **(Serial No. 5a),** which was read as follows:

In the Senate, August 29, 1961.

The science of medicine offers today to its researchers and students unlimited horizons and endless challenges. Thus, students of medicine who complete their undergraduate studies today may find themselves within a year or two far behind the spectacular advancement of medical research and the resultant cures for diseases that only yesterday were baffling scourges of humanity.

It is self-evident that many physicians, who want to keep abreast of the progress of medicine, must pursue graduate studies during the hours of their leisure, if they so desire. Such graduate studies can be pursued only during the evening hours, after the office hours of a physician are ended.

In the Fifth Senatorial District, which embraces the north-central part of Philadelphia, numerous physicians have been clamoring during the recent years for an opportunity to pursue graduate work in medicine at night.

It is indeed symbolic that Temple University, which lies in the very heart of north-central Philadelphia, should figure prominently in the physicians' request for opportunities to pursue postgraduate studies in medicine at night, for was it not the immortal Russell Conwell who built the great Temple University on "Acres of Diamonds" by initiating higher education for the "toiling and moiling" during their hours of leisure at night time.

The School of Medicine of Temple University, by mobilizing its facilities and recruiting members of its faculty, among whom we are fortunate to list some of the outstanding luminaries of medicine in the world, could indeed establish, with the aid of the Commonwealth of Pennsylvania, a Night School for Graduate Study in Medicine, thereby serving the needs of the physicians in north-central Philadelphia for postgraduate work in medicine. Such a project, if implemented, would not only be a pioneering undertaking in America but would also serve as an example for emulation by other Schools of Medicine throughout the Nation generally and in Philadelphia in particular.

Be It Therefore Resolved, That the Joint State Government Commission undertake an immediate study of the feasibility of such a Night School for Graduate Study of Medicine under the aegis of Temple University, with an express directive that the report of such a study be submitted to the Regular Session of the General Assembly in January of 1962.

The Senate of the General Assembly of Pennsylvania further appeals to the President of Temple University, the Dean of its School of Medicine, and the faculty thereof to cooperate in the aforesaid study by the Joint State Government Commission.

And Be It Further Resolved, That the Secretary of the Senate forward copies of this resolution, upon its enactment, to Dr. Millard E. Gladfelter, President of Temple University, and to Dr. Robert Bucher, Dean of the School of Medicine of Temple University.

Mr. STIEFEL asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

The resolution was adopted.

RECESS

Mr. WEINER. Mr. President, I request a one hour recess of the Senate for the purpose of holding a Democratic Caucus and a Republican Caucus, to be held in the respective Caucus Rooms.

The PRESIDING OFFICER. Are there any objections? Hearing no objection, the Chair declares a one hour recess of the Senate.

AFTER RECESS

The PRESIDENT (Lieutenant Governor John Morgan Davis) in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

CALENDAR

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SB 96 (Pr. No. 1224)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 96.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Stalsey,
Berger,	Kalman,	Murray,	Stevenson,
Camiel,	Keller,	Pechan,	Stiefel,
Chapman,	Kessler,	Propert,	Stroup,
Confair,	Kromer,	Ripp,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 867 (Pr. No. 1241)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 867.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. KESSLER. Mr. President, I object to this motion for concurrence and I would like to offer amendments to the amendments placed by the House in Senate Bill No. 867.

Mr. SEYLER. Mr. President, may we be at ease a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Mr. KESSLER. Mr. President, I offer the following amendments to Senate Bill No. 867.

The PRESIDENT. The Clerk will read the amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 3 (Sec. 283), page 5, line 9, by inserting after "class": third, fourth, fifth, sixth
Amend Sec. 3 (Sec. 283), page 6, line 3, by inserting after "THE": third, fourth, fifth, sixth

On the question,

Will the Senate agree to the amendments?

Mr. SEYLER. Mr. President, I just would like to call to the attention of the Members that the effect of these amendments, as I see it, would be to totally eliminate any effect which this bill might have on more adequate redistricting. This would strike out, in addition to the seventh and eighth class counties, the third, fourth, fifth and sixth class counties. This would mean that most of the school districts and most of the schoolchildren in the Commonwealth would be included in the districts which are to be exempted from the bill.

Therefore, Mr. President, these amendments, in my opinion, would destroy any utility that the bill might have in improving the district organization in Pennsylvania.

Mr. WEINER. Mr. President, it appears to me that it is rather late in the day to add additional amendments, thereby further weakening or tearing down the purport of this reorganization.

I think if basically we agree on the philosophy of school reorganization, we should go through with it. The further watering down of this type of measure would only leave us where we now are. I think that is to be abhorred. We have found it to be bad. The Governor's Committee has studied this and found it to be bad. I think we should do something about it and today is as good a day as any, without any further watering down or tearing down of what we are trying to do.

And the question recurring,

Will the Senate agree to the amendments?

The yeas and nays were required by Mr. EHRGOOD and were as follows, viz:

YEAS—23

Bell,	Fleming,	Mallery,	Taylor,
Berger,	Hawbaker,	Pechan,	Van Sant,
Chapman,	Keller,	Propert,	Wade,
Confair,	Kessler,	Scott,	Ware, III,
Ehrgood,	Kromer,	Stevenson,	Wolfe,
Flack,	Madigan,	Stroup,	

NAYS—27

Camiel,	Lane,	Murray,	Silvert,
Devlin,	Mahady,	Ripp,	Stalsey,
DiSilvestro,	McCreesh,	Rooney,	Stiefel,
Donolow,	McGinnis,	Sarraf,	Wagner,
Haluska,	McMenamin,	Sesler,	Weiner,
Hays,	Miller,	Seyler,	Yatron,
Kalman,	Mullin,	Shafer,	

So the question was determined in the negative, and the amendments were defeated.

And the question recurring,

Will the Senate agree to the motion?

Mr. STROUP. Mr. President, I also desire to offer amendments to Senate Bill No. 867 at this time.

The PRESIDENT. The Clerk will read the amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 3 (Sec. 283), page 5, line 9, by inserting after "class": sixth
Amend Sec. 3 (Sec. 283), page 6, line 3 by inserting after "THE": sixth

On the question,

Will the Senate agree to the amendments?

Mr. STROUP. Mr. President, these amendments would except the sixth class counties from the 2,500 district limitation. This would enable the sixth class counties to be considered under the reorganization plan, so that those particular districts which might have a pupil population of less than 2,500 could do so without considerable interference with topographic and transportation problems, which seem to be causing so much difficulty in those counties.

Mr. President, I ask my colleagues to give serious consideration to these amendments because I think they are ones which would be quite acceptable to many of our rural areas.

Mr. President, I also ask for a roll call on these amendments.

Mr. SEYLER. Mr. President, I would merely like to say that these amendments too, would exempt the sixth class

counties from the purview of the bill. To that extent, they again would defeat the purposes for which the bill is intended.

Therefore, Mr. President, I would ask my colleagues to vote "no."

Mr. STROUP. Mr. President, in reply to Senator Seyler, these amendments would not defeat the purpose of reorganization whatsoever. They would, with a little more care, help to implement the purposes of reorganiaztion. They would give consideration to certain rural topographical and transportation problems and would permit reorganization for districts which might have less than 2,500 pupils.

Therefore, I think these amendments do not defeat the purpose of reorganization. We still have reorganization as an integrated part of the legislation, which is the philosophy and theory of the whole reorganization program. However, with the sixth, seventh and eighth class counties excepted, we have a better plan of reorganization and I am sure it will be better for the entire Commonwealth.

Again, Mr. President, I, therefore, ask my colleagues to give serious consideration to these particular amendments.

And the question recurring,

Will the Senate agree to the amendments?

The PRESIDENT. A roll call having been requested, the Clerk will call the roll.

The yeas and nays were required by Mr. STROUP and were as follows, viz:

YEAS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

NAYS—25

Camiel,	Lane,	Mullin,	Seyler,
Devlin,	Mahady,	Murray,	Silvert,
DiSilvestro,	McCreesh,	Ripp,	Staisey,
Donolow,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,			

Less than a majority of the Senators having voted "aye," the question was determined in the negative and the amendments were defeated.

And the question recurring,

Will the Senate agree to the motion?

(During the calling of the roll, the following occurred:)

Mr. BERGER. Mr. President, may we be at ease a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Mr. SILVERT. Mr. President, I wish to know how I am recorded as voting.

The PRESIDENT. The gentleman is recorded as voting "aye."

Mr. VAN SANT. Mr. President, being preoccupied durthe roll call, I desire to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

Mr. BERGER. Mr. President, I also desire to change my vote from "aye" to "no."

The PRESIDENT. The gentleman from Potter will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Camiel,	Lane,	Murray,	Shafer,
Devlin,	Mahady,	Ripp,	Silvert,
DiSilvestro,	McCreesh,	Rooney,	Staisey,
Donolow,	McGinnis,	Sarraf,	Stiefel,
Haluska,	McMenamin,	Sesler,	Wagner,
Hays,	Miller,	Seyler,	Weiner,
Kalman,	Mullin,		

NAYS—24

Bell,	Fleming,	Mallery,	Taylor,
Berger,	Hawbaker,	Pechan,	Van Sant,
Chapman,	Keller,	Propert,	Wade,
Confair,	Kessler,	Scott,	Ware, III,
Ehrgood,	Kromer,	Stevenson,	Wolfe,
Flack,	Madigan,	Stroup,	Yatron,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE

SB 312 (Pr. No. 1254)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 312, entitled:

An Act amending the act of July 24, 1913 (P. L. 965) entitled "Commodities Weight and Measure Law" requiring additional markings on certain packages.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Staisey,
Berger,	Kalman,	Murray,	Stevenson,
Camiel,	Keller,	Pechan,	Stiefel,
Chapman,	Kessler,	Propert,	Stroup,
Confair,	Kromer,	Ripp,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

GUEST OF SENATOR WILLIAM G. SESLER PRESENTED TO SENATE

Mr. SESLER. Mr. President, I would like to introduce to the Members of the Senate a very distinguished guest.

Sitting in the front of the Senate is Mr. Charles J. Heimberger. He is President of the First National Bank of Erie, Pennsylvania. He is well-known throughout the northwestern area of the Commonwealth as a man who is greatly interested in philanthropic and civic activities.

It would be my pleasure if the Chair, at this time, would introduce Mr. Heimberger to the Senate.

The PRESIDENT. Would Mr. Heimberger please rise?

The Senate is very happy to greet the distinguished gentleman from the northern section of Pennsylvania. We are very happy to have you with us.

BIRTHDAY FELICITATIONS EXTENDED TO SENATOR JOHN H. WARE AND CHIEF CLERK OF THE SENATE, DENNIS J. MULVIHILL

Mr. PECHAN. Mr. President, at this time, I would like to bring to the attention of the Members of the Senate the birthdays of two very fine gentlemen; namely, the freshman Senator from Chester, Senator John H. Ware, and the Chief Clerk of the Senate, Mr. Mulvihill.

Senator Ware is enjoying his birthday today. However, I do not know how old he is. He is almost as bald as I am, but he told me he is only thirty-nine years old.

Also, seated at the desk in the front of the Senate Chamber is another person who is enjoying his birthday today—Mr. John Mulvihill.

The PRESIDENT. You have changed his name, but we will—

Mr. PECHAN. What is his first name?

The PRESIDENT. His first name is Dennis.

Mr. PECHAN. Oh, "Dennis the Menace"; that's right.

However, Mr. President, on behalf of my colleagues, I would like to extend to both of these gentlemen a very happy birthday. As two freshmen, we have taken to them as though they both have been here as long as I have. Some people on the other side of the aisle think I have been here too long.

The PRESIDENT. Thank you, Senator Pechan.

Mr. VAN SANT. Mr. President, so that the record might show there is no neglect, we have prepared a surprise resolution for Senator Ware. However, it will no longer come as a surprise.

The PRESIDENT. Thank you, Senator Van Sant. I am sure it will be very acceptable.

Mr. LANE. Mr. President, you can readily see that the Minority Whip generally louses up the situation.

The PRESIDENT. I am sure the Majority side also fits into the picture.

We are certainly happy to have these two gentlemen celebrate their birthdays with us. We are glad that they could spare the time in order to spend their birthdays with us.

FINAL PASSAGE CALENDAR

BILL ON FINAL PASSAGE DEFEATED

SB 801 (Pr. No. 979)—On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Bell,	Fleming,	Mallery,	Taylor,
Berger,	Hawbaker,	Pechan,	Van Sant,
Chapman,	Keller,	Propert,	Wade,
Confair,	Kessler,	Scott,	Wagner,
Ehrgood,	Kromer,	Shafer,	Ware, III,
Flack,	Madigan,	Stevenson,	Wolfe,

NAYS—26

Camiel,	Lane,	Murray,	Silvert,
Devlin,	Mahady,	Ripp,	Staisey,
DiSilvestro,	McCreesh,	Rooney,	Stiefel,
Donolow,	McGinnis,	Sarraf,	Stroup,
Haluska,	McMenamin,	Sesler,	Weiner,
Hays,	Miller,	Seyler,	Yatron,
Kalman,	Mullin,		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

THIRD READING CALENDAR

EDUCATION BILLS RECOMMITTED

SB 640 (Pr. No. 1256), SB 646 (Pr. No. 746) and **SB 658 (Pr. No. 760)**—Upon motion of Mr. WEINER, seconded by Mr. LANE, and agreed to, the bills were recommitted to the Committee on Education.

EDUCATION BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

SB 690 (Pr. No. 1243)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SEYLER. Mr. President, this bill was a companion bill to Senate Bill No. 688. However, the purpose of Senate Bill No. 688 was to create additional members on the State Council of Education and also to provide for a subcommittee on higher education.

Since Senate Bill No. 688 failed of passage, then one presumes that the result will be that the State Council of Education will be constituted as it is at present.

However, Mr. President, Senate Bill No. 690 is an appropriate bill, whether the Council is changed in its form and size or whether it remains in its present form. The purpose of Senate Bill No. 690 is to make the State Council of Education more effective by limiting its function to policy-making rather than having it carry on the many time- consuming administrative tasks which, from time to time, perhaps through inadvertence or perhaps for other reasons, have been given to it. In other words, if Senate Bill No. 690 were passed, the present Council would still be in effect. However, it would be relieved of many functions which are not proper to a policy-making body. On the other hand, it would be given policy-making functions, some of which are now found in the Department of Public Instruction and which more properly belong in the State Council of Education.

Therefore, Mr. President, I would like to call to the attention of the Members of the Senate that regardless of the fate of Senate Bill No. 688, and regardless of the fact that we are apparently desirous of continuing with the present form of the State Council of Education, this bill is appropriate and would improve the situation of the State Council of Education and make it more likely to be an effective agency for policy-making in the educational affairs of the Commonwealth.

Therefore, Mr. President, I would urge my colleagues to vote for this bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—23

Camiel,	Lane,	Murray,	Silvert,
DiSilvestro,	Mahady,	Ripp,	Staisey,
Donolow,	McCreesh,	Rooney,	Stiefel,
Haluska,	McGinnis,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	

NAYS—27

Bell,	Fleming,	McMenamin,	Taylor,
Berger,	Hawbaker,	Pechan,	Van Sant,
Chapman,	Keller,	Propert,	Wade,
Confair,	Kessler,	Scott,	Wagner,
Devlin,	Kromer,	Shafer,	Ware, III,
Ehrgood,	Madigan,	Stevenson,	Wolfe,
Flack,	Mallery,	Stroup,	

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

EDUCATION BILL OVER IN ORDER TEMPORARILY

SB 769—Without objection, the bill was passed over in its order temporarily at the request of Mr. WEINER.

EDUCATION BILLS ON THIRD READING AND FINAL PASSAGE

SB 814 (Pr. No. 1259)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bell,	Hawbaker,	Mullin,	Stevenson,
Berger,	Hays,	Murray,	Stiefel,
Camiel,	Kalman,	Pechan,	Stroup,
Chapman,	Keller,	Ripp,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	Miller,	Staisey,	

NAYS—3

Kessler,	McMenamin,	Propert,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 815 (Pr. No. 1260)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bell,	Hawbaker,	Mullin,	Stevenson,
Berger,	Hays,	Murray,	Stiefel,
Camiel,	Kalman,	Pechan,	Stroup,
Chapman,	Keller,	Ripp,	Taylor,
Confair,	Kromer,	Rooney,	Van Sant,
Devlin,	Lane,	Sarraf,	Wade,
DiSilvestro,	Madigan,	Scott,	Wagner,
Donolow,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yatron,
Haluska,	Miller,	Staisey,	

NAYS—3

Kessler,	McMenamin,	Propert,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

EDUCATION BILLS OVER IN ORDER

SB 819 and **820**—Without objection, the bills were passed over in their order at the request of Mr. BERGER.

EDUCATION BILLS ON THIRD READING AND FINAL PASSAGE

SB 934 (Pr. No. 1262)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Mullin,	Staisey,
Berger,	Kalman,	Murray,	Stevenson,
Camiel,	Keller,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wade,
Donolow,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,			

NAYS—1

Kessler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 216 (Pr. No. 2702)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—23

Camiel,	Lane,	Murray,	Silvert,
Devlin,	Mahady,	Ripp,	Staisey,
DiSilvestro,	McCreesh,	Rooney,	Stiefel,
Donolow,	McGinnis,	Sarraf,	Weiner,
Haluska,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	

NAYS—27

Bell,	Hawbaker,	McMenamin,	Taylor,
Berger,	Hays,	Pechan,	Van Sant,
Chapman,	Keller,	Propert,	Wade,
Confair,	Kessler,	Scott,	Wagner,
Ehrgood,	Kromer,	Shafer,	Ware, III,
Flack,	Madigan,	Stevenson,	Wolfe,
Fleming,	Mallery,	Stroup,	

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILL OVER IN ORDER

SB 418—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILLS ON THIRD READING AND FINAL PASSAGE

SB 619 (Pr. No. 1257)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Staisey,
Berger,	Kalman,	Murray,	Stevenson,
Camiel,	Keller,	Pechan,	Stiefel,
Chapman,	Kessler,	Propert,	Stroup,
Confair,	Kromer,	Ripp,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 758 (Pr. No. 1251)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred):

Mr. LANE. Mr. President, may we be at ease a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Berger,	Hays,	Mullin,	Staisey,
Camiel,	Kalman,	Murray,	Stevenson,
Confair,	Keller,	Pechan,	Stiefel,
Devlin,	Lane,	Ripp,	Stroup,
DiSilvestro,	Mahady,	Rooney,	Wade,
Donolow,	Mallery,	Sarraf,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Wolfe,
Hawbaker,	Miller,	Silvert,	Yatron,

NAYS—10

Bell,	Kessler,	Propert,	Taylor,
Chapman,	Kromer,	Scott,	Van Sant,
Ehrgood,	Madigan,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

REASONS FOR VOTE

Mr. EHRGOOD. Mr. President, I missed my turn in speaking against Senate Bill No. 758. I would like to explain, for the record, the fact that I voted "no" on this bill because I think it is very bad legislation.

Even though the Supreme Court of the United States did not seem to agree with my position in 1959 on the Sunday Sales Bill, I still maintain that the only way this legislation could be made any good would be by deleting the words "meats, produce and groceries," as well as the word "Sunday." Otherwise, it would have been a fine bill.

BILLS ON THIRD READING AND FINAL PASSAGE

SB 787 (Pr. No. 943)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	Hawbaker,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Ripp,	Van Sant,
DiSilvestro,	Madigan,	Rooney,	Wade,
Donolow,	Mahady,	Sarraf,	Wagner,
Ehrgood,	Mallery,	Scott,	Ware, III,
Flack,	McCreesh,	Sesler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,

NAYS—2

Hays,	Seyler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 910 (Pr. No. 1204)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Hays,	Mullin,	Staisey,
Berger,	Kalman,	Murray,	Stevenson,
Camiel,	Keller,	Pechan,	Stiefel,
Chapman,	Kessler,	Propert,	Stroup,
Confair,	Kromer,	Ripp,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING AMENDED

HB 911 (Pr. No. 2672)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. BELL, by unanimous consent, offered the following amendments:

Amend Sec. 3, page 6, lines 3 and 4 by striking out "NONPROFIT."
Amend Sec. 3, page 6, line 4 by inserting after "HOME": whether profit or non-profit

On the question,
Will the Senate agree to the amendments?

Mr. BELL. Mr. President, the amendments I have offered are very simple amendments. The bill, as it is presently written, excludes from the minimum wage law nonprofit nursing homes. These amendments would extend this exclusion to all nursing homes.

I have looked into this matter and I find that a great majority of those people who work in nursing homes are older citizens and people who are on Social Security. If these people, by our legislation, have their wages increased, it means one of two things for the profit-making nursing homes. They are either going to have to cut down on some of their other services, such as food or medical care, or they are going to have to raise their rates. Presently, in Pennsylvania, the nursing home charges are high enough as they are. This is not because of the fact that there is a great profit from these nursing homes, but it is because of the services rendered.

I believe if we do not exclude all nursing homes from this bill, we are going to penalize the older citizens who eventually will utilize the nursing homes.

Mr. WEINER. Mr. President, this kind of reasoning is the kind which is usually offered when we are trying to hurt or emasculate a bill further than this one has already been hurt.

I believe people who work in nursing homes, and give of their time, effort and energy in this field, should be compensated the same as everybody else. All this is doing is setting a floor. The way it operates, in most cases, it is a ceiling. If these people who work in these areas are not compensated along the same basis, I think you are going to limit the number of people who are going to be interested or willing to do this kind of work. You will not obtain the services of the kind of people who should be doing this type of work and should be dedicating themselves to this task.

Therefore, Mr. President, I ask my colleagues to vote "no" on these amendments.

Mr. BELL. Mr. President, I am very sorry that the Majority Leader got a little personal by charging that I was emasculating this bill. Gentlemen, this bill has already been emasculated. According to the newspaper accounts, this bill applies to only 35,000 workers in Pennsylvania. I do not know how many people there are in the labor force of Pennsylvania. I would assume there are somewhere around 3,500,000 or 4,000,000. This so-called minimum wage bill applies to less than one per cent of the labor force of Pennsylvania. For people to go around and call this a minimum wage bill, I think is a misstatement of fact. That is a polite word for it.

Mr. LANE. Mr. President, if we continue to accept amendments, we are going to end up with nothing more than the title of this bill. I agree that we have accepted a lot of amendments. However, with reference to these amendments, I feel that those people who work in nursing homes have the right to secure a wage by which they can live decently. They are entitled to that.

Therefore, Mr. President, I feel we should reject any more amendments to this particular piece of legislation. Senate Bill No. 911 was reported out of committee some time ago and then recommitted. Then, there was a subcommittee reviewing the problems with reference to excluding certain groups from the bill. I think we have gone too far. I believe we must pass this bill in its present form.

And the question recurring,
Will the Senate agree to the amendments?

Mr. BELL. Mr. President, I request a roll call vote on the amendments.

The PRESIDENT. A roll call being requested, the Clerk will call the roll.

(During the calling of the roll, the following occurred:)

Mr. WADE. Mr. President, not hearing by name called, I desire to be recorded as voting "aye."

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were required by Mr. BELL and were as follows, viz:

YEAS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

NAYS—25

Camiel,	Lane,	Mullin,	Seyler,
Devlin,	Mahady,	Murray,	Silvert,
DiSilvestro,	McCreesh,	Ripp,	Staisey,
Donolow,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,			

Less than a majority of the Senators having voted "aye," the question was determined in the negative and the amendments were defeated.

And the question recurring,
Will the Senate agree to the bill on third reading?

Messrs. WARE, STROUP and HAWBAKER offered the following amendment:

Amend Sec. 3, page 6, by inserting between lines 8 and 9: (6) Employed in any industry presently covered by a minimum wage order or covered by a contract resulting from a collective bargaining agreement

On the question,
Will the Senate agree to the amendment?

The PRESIDENT. The Clerk will call the roll.

Mr. WEINER. Mr. President, I have heard no request for a roll call. I believe the vote can be taken by a voice vote.

Mr. BERGER. Mr. President, I request a roll call.

Mr. HAWBAKER. Mr. President, I will be happy to request a roll call, also.

The PRESIDENT. The Clerk will now call the roll.

Mr. WEINER. Mr. President, before the roll call is taken, I desire to interrogate the gentleman from Chester, Senator Ware.

The PRESIDENT. Will the gentleman from Chester, Mr. Ware, permit himself to be interrogated?

Mr. WARE. I will, Mr. President.

Mr. WEINER. Mr. President, will the gentleman please advise us why we need this amendment?

Mr. WARE. Mr. President, it would improve the bill to

the extent that it would exclude those people who are, indeed, already covered.

Mr. WEINER. Mr. President, is the gentleman concerned that the people who come under this measure would receive less or would they receive more under the present bill as compared to their collective bargaining agreements or contracts?

Mr. WARE. I am sorry, Mr. President. Would the gentleman please repeat that question?

Mr. WEINER. Mr. President, if we were to insert the gentleman's amendment in this bill, would it help the people or hurt them?

Mr. WARE. My intention with this amendment is that it would help the people, Mr. President. Obviously, those people who are covered under a labor contract and are satisfied with the terms of the labor contract would prefer not to have their position altered by this legislation.

Mr. WEINER. Mr. President, would the gentleman further advise us whether this would mean more to the man who works for a living or would it mean less to him, if this amendment were adopted?

Mr. WARE. If the amendment is adopted, I would not see how it would change his or her status, if they are covered by a labor contract.

Mr. WEINER. Mr. President, I want to thank the gentleman.

I would like to point out, however, that I believe if this amendment were inserted in the bill, this certainly would not be for the benefit of the people who work for a living and who we are trying to help by this measure.

Therefore, Mr. President, I ask my colleagues to vote "no" on this amendment.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Messrs. BERGER and HAWBAKER and were as follows, viz:

YEAS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

NAYS—25

Camiel,	Lane,	Mullin,	Seyler,
Devlin,	Mahady,	Murray,	Silvert,
DiSilvestro,	McCreesh,	Ripp,	Stalsey,
Donolow,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,			

Less than a majority of the Senators having voted "aye," the question was determined in the negative and the amendment was defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. HAWBAKER. Mr. President, I request unanimous consent of the Senate to now offer amendments to House Bill No. 911.

The PRESIDENT. Hearing no objection, the Clerk will read the amendments.

The amendments were read by the Clerk as follows:

Amend Title, page 1, by striking out "A SUPPLEMENT" and inserting: AN ACT

Amend Title, page 1, first to last lines of Title; page 2, first to third lines of Title, by striking out all of first to last line of Title, page 1; all of first and second lines and "providing penalties" concerning" in third line, page 2 and inserting; Concerning

Amend Title, page 2, fourth to sixth lines of Title, by striking out "providing" in fourth line, anll of fifth line and "wages" in sixth line.

Amend Title, page 2, last line of Title, by striking out "and" where it appears the second time.

Amend Title, page 2, last line of Title, by inserting after "penalties": and repealing certain acts

Amend Sec. 3, page 3, lines 15 and 16 by striking out both of said lines.

Amend Sec. 3, page 3, line 17, by striking out "(4)" and inserting: (3)

Amend Sec. 3, page 3, line 18, by striking out "(5)" and inserting: (4)

Amend Sec. 3, page 4, line 3, by striking out "(6." and inserting: (5)

Amend Sec. 3, page 6, line 3, by inserting after "HOME": or a religious or charitable organization.

Amend Sec. 3, page 6, line 15, by striking out "by regulations of the secretary".

Amend Sec. 3, page 4, line 15, by striking out "6" and inserting: 5 of this act.

Amend Sec. 3, page 6, lines 16 and 17, by striking out both of said lines.

Amend Sec. 3, page 6, line 18, by striking out "(11)" and inserting: (10)

Amend Sec. 4, page 8, line 13, by striking out "orders of the department" and inserting: provisions of this act

Amend Sec. 5, page 9, lines 10 to 18, by striking out "provided that" in line 10 and all of lines 11 to 18.

Amend Sec. 5, page 10, lines 2 and 3, by striking out "except as provided in subsection (b) of section 17 of this act".

Amend Sec. 5, page 10, lines 6 and 7, by striking out "except as provided in subsection (b) of section 17 of this act".

Amend Sec. 5, page 10, lines 10 to 14, by striking out all of said lines.

Amend Sec. 5, page 10, line 15, by striking out "(e)" and inserting: (d)

Amend Sec. 5, page 10, line 19; page 11, lines 1 and 2, by striking out all of said lines.

Amend Sec. 6, page 11, lines 3 to 20; page 12, lines 1 to 18 by striking out all of said lines.

Amend Sec. 7, page 12, lines 19 and 20; page 13, lines 1 to 11 by striking out all of said lines.

Amend Sec. 8, page 13, lines 12 to 20; page 14, lines 1 to 19; page 15, lines 1 to 20; page 16, lines 1 to 9, by striking out all of said lines.

Amend Sec. 9, page 16, lines 10 to 19; page 17, lines 1 to 18; page 18, lines 1 and 2, by striking out all of said lines.

Amend Sec. 10, page 18, line 3, by striking out "10" and inserting; 6

Amend Sec. 11, page 18, line 10, by striking out "11" and inserting: 7

Amend Sec. 11, page 18, line 12, by striking out "and order" and inserting: this act

Amend Sec. 11, page 18, line 15, by striking out "such order" and inserting: this act

Amend Sec. 11, page 19, line 7, by striking out "article" and inserting: section

Amend Sec. 11, page 19, line 9, by striking out "15" and inserting: 10

Amend Sec. 12, page 19, lines 11 to 19; page 20, lines 1 to 18 by striking out all of said lines.

Amend Sec. 13, page 20, line 19, by striking out "13" and inserting: 8

Amend Sec. 14, page 22, line 3, by striking out "14" and inserting: 9

Amend Sec. 15, page 22, line 17, by sriking out "15" and inserting: 10

Amend Sec. 15, page 22, line 20; page 23, line

1, by striking out "has served or is about to serve on a" in line 20, page 22 and "wage board or" in line 1, page 23.

Amend Sec. 15, page 23, lines 1 and 2, by striking out "before any wage board or".

Amend Sec. 15, page 23, line 2, by striking out "other".

Amend Sec. 15, page 23, lines 3 and 4, by striking out "serve on any wage board or may".

Amend Sec. 15, page 23, line 4, by striking out "before any wage board or".

Amend Sec. 15, page 23, line 13, by striking out "or under any minimum wage order".

Amend Sec. 15, page 23, line 19, by striking out "or under a minimum wage order".

Amend Sec. 16, page 24, line 14, by striking out "16" and inserting: 11

Amend Sec. 16, page 24, lines 16 and 17, by striking out all of line 16 and "virtue of a minimum wage order" in line 17.

Amend Sec. 17, page 25, lines 9 to 18; page 26, lines 1 to 10, by striking out all of said lines.

Amend Sec. 18, page 26, line 11, by striking out "18" and inserting: 12

Amend Bill, page 26, by inserting between lines 14 and 15:

Section 13 Repealer—The act of May 27 1937 (P L 917) entitled "An act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and of the Department of Labor and Industry imposing duties on employers providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders exempting certain persons from the provisions of this act and providing penalties" is repealed

Amend Sec. 19, page 26, line 15, by striking out "19" and inserting: 14

On the question,

Will the Senate agree to the amendments?

Mr. HAWBAKER. Mr. President, I would like to speak on these amendments, and I will try to be as brief as possible. However, in view of the fact that these amendments are rather extensive, it may be a few minutes.

This bill has been widely publicized as being a minimum wage bill, and it is generally accepted that this is a bill that would guarantee all of the workers of this State, except those which have been amended out of the bill, a minimum wage of one dollar an hour.

I think anyone who has read this bill carefully would immediately recognize that it does no such thing. This is not really a minimum wage bill at all. This is a wage control bill. This is a bill that would establish a wage board under the Secretary of Labor and Industry. This board would have unlimited authority to prescribe wages, hours, working conditions, bonuses and all of the other things that go with it. There is nothing at all to restrict the activities of this board.

I think it is about time that we took cognizance of the fact that in this Session of the Legislature, we have constantly been delegating the authority of the Legislature to the Executive Branch of Government. This is another case in point. We have been increasing the authority and the power of the bureaucrats in government. I think it is fair to say that if we continue for another five years at the pace we have been going for the past eight months, there will not be any need to convene the Legislature at all. We will have transferred all of the responsibilities of the Legislative Body into the hands of the Executive.

This is a case where people who have been employed by the Commonwealth of Pennsylvania—the hired hands, if you please—are insisting upon taking over the responsibility of legislating in Pennsylvania. Indeed, the servants of the people are insisting upon being not servants of the people, but their masters.

There is little wonder that we have been having difficulty in balancing the State budget, because we have been constantly adding boards, bureaus and all sorts of employment to people who, in reality, are legislating and making the laws of Pennsylvania.

I think this legislation is highly unfair, and I think it is a great departure from our concept of minimum wage laws, as we have known it up to now. The Federal Minimum Wage Law, as you know, is very specific. The original wage law was enacted away back in the Thirties, and Congress did not delegate this responsibility to some board or bureau. It very specifically stated that the minimum wage would be forty cents an hour. From time to time, Congress has seen fit to raise that minimum from forty cents to seventy-five cents, then one dollar, and now a dollar and a quarter.

However, Congress was very careful to retain for itself the power and authority to make these changes.

This bill removes that responsibility from the Legislature of Pennsylvania, henceforth and from now on. From now on, if this bill becomes law, the Legislature will have no authority whatever over minimum wages in Pennsylvania. This will be completely in the hands of the Secretary of Labor and Industry. It is fair to assume that if he were to convene a wage board, he would select men to serve on that board—at least a majority—who would be favorable to his point of view. Consequently, that board would be biased for labor or for employers, as the case might be, depending upon just who happened to be Secretary of Labor and Industry at that time.

I think another thing which is important in this connection is that wage boards—the people there who are going to be charged with the responsibility of fixing wages —will, in all probability, be composed of people who have had no experience whatever in the problem of converting a man's labor into a marketable commodity or a service, and then attempting to sell that service or commodity at a price which the consuming public is willing to pay.

I think it is all very easy to say that such and such a class of people should be guaranteed a certain wage. However, it just is not as simple as that, because any employer who pays wages on any scale is, in reality, not the man who pays the bills. He must convert a man's labor into a commodity which the public will buy. If he is unable, because of certain bureaucratic regulations, to do this, there is only one thing he can do and that is close his doors. This will certainly not improve our employment situation in Pennsylvania.

The great number of people who are going to be affected by this minimum wage bill are certainly not the huge corporations or the large industries of Pennsylvania. The people who are going to be adversely affected by this bill are the very people on whom the future of this Commonwealth depends. I mean the small businessman of Pennsylvania. It seems to me that we should recognize the fact that the most important contributing factor to the success of our future is that we encourage small business.

We need to encourage young men, coming out of school, to go into business for themselves. We have in this Commonwealth today tremendous unemployment. I would suggest to you, Mr. President, that there are two ways in which a man who is unemployed can secure employment. One is to find himself a job. The other is to go into business for himself. I would like to suggest that if we had laws 50 or 100 years ago that were as restrictive and as punitive on small business as some of the laws we have on our books today,—and which we are continuing to put on our books today—big corporations like Swift, Kellogg, General Motors, Westinghouse, and all of the others would never have gotten off the ground. It is about time we began to realize that if this Commonwealth is to have economic growth and full employment, we must encourage these small businessmen to go into business, and those who are in business to stay in business. We will never accomplish that this way.

We must start taking into consideration the fact that these men must be encouraged to stay in business or to go into business. Unless we reverse the trend of constantly persecuting, regualting, frustrating and harassing these small businessmen, we certainly are not going to find employment for the people of future generations.

I would remind you, Mr. President, that you just cannot have employment unless you have employers. This sort of thing is certainly not the thing that is conducive to employment. This whole thing reminds me of the old farmer who was walking behind his plow and he had a nail in his shoe. The nail caused him to have a sore foot. He knew exactly what to do for a sore heel. He had a home remedy that would cure anything. When he returned home in the evening, he took off his shoe and applied some of the home remedy to his heel, and went to bed.

The next morning, he felt pretty good. However, he put on that same shoe and went back out to plow. The next evening, he again had a sore foot and he repeated the process. This continued for a period of a couple of weeks, until he finally died of blood poisoning.

This, Mr. President, is exactly what we are doing here. We recognize the fact that there are a considerable number of people whose level of employment and whose wage level is somewhat lower than would be desired. However, instead of working at the cause of this situation, we are doing just like the farmer with the nail in his shoe. If he would have had a brain in his head, he simply would have sat down, taken out the nail, and nature would have cured the problem.

What we are doing here in dealing out a lot of patent remedies—a lot of bureaucratic patent medicines—to try to cure a situation; treating the effect of the situation and completely ignoring the cause.

I would suggest to you, Mr. President, that if we really are interested in raising the income standards of our people, there is only one practical way to do it. There is to create a situation whereby we have more employment available than we have eligible employees. This, Mr. President, is the only way under the sun we will ever raise the standard of living of our American people. The only way you can do that is to encourage people so that instead of going out of business and into the labor market, they will go out of the labor market and into business. We are going to have to get away from this thing of insisting that we do it by patent remedy methods.

I would remind you again—in the vernacular of the Pennsylvania Dutch farmer—that you can lead a mule to water, but you cannot make him drink. You can force people to pay a mandatory minimum wage, but you cannot force them to employ people at a figure they cannot afford to pay.

Consequently, I do not think this thing is workable. I certainly am violently opposed to delegating the authority of the Legislature to any board of the Executive Branch of Government, and issuing them a blank check and saying: "You take it from here."

In case any of you are not familiar with just how much authority we are delegating to this board, I would refer you to page 11, Section 6, line 17. The Board has the following authority:

> ". . . to recommend regulations covering among other matters definitions rates applicable to learners and apprentices their number proportion or length of service also piece rates or their relation to time rates overtime or part-time rates bonuses or special pay for special or extra work deductions or allowances for board lodging apparel or other items or services supplied by the employer and other special conditions or circumstances and such other regulations as it may find appropriate . . . Nothing in Section 5 of this Act shall be deemed to prevent a wage board from recommending and the department from approving minimum wage rates in any amount found to be proper . . ."

Mr. President, this certainly cannot be construed as a simple little bill, guaranteeing our workers one dollar an hour. This is anything but that.

I submit, Mr. President, that this is the type of growing bureaucracy which this Legislature would do well to curb and to curb immediately. It is important that this bill, in its present form, not be passed.

If we are going to pass a minimum wage law, let us pass a minimum wage law, but let us pass a law that is just that, and not a complicated, unrestricted, unrestrained, bureaucratic wage control law, as we now have before us.

Mr. WEINER. Mr. President, I am going to ask my colleagues to vote "no" on these amendments. My reason for doing so is to prevent the gentleman from driving that nail back into that shoe.

We have had a great many problems ever since the Industrial Revolution took place. I thought that everybody was in agreement that child labor and people misusing and exploiting other human beings for their own gain had long since been abolished, and that it would even be a waste of time to talk about it here. Apparently, however, that is not the case. Apparently, there are some people who are still of the mind that you do not control apprentices and you do not control learners. Some people are of the opinion that whatever you give them is perfectly all right. If you give them nothing, it is O.K., according to some people's thinking, and, while they are learning their trade, they can live or sleep in a barn someplace and hope that the employer will be genteel with them and also feed them occasionally so that they do not fall apart.

In Pennsylvania, we have had a Wage Board since 1937. It is most interesting that nobody ever thought about ripping it out during all these years. Apparently, it must have been doing a good job. There are orders which they have in effect that cover many, many industries. Many of them have been living under these wage orders for a long

period of time. They have not only found them to be equitable, but they have found that they can continue on in business and that the employees and the employers are happy with what is going on. They have found that they have less labor strife or dispute which causes this type of difficulty.

If we were to follow the gentleman's amendments, there would be nothing left of this bill. I doubt whether even the title would be left the way it is now set up. These amendments would rip out a board which has been doing a good job and which can sit as a judge and jury. If you are saying that we are delegating this power, it is true that we are delegating it. However, would you like us to sit here in Session and listen to every employer who comes here and who has a grievance or some problem, and have us decide each of these problems? We would never get anything else done. I am not so sure that we could decide them correctly. It possibly would be done along partisan lines.

Therefore, I say to you that you have a board here which is surrounded by administrative procedure and administrative protection, whereby they cannot go beyond what they are supposed to do. This board protects not only the industry, but the man who works for a living.

The gentleman should bear in mind that every human being has a certain limited amount of productive years in which to work and produce, and once these years are gone, he can never regain them. As a matter of fact, you get no credit for it as far as depreciation or depletion is concerned. However, this is even allowed to your resources and animals which work for you, or an automobile that you have. What does this human being have? He has the amount of hours in which he can spend in the day in order to earn a livelihood to keep himself and his family. He has all the wants and desires that you and I have. This is the only way in which he can arrive at this thing, with the hope that somebody will pay him a fair wage. You are insulating the human being against anybody moving against him, in order that he will receive a fair wage.

Do you think that a dollar an hour is a great deal of money? If a man works forty hours, he has forty dollars left. When you deduct taxes, his rent, his cost of living and all the other incidentals which are necessary to human beings, there is not much money left. If you think that is fair and the correct amount to pay him, I would certainly ask that you review that in light of your own income and in light of the experience that you have had with people earning a livelihood and working for a living. I am hopeful that people will use this as a guide and as a floor and will rise above that. People find great difficulty in getting along, with the cost of living as it is today, on even a minimum of one dollar an hour.

Therefore, Mr. President, I think we should at least see how this minimum wage works in the Commonwealth. We can come back here two years from now and face this problem. I do not think we will have any difficulty with it. I do not think we will have to do anything about it because I am sure that industry and the people in the industries will adjust themselves to it, if they have not already done so. I think they will provide a fair living wage for all these people.

Mr. HAWBAKER. Mr. President, in reply to the remarks made by the Majority Leader, I would just like to say that I certainly am not opposed to anyone earning a fair wage. I surely do not think that one dollar an hour is too high for anyone to be paid. I have no quarrel with that. However, I am quarreling with the fact that we, as Legislators, are not accepting the responsibility of fixing a minimum wage ourselves, and we are delegating this authority to someone else.

I would also like to say that while I am concerned with the welfare of employees, I am also concerned with the welfare of the employers. Just the other evening, on the way home from Harrisburg, I stopped in at a little restaurant for a sandwich. It was then just about ten o'clock at night. The little restaurant was being operated by a man and his wife. He told me that it was about closing time and I asked him what time he opened in the morning. He told me he opened at six o'clock. I said: "Do you mean to tell me that you are here from six o'clock in the morning until ten o'clock at night?" He said: "Yes, sir." He told me that he had been there for three straight years and that he had not had a minute off except for three hours on Christmas Eve, two years ago.

Mr. President, I am interested in raising the standard of living of employees. However, I submit to you that if we are going to subject our small businessmen to this type of living, in order to earn for themselves a living, then there is something wrong with our system. If you will examine the situation throughout Pennsylvania, you will find that anybody who decides to go into business for himself is biting off for himself quite a substantial obligation. It is not any wonder that when you look at the two choices, a man who goes into business for himself, starting from scratch, can expect to work not forty hours a week or even eighty hours a week, but as much as 100 and, in the case of this man, 120 hours, to be exact. You must continue that year after year. You must skip your family. You must forego vacations and holidays. If you should happen to be injured in the course of your work, you are not covered under workmen's compensation. If you should happen to go bankrupt and find yourself unemployed, you are not covered under unemployment compensation. If you should happen to get old and not have any money on which to live, you do not even have a retirement program.

Is it any wonder, Mr. President, that we do not have businesses starting up such as Swift, Kellogg, Westinghouse and all the others? When people contrast this with the relative security of employment in a corporation where you have a substantial wage and you have unemployment compensation, workmen's compensation and a substantial retirement plan, it is not any wonder that we do not have employment in Pennsylvania. We do not have employers. We must do something for these people in order to encourage employment in Pennsylvania. We are losing three Congressmen this fall because we have not kept up our growth. If we continue this sort of thing, Mr. President, ten years hence, we will be losing half a dozen Congressmen. We cannot have population unless we have employment. We cannot have employment unless we have employers, and we cannot have employers unless we have circumstances under which they can operate.

Mr. MULLIN. Mr. President, after listening to Senator Hawbaker, I am beginning to think that Herbert Hoover was a liberal and McKinley was a radical.

I saw the Ford Motor Company, of its own accord, raise the level of wages of their workingmen in a competitive market. On the other hand, I saw a big corporation, like Philco, offering thirty-five cents an hour to thousands of

people outside their gates and asking them to take less. It was not too much later when we saw the employers of America trooping down to Washington, asking the government to step in and do something to protect them from the cutthroat competition and the destruction of the labor force in America. They passed a law at the request of industry, called the National Industrial Recovery Act. Again, it was not too much alter when the Supreme Courts—a very conservative, holdover Supreme Court from the previous era—declared that law unconstitutional. Subsequent to that, we passed the National Labor Relations Act which rescued industry in this Country and brought it up to the standards of today, so that all the large corporations and industries in America are living under its rules.

What would happen if we were not to have a minimum wage law? What would happen to the legitimate employers —I am talking about small employers—if they were to compete on a low wage scale? You would not have any legitimate, small businesses. They would be competing for the lowest wages available. Therefore, this is a protective bill and I think these amendments should be voted down.

Mr. WEINER. Mr. President, I was delighted that the gentleman mentioned unemployment compensation and workmen's compensation. I am sure that if he will go back into the record, he will find that the same arguments which he was making against this measure here today were probably made against those measures; namely, that it would drive people out of the Commonwealth, that they would run away, that they would not be for this type of legislation, and so on and so forth. However, we have progressed. We have gotten beyond this time.

For example, take the field which the gentleman knows well; that of the farmer. What has happened to the small farmer? He is slowly but surely leaving the farm and coming to the city because he can do better. The whole farming industry has changed. It has become a different type of business. It has become big business. This is one of the other reasons why it has driven these people into a different area and a different type of activity.

What has happened is that most of the people are moving into your large cities. Your cities are gaining in population and your rural areas have been losing population right along. The gentleman should face up to this fact. There is a paradox in what he is saying and I would like to know just what he really means. He said that he would like us to set the amount of the wage scale, although we really set the floor. By the same breath, he said that he is against some bureaucracy knocking these people out of the box or just dealing with them and not having an opportunity to do anything. What opportunity would they have if we set up the wage scale? The people who administer this would merely have to enforce it and nothing further. They can now bring their cases before the wage board. There have been cases where there has been less than the minimum and where the industry and the people have demanded it or it has come out to be that type of a situation, due to the over-all picture which existed in that industry or community.

I think the gentleman should make up his mind as to which he would like us to do. I think the fair way of doing it is by having a board that can hold hearings and hear everyone concerned and decide on the merits of the case, rather than just flatly administer a law which they know nothing about and cannot do anything in order to change it if it needs changing.

Mr. STROUP. Mr. President, Senator Hawbaker's amendments, which would strike out the wage boards, point up a problem which has been disturbing many of us for a considerable period of time, and that is the tremendous amount of power which we vest in these arbitrary boards.

If we were to review the action of the wage boards, under the Department of Labor and Industry since 1957, we would find that these boards started to initiate not hearings, but meetings. At these meetings, in various sections of Pennsylvania, they invited representatives of labor, of industry and employers. However, one must look at the complexion of the boards in the first instance. On many occasions, these boards were pretty well stacked, and I think I call it clear. The public members of the board were those who were known for their leanings. The labor members of the board were certainly prejudiced and biased toward their own particular attitudes of mind. Only the employers had any representation which might at all —one-third of them—be able to hold the line and make any suggestions of their own for the protection of industry. To a great extent, therefore, we find the boards very much fundamentally prejudiced.

In addition to that, when the meetings were held and the records were made, the records of the entire amount of facts which were gleaned were not to be found there. These were not in anywise legal procedures. As a matter of fact, Mr. President, there was no legal procedure until the final hearing before the Secretary of the Department of Labor and Industry. There was never any permission for cross-examination. There was nothing whatever legal about the whole thing. The only appeal—and this is the important thing to you, gentlemen,—that you have against the power of these wage boards is on a legal question only. They find the facts and the facts as they find them must stand. If you can find some legal error, if you can find data to cross-examine, or if you can bring in some failure of due process, you might get into Commonwealth Court here in order to accomplish an objective and to get some proper consideration for industry and for the employer as against these wage boards.

It is signicant that of the wage orders which were handed down by that board, five of them went up in appeals and four appeals were sustained. Consequnetly, on legal questions, those particular orders had to be changed. I think it is high time—and I certainly endorse Senator Hawbaker in his attitude— for this Legislature to start to control the destinies of the people, without delegating its powers and its responsibilities to arbitrary boards who then foist upon segments of our population, as they see fit, rules and regulations under which they must live and continue to exist.

These are excellent amendments which the gentleman is offering. If we are interested in providing a minimum wage for employees, let us come back and look at the picture again at another Session of the Legislature. We set one dollar an hour, and that dollar an hour should stand there. If there is to be more or less, then let us look at it tomorrow. However, let us not delegate this power to arbitrary boards.

Mr. STIEFEL. Mr. President, apparently the soil of Adams County and Franklin County breeds eminent orators. Ever since the time of James Buchanan, who in

this Chamber defended old Judge Franklin, from Lancaster County, in an impeachment proceeding, time and again brilliant orators have come from that county.

Senator Hawbaker is an orator who always commands my attention. He is also a magician. However, today, he injected a certain element which I must contest, and that is his expression of losing Congressmen. Pennsylvania is not losing Congressmen because Pennsylvania is going backwards. It simply is losing Congressmen because of trends in the movements of population in the United States which nobody can stop. This has happened in New York, Illinois and many other great States. Simply, new States, such as Florida, California and some other States in the West, have taken Congressmen from us. Therefore, the loss of Congressmen should never denote retrogression in Pennsylvania. One has nothing to do with the other. This myth has to be put to sleep. With each decade, there is a certain myth which comes to the surface.

Twenty years ago, there was a myth about the migration of industry from Pennsylvania because of taxes. The great John Dent, at that time, appointed a committee and I was a member of that committee. We spent six years in studying the movements of industry. It was established once and for all that the movements of industry have nothing to do with the burdens of taxation. That myth was then exploded. I hope again that we never hear any more about the loss of three Congressmen having anything to do with economic retrogression in Pennsylvania.

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

And the question recurring,

Will the Senate agree to the amendments?

The yeas and nays were required by Mr. BERGER and Mr. STROUP, and were as follows, viz:

YEAS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

NAYS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron.
Kalman,	Mullin,	Seyler,	Donolow,
Lane,			Presiding Officer

Less than a majority of the Senators having voted "aye," the question was determined in the negative and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. HAWBAKER. Mr. President, I ask unanimous consent to offer one further amendment.

Mr. WEINER. Mr. President, I have no objection to any additional amendments being offered. However, I would like to inquire if this is the last amendment that is going to be offered in this group.

Mr. HAWBAKER. Yes, Mr. President, it is.

The PRESIDING OFFICER. There being no objection, the Clerk will read the amendments.

The amendments were read by the Clerk as follows:

> Amend Subsection f of Section 5, page 11, line 8, by inserting the word "not" after the word "may."
>
> Amend Section 5, between lines 9 and 10, by inserting the following: (G) The provisions of Section six (6) and Section eight (8) shall not apply to Subsection (6) of Section 3

On the question,

Will the Senate agree to the amendments?

Mr. SESLER. Mr. President, I will yield to the gentleman from Franklin County if he desires to make any remarks on these amendments. I think he is entitled to that courtesy.

Mr. HAWBAKER. Mr. President, I would just like to say that these amendments simply restrict the wage board in that it may not rescind any requirements which are spelled out previously in the bill.

Mr. SESLER. Mr. President, I would like to speak in favor of these amendments.

I have heard the remarks from both sides of the aisle and there is really much good to be said of both viewpoints. Often, one who attempts to take a moderate course of action is buffeted by pressure from both sides. However, I think it is important that we try to analyze these situations to the best of our ability. After all, we do hold a trust here.

As to these amendments, Mr. President, I think they simply are being consistent with the purposes of the bill. First of all, from a technical viewpoint, this bill says that the wage board will not interfere with the exempted areas. In other words, they will have no control where we have included these exemptions previously amended into the bill.

If we are to be consistent with our purposes in the bill, it would be foolish that we, in our legislative wisdom, insert these exemptions and then say that the wage board can do anything it wants. Basically, I think that the powers given to the wage board are too great. At this stage, I am not prepared to say that the wage board should be exempted. However, I believe that bureaucratic control has been inserted into this board, and it has been done without giving comparable benefit. For example, on Page 11, lines 15, 16 and 17 of the bill, it states as follows:

> "If on the basis of information in its posession with or without a special investigation the department is of the opinion . . ."

The bill further goes on to say that it can make a finding, and that type of finding can relate to everything, such as extra hours, wages, bonuses, and so forth.

The bill states clearly as follows:

> "If on the basis of information in its possession with or without a special investigation . . ."

In other words, this board can, with or without any investigation, go ahead and make its findings. This is the type of encroachment which I do not think benefits anyone. I am in favor of labor as much as any liberal. However, I also do not believe in this type of control. I think we should make a start here and I believe the start should be along the Federal pattern, which is to set a basic minimum wage.

Gentlemen, if we find that these exemptions produce

inequitable results, and if these employees are being cheated of a fair, decent wage because they cannot enter into collective bargaining or for other reasons, then we, in our wisdom, can come back here and correct that situation. I, for one, am willing to stand here and take out any exemptions or any other minimums that we are going to need. However, I, for one, as a Legislator who expects to be here for a few years, would rather let us retain some of this power. I do not think we should continue to delegate, on the basis of flexibility, all of this authority to this wage board. In doing so, I think we are going to give up precious prerogatives which are important to preserve. The concentration of influence is really detrimental to the best interests of our democratic process.

Therefore, Mr. President, in this spirit, I would like to support these amendments and I urge my colleague to do likewise.

And the question recurring,

Will the Senate agree to the amendments?

The roll was called and resulted as follows:

YEAS—27

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Sesler,	Wagner,
Ehrgood,	Madigan,	Shafer,	Ware, III,
Flack,	Mahady,	Stevenson,	Wolfe,
Fleming,	Mallery,	Stroup,	

NAYS—23

Camiel,	Lane,	Murray,	Staisey,
Devlin,	McCreesh,	Ripp,	Stiefel,
DiSilvestro,	McGinnis,	Rooney,	Weiner,
Haluska,	McMenamin,	Sarraf,	Yatron,
Hays,	Miller,	Seyler,	Donolow,
Kalman,	Mullin,	Silvert,	Presiding Officer

So the question was determined in the affirmative, and the amendments were adopted.

On the question,

Will the Senate agree to the bill on third reading, as amended?

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

SB 912 (Pr. No. 1206)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affiramtive.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

GUESTS OF SENATOR FRED B. ROONEY PRESENTED TO SENATE

Mr. ROONEY. Mr. President, I would like to call to the attention of the Members of the Senate, and to the Chair, the fact that there are two distinguished guests with us today from my county. They are the President of the Northampton County Commisisoners, Mr. Martin Bechtel, and Mr. George Wilson, President of the Lehigh Valley Trades Council. These gentlemen are both seated in the rear of the Senate Chamber.

The PRESIDING OFFICER. The Chair, on behalf of the Members of the Senate, welcomes the two guests of Senator Rooney. We hope they will have a nice day here in Harrisburg.

Will they please stand and be recognized?

REPORTS FROM COMMITTEES

Mr. ROONEY, by unanimous consent, from the Committee on Highways, reported, as committed, **HB 112** and **400.**

Mr. HALUSKA, by unanimous consent, from the Committee on Local Government, reported, as committed, **SB 929, HB 386, 670, 1059** and **1528;** and rereported, as committeed, **HB 1522.**

Mr. SILVERT, by unanimous consent, from the Committee on Judiciary General, reported, as committed, **SB 899, 900, 903, HB 260, 942, 1781** and **1828,** and rereported, as committed, **SB 661.**

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Mr. DEVLIN submitted the Report of Committee of Conference on **SB 601,** which was placed on the Calendar.

THIRD READING CALENDAR

HB 1707 CALLED UP OUT OF ORDER

HB 1707 (Pr. No. 2617)—Without objection, the bill was called up out of order, from page 12 of the Third Reading Calendar, by Mr. WEINER.

BILL ON THIRD READING AMENDED

HB 1707 (Pr. No. 2617)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. WEINER. Mr. President, I move that the Senate do now reconsider the vote by which this bill passed third reading.

The PRESIDING OFFICER. How did the Senator vote?

Mr. WEINER. Mr. President, I voted with the prevailing side.

Mr. LANE. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator Vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendments:

Amend Section 302, page 50, line 9, by inserting, after the word "and," the following: second class A and

Amend Section 302, page 50, line 10, by striking out the words, "second class A and".

Amend Section 302, page 51, by inserting after line 15:

Route 02337—Beginning at the intersection of Fifth Avenue Extension and Penn Avenue, Legislative Route 228 thence in a northeasterly direction over Fifth Avenue Extension approximately 2076′ to the intersection of Washington Boulevard, over Washington Boulevard a distance of approximately 9500′ to the intersection of Washington Boulevard and Legislative Route 02260 and Allegheny River Boulevard, thence over Allegheny River Boulevard to the City of Pittsburgh-Penn-Hills Township Line, Legislative Route 02247, a distance of approximately 6552′ a total distance of 18,128′ all in the City of Pittsburgh

Amend Section 302, page 54, line 17, by striking out the word "poplar," and insert, in lieu thereof, the word, "ash".

Amend Section 401, page 69, by inserting between lines 12 and 13:

T332 beginning at 10041 legislative route at a point 2800 and running in an east to west direction to legislative route 10042 at a point 4020 at a distance of 5440 ft road T332 lies entirely in Jackson Township Butler County

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

BILLS ON THIRD READING AND FINAL PASSAGE

SB 913 (Pr. No. 1261)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	**Murray,**	**Stevenson,**
Berger,	**Keller,**	**Pechan,**	**Stiefel,**
Camiel,	**Kessler,**	**Propert,**	**Stroup,**
Chapman,	**Kromer,**	**Ripp,**	**Taylor,**
Confair,	Lane,	**Rooney,**	**Van Sant,**
Devlin,	**Madigan,**	**Sarraf,**	**Wade,**
DiSilvestro,	**Mahady,**	Scott,	**Wagner,**
Ehrgood,	Mallery,	**Sesler,**	**Ware, III,**
Flack,	McCreesh,	**Seyler,**	**Wolfe,**
Fleming,	McGinnis,	**Shafer,**	**Weiner,**
Haluska,	**McMenamin,**	**Silvert,**	**Yatron,**
Hawbaker,	**Miller,**	**Staisey,**	**Donolow,**
Hays,	Mullin,		**Presiding Officer**

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 928 (Pr. No. 1245)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	**Kalman,**	**Murray,**	**Stevenson,**
Berger,	**Keller,**	**Pechan,**	**Stiefel,**
Camiel,	**Kessler,**	**Propert,**	**Stroup,**
Chapman,	**Kromer,**	**Ripp,**	**Taylor,**
Confair,	**Lane,**	**Rooney,**	**Van Sant,**
Devlin,	**Madigan,**	**Sarraf,**	**Wade,**
DiSilvestro,	**Mahady,**	**Scott,**	**Wagner,**
Ehrgood,	**Mallery,**	**Sesler,**	**Ware, III,**
Flack,	**McCreesh,**	**Seyler,**	**Wolfe,**
Fleming,	**McGinnis,**	**Shafer,**	**Weiner,**
Haluska,	**McMenamin,**	**Silvert,**	**Yatron,**
Hawbaker,	**Miller,**	**Staisey,**	**Donolow,**
Hays,	**Mullin,**		**Presiding Officer**

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 931 (Pr. No. 1248)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	**Kalman,**	**Murray,**	**Stevenson,**
Berger,	**Keller,**	**Pechan,**	**Stiefel,**
Camiel,	**Kessler,**	**Propert,**	**Stroup,**
Chapman,	**Kromer,**	**Ripp,**	**Taylor,**
Confair,	**Lane,**	**Rooney,**	**Van Sant,**
Devlin,	**Madigan,**	**Sarraf,**	**Wade,**
DiSilvestro,	**Mahady,**	**Scott,**	**Wagner,**
Ehrgood,	**Mallery,**	**Sesler,**	**Ware, III,**
Flack,	**McCreesh,**	**Seyler,**	**Wolfe,**
Fleming,	**McGinnis,**	**Shafer,**	**Weiner,**
Haluska,	**McMenamin,**	**Silvert,**	**Yatron,**
Hawbaker,	**Miller,**	**Staisey,**	**Donolow,**
Hays,	**Mullin,**		**Presiding Officer**

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 932 (Pr. No. 1249)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. FLEMING. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Weiner.

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Mr. Weiner, permit himself to be interrogated?

Mr. WEINER. I will, Mr. President.

Mr. FLEMING. Mr. President, I would like to ask Senator Weiner whether, on page 67 line 17, that amendment means this question can be brought up in any county once in four years, and specifically in Allegheny County, where I reside, where it was rejected last year by the voters? Does this mean that at the end of a four-year period, it can again be brought up for a vote?

Mr. WEINER. Mr. President, will the gentleman revert to that page again? What was the page number?

Mr. FLEMING. Page 6, line 17.

Mr. WEINER. That would be correct. In other words, after a four-year period if someone desired to have it placed on the ballot, they would be able to do so. Of course, you would have to have the necessary number of signatures in order to put it on the ballot.

I would just like to point out that this is better than what the county health people get because they need a greater number of signatures.

Mr. FLEMING. How many signatures are required to put it on the ballot?

Mr. WEINER. For what, sir? Are you speaking about the County Health Code or this?

Mr. FLEMING. I am speaking about this matter.

Mr. WEINER. As I remember it, in the original bill which was enacted, you needed approximately twenty per cent of the electorate which voted in the last election.

Mr. FLEMING. I thank the gentleman, Mr. President.

Mr. President, I certainly rise to oppose this bill. When the bill was originally passed permitting the referendum vote on pari-mutuel betting,—which was a radical departure in Pennsylvania by the fact that for the first time we legalized gambling, a step which was certainly not in the public interest— we were given assurances at that time that once this measure was voted on in any county, then it was gone, forgotten and would not be revived. Yet, here we find, only two years later, an attempt being made to permit the question to be brought up every four years. Other sections of the bill are likewise not good, but particularly am I opposed to that provision which would permit it to be voted upon time and time again.

I want to say to you, Mr. President, and to the Members of the Senate that any attempt to legalize gambling and to further the legalization of gambling in Pennsylvania cannot be in the public interest and cannot be in the public good. It cannot make for a better community in which to live; it cannot make for a better community in which to raise children. The arguments, both for and against this measure, I think were very ably and capably presented two years ago. I think those arguments are fresh in the minds of all the Members of the Senate of Pennsylvania. They are surely fresh in the minds of the people of Pennsylvania.

Again, Mr. President, I say that we in the Senate of Pennsylvania will be doing a distinct disservice to all the people of Pennsylvania if we give countenance to this attempt to further liberalize the legalization of gambling in Pennsylvania. This is something which definitely, again,—and I repeat myself—cannot be for the public good and cannot make for a better community in which to raise our children and in which to live.

Mr. WEINER. Mr. President, this measure came into being because of comments made and because of the words of Justice Bell when he heard this matter before him. He stated that these corrections which we have made in this bill, with the exception of the four years, which the gentleman pointed out, were necessary and should be done. You will get no one to build a track or to make any kind of an investment of that type. This is quite a substantial investment, and an investor would not make it if he knew that within a year it would be done. I am sure the gentleman, being a prudent man, would not take that chance and I am sure many other people would not either. This just follows the comments which he made when this case was heard by him, and we are covering that eventuality.

There is nothing in here about gambling, there is nothing in here about setting up gambling, and there is nothing in here stating that there will be any gambling, as far as I or anybody else knows. It may come into being after the track is in operation. These things usually follow. However, there is nothing in this bill that deals with that problem. There is nothing in this bill that even sets up any type of gambling.

Therefore, Mr. President, I think the gentleman is presupposing something which has not already happened. I am not saying that it will not happen. There are chances that it might happen. However, the gentleman is already worrying about an eventuality that is not before us here today.

Mr. BERGER. Mr. President, my question which I intend to ask, if the Majority Leader will permit himself to be interrogated, is along a different line.

Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Weiner.

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Mr. Weiner, permit himself to be further interrogated?

Mr. WEINER. I will, Mr. President.

Mr. BERGER. Mr. President, I would ask the gentleman whether the independent administrative commission, which is to be approved by this bill, will be a different commission than that which has already been formed and has been approved by the Senate.

Mr. WEINER. Mr. President, I would hope that it might be a different commission in the sense that maybe we can obtain people who are more congenial and who can work together. Under this measure, the commission will remain the same unless new names are sent over by the Governor, thereby changing them.

Mr. BERGER. I thank the gentleman, Mr. President.

Mr. President, it would appear that the intention of this bill is to rip out the existing commission, the members of which have been nominated by the Governor and approved by the Senate. It would permit a new commission to be named by the Governor or a so-called independent administrative commission.

Mr. President, I can see no great advantage in having this accomplished. I would suggest that the membership of the commission, which has received Senate approval, has not been long enough in office in order that its effectiveness might be tested to the fullest.

Therefore, Mr. President, I request my colleagues to vote "no" on this bill.

Mr. WEINER. Mr. President, there is nothing magic about the commission or this board being within the Department of Agriculture. It could have been in any number of departments. The fact that it is an independent commission and an independent operation to deal with this particular problem,—and it is very similar to other boards and commissions that we have in Pennsylvania—I do not think that changes the purport, the administrative procedures, or the objective of what it is supposed to do. I think that by merely removing it or putting it in one area or another does not change its objectives or what it can do.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. WEINER. Mr. President, may we be at ease for a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. McGINNIS. Mr. President, I desire to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

VERIFICATION OF THE ROLL

Mr. PECHAN. Mr. President, I ask for a vertification of the roll.

The PRESIDING OFFICER. Request has been made to have the roll verified. The Clerk will proceed to call the names of those recorded as voting in the affirmative.

The Clerk read the names of those recorded as having voted in the affirmative as follows:

Camiel	Mahady	Ripp	Staisey
Chapman	McCreesh	Rooney	Stiefel
Devlin	McGinnis	Sarraf	Taylor
DiSilvestro	McMenamin	Sesler	Weiner
Ehrgood	Miller	Seyler	Yatron
Haluska	Mullin	Silvert	Donolow
Kalman	Murray		Presiding Officer

The PRESIDING OFFICER. Are there any corrections?

Mr. FLEMING. Mr. President, I desire to know how Senator Rooney voted.

The PRESIDING OFFICER. How did the gentleman from Northampton vote?

Mr. ROONEY. I voted "'aye," Mr. President.

Mr. FLEMING. I would further like to ask whether the gentleman was in the Senate when the roll was called?

Mr. WEINER. Mr. President, both of those gentlemen were in the Senate, but had stepped out because of telephone calls. However, they are in the Chamber and if you will give me a moment, I will bring them back to this room.

Mr. FLEMING. I only asked about one gentleman; namely, Senator Rooney. I do not know who the other gentleman is.

Mr. WEINER. Senator Rooney was here.

The PRESIDING OFFICER. There being no corrections, the affirmative roll will stand as verified. The Clerk will now proceed to call the names of those recorded as voting in the negative.

The Clerk read the names of those recorded as having voted in the negative as follows:

Bell	Hays	Mallery	Stroup
Berger	Keller	Pechan	Van Sant
Confair	Kessler	Propert	Wade
Flack	Kromer	Scott	Wagner
Fleming	Lane	Shafer	Ware, III
Hawbaker	Madigan	Stevenson	Wolfe

The PRESIDING OFFICER. Are there any corrections? The Chair hears none. The negative roll will stand as verified.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Camiel,	Mahady,	Ripp,	Staisey,
Chapman,	McCreesh,	Rooney,	Stiefel,
Devlin,	McGinnis,	Sarraf,	Taylor,
DiSilvestro,	McMenamin,	Sesler,	Weiner,
Ehrgood,	Miller,	Seyler,	Yatron,
Haluska,	Mullin,	Silvert,	Donolow,
Kalman,	Murray,		Presiding Officer

NAYS—24

Bell,	Hays,	Mallery,	Stroup,
Berger,	Keller,	Pechan,	Van Sant,
Confair,	Kessler,	Propert,	Wade,
Flack,	Kromer,	Scott,	Wagner,
Fleming,	Lane,	Shafer,	Ware, III,
Hawbaker,	Madigan,	Stevenson,	Wolfe,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 935 (Pr. No. 1263)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. ROONEY. Mr. President, I desire to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Bell,	Fleming,	Mullin,	Stroup,
Berger,	Haluska,	Murray,	Taylor,
Camiel,	Hawbaker,	Pechan,	Van Sant,
Chapman,	Kalman,	Propert,	Wade,
Confair,	Kessler,	Rooney,	Ware, III,
Devlin,	Kromer,	Seyler,	Weiner,
DiSilvestro,	McCreesh,	Silvert,	Wolfe,
Ehrgood,	McMenamin,	Staisey,	Yatron,
Flack,	Miller,	Stiefel,	Donolow,
			Presiding Officer

NAYS—14

Hays,	Mahady,	Sarraf,	Shafer,
Keller,	Mallery,	Scott,	Stevenson,
Lane,	McGinnis,	Sesler,	Wagner,
Madigan,	Ripp,		

A majority of all the Senators having voted "'aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Mr. LANE submitted the Report of Committee of Conference on **SB 99,** which was placed on the Calendar.

COMMITTEE OF CONFERENCE APPOINTED ON HB 775, HB 781, HB 785, HB 787 AND HB 795

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempoer, the appointment of Committees of Conference on the part of the Senate to confer with similar committees of the House (if the House shall appoint such committees) to consider the differences existing between the two houses in relation to the following bills:

House Bill No. 775—Messrs. WEINER, KALMAN and SCOTT.

House Bill No. 781—Messrs. WEINER, DONOLOW and WARE.

House Bill No. 785—Messrs. WEINER, ROONEY and KESSLER.

House Bill No. 787—Messrs. STIEFEL, CAMIEL and KELLER.

House Bill No. 795—Messrs. MILLER, SARRAF and EHRGOOD.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT FROM COMMITTEE

Mr. SESLER, by unanimous consent, from the Committee on Military Affairs and Aeronautics, reported, as amended, **HB 749.**

SENATE RESOLUTION

EXPRESSING APPRECIATION TO LOCAL POLICEMEN AND FIREMEN AND ABINGTON MEMORIAL HOSPITAL FOR UNSELFISH SERVICES RENDERED IN COPING WITH PROBLEMS RISING FROM THE CRASHING OF A NAVY JET AT HORSHAM

Messrs. PROPERT and KELLER, by unanimous consent, offered the following resolution **(Serial No. 6a),** which was read, considered and adopted:

In the Senate, August 29, 1961.

On Sunday, August 27, a tragic incident occurred in Horsham Township, Montgomery County, Pennsylvania wherein a Navy jet pilot was killed and about a score of persons were hurt.

Hundreds of firemen and local policemen, the Pennsylvania State Police and naval rescue squads were immediately at the scene to render what assistance was needed to prevent further property damage and care for the injured.

The staff and personnel of the Abington Memorial Hospital were equal to the occasion and unselfishly rendered aid and medical attention to the victims.

The performance of the services by the police, firemen and those attached to the hospital in a period of such emergency was without parallel.

Most noteworthy was the display of calmness and restraint in a time of tragedy and disaster by the public at large and the persons immediately concerned with the incident, therefore, be it

Resolved, That the Senate of the Commonwealth of Pennsylvania expresses its appreciation to the local policemen and firemen for their efforts in coping with problems arising from the crashing of the Navy jet at Horsham; and be it further

Resolved, That the Abington Memorial Hospital be commended for the courageous and unselfish service it rendered to the victims of disaster; and be it further

Resolved, That a copy of this resolution be transmitted to the Abington Memorial Hospital, Abington, Pennsylvania.

RESOLUTION REPORTED FROM COMMITTEE

Mr. MULLIN, by unanimous consent, from the Committee on State Government, reported, without amendment, House Concurrent Resolution, entitled:

Commending the Attorney General and the Philadelphia Inquirer in Bringing to a Successful Conclusion Their Campaign in Causing the Gallery of the Barnes Foundation to be Open to the Public.

The PRESIDING OFFICER. The resolution will be laid on the table.

THIRD READING CALENDAR

BILL OVER IN ORDER

HB 1028—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 1085 (Pr. No. 1202)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Camiel,	Lane,	Murray,	Silvert,
Devlin,	Mahady,	Ripp,	Staisey,
DiSilvestro,	McCreesh,	Rooney,	Stiefel,
Haluska,	McGinnis,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow, Presiding Officer

NAYS—26

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,	McMenamin,		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 1259 (Pr. No. 2618)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. ROONEY. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. PECHAN. Mr. President, having voted under misapprehension, I wish to change my vote from "no" to "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. BELL. Mr. President, also having voted under a misapprehension, I wish to change my vote from "no" to "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Bell,	Kalman,	Murray,	Silvert,
Camiel,	Lane,	Pechan,	Staisey,
Devlin,	Mahady,	Ripp,	Stiefel,
DiSilvestro,	McCreesh,	Rooney,	Wade,
Fleming,	McGinnis,	Sarraf,	Weiner,
Haluska,	McMenamin,	Sesler,	Yatron,
Hays,	Mullin,	Seyler,	Donolow, Presiding Officer

NAYS—22

Berger,	Keller,	Propert,	Taylor,
Chapman,	Kessler,	Scott,	Van Sant,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Hawbaker,	Miller,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

HB 1306 (Pr. No. 1522)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1337 (Pr. No. 2661)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. SESLER. Mr. President, having voted under a true misapprehension, I desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bell,	Keller,	Pechan,	Van Sant,
Berger,	Kessler,	Propert,	Wade,
Chapman,	Lane,	Scott,	Wagner,
Confair,	Madigan,	Seyler,	Ware, III,
Ehrgood,	Mallery,	Shafer,	Weiner,
Flack,	McGinnis,	Stevenson,	Wolfe,
Fleming,	Mullin,	Stroup,	Yatron,
Hawbaker,	Murray,	Taylor,	Donolow,
Kalman,			Presiding Officer

NAYS—13

Camiel,	Kromer,	Ripp,	Silvert,
Devlin,	McCreesh,	Sarraf,	Staisey,
Haluska,	McMenamin,	Sesler,	Stiefel,
Hays,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1338 (Pr. No. 2662)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Bell,	Keller,	Pechan,	Taylor,
Berger,	Kessler,	Propert,	Van Sant,
Chapman,	Kromer,	Scott,	Wade,
Confair,	Lane,	Seyler,	Wagner,
Ehrgood,	Madigan,	Shafer,	Ware, III,
Flack,	Mallery,	Silvert,	Weiner,
Fleming,	McGinnis,	Stevenson,	Wolfe,
Hawbaker,	Mullin,	Stiefel,	Yatron,
Kalman,	Murray,	Stroup,	Donolow,
			Presiding Officer

NAYS—10

Camiel,	Hays,	Ripp,	Sesler,
Devlin,	McCreesh,	Sarraf,	Staisey,
Haluska,	McMenamin,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1339 (Pr. No. 1585)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1373 (Pr. No. 1624)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 1422 (Pr. No. 2630)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—10

Haluska,	Mullin,	Seyler,	Stiefel,
Kalman,	Murray,	Silvert,	Weiner,
Miller,	Sesler,		

NAYS—37

Bell,	Keller,	McMenamin,	Stroup,
Berger,	Kessler,	Pechan,	Taylor,
Camiel,	Kromer,	Propert,	Van Sant,
Chapman,	Lane,	Ripp,	Wade,
Devlin,	Madigan,	Sarraf,	Wagner,
Ehrgood,	Mahady,	Scott,	Ware, III,
Flack,	Mallery,	Shafer,	Wolfe,
Fleming,	McCreesh,	Staisey,	Yatron,
Hawbaker,	McGinnis,	Stevenson,	Donolow,
Hays,			Presiding Officer

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 1427 (Pr. No. 2688)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kromer,	Propert,	Stroup,
Chapman,	Lane,	Ripp,	Taylor,
Confair,	Madigan,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—1

Kessler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return siad bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1452 (Pr. No. 2215)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1453 (Pr. No. 1761)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1454 (Pr. No. 1762)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the questions was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1455 (Pr. No. 1763)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1456 (Pr. No. 2677)—Read at length the third time and agreed to,

And the amendments made thereto, having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1457 (Pr. No. 1765)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING AMENDED

HB 1487 (Pr. No. 2648)—Read at length and third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. STROUP, by unanimous consent, offered the following amendments:

Amend Title, page 2, first line of Title, by inserting after "proceedings": and

Amend Title, page 2, first and second lines of Title, by striking out "and" in first line, and all of second line.

Amend Sec. 3, page 5, lines 10 to 20; page 6, lines 1 to 3, by striking out all of said lines.

Amend Sec. 4, page 6, line 4, by striking out "4" and inserting: 3

Amend Sec. 5, page 7, line 1, by striking out "5" and inserting: 4

Amend Sec. 6, page 9, line 4, by striking out "6" and inserting: 5

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. STROUP.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 1506 (Pr. No. 1854)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1599 (Pr. No. 2653)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Bell,	Kalman,	Murray,	Stiefel,
Berger,	Keller,	Pechan,	Stroup,
Camiel,	Kromer,	Ripp,	Taylor,
Chapman,	Lane,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wagner,
DiSilvestro,	McCreesh,	Scott,	Weiner,
Ehrgood,	McGinnis,	Shafer,	Yatron,
Flack,	Miller,	Silvert,	Donolow,
Haluska,	Mullin,	Staisey,	Presiding Officer

NAYS—14

Confair,	Madigan,	Sesler,	Wade,
Fleming,	Mallery,	Seyler,	Ware, III,
Hawbaker,	McMenamin,	Stevenson,	Wolfe,
Kessler,	Propert,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1601 (Pr. No. 2015)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kromer,	Propert,	Stroup,
Chapman,	Lane,	Ripp,	Taylor,
Confair,	Madigan,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—1

Kessler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1606 (Pr. No. 2020)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1607 (Pr. No. 2310)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON THIRD READING AMENDED

HB 1622 (Pr. No. 2654)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendments:

Amend Title, page 2, last line of Title by inserting after "fund": regulating practice and procedure; changing subrogation rights providing for attendance of witnesses requiring payments into the Second Injury Reserve and Rehabilition Fund

Amend Bill, page 6, by inserting between lines 13 and 14:

Section 1 Subsection (b) of section 302 act of June 2 1915 (P L 736) known as "The Pennsylvania Workmen's Compensation Act" reenacted and amended June 21 1939 (P L 520) is amended to read:

Section 302 * * *

(b) After December thirty-first one thousand nine hundred and fifteen an employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to that employe or contractor shall be conclusively presumed to have agreed to pay to such laborer or assistant compensation in accordance with the provisions of article three unless the employer shall post in a conspicuous place upon the premises where the laborer's or assistant's work is done a notice of his intention not to pay such compensation and unless there be filed with the department within ten days thereafter a true copy of such notice together with proof of the posting of the same setting forth upon oath or affirmation the time place and manner of such posting and after December thirty-first one thousand nine hundred and fifteen any such laborer as assistant who shall enter upon premises occupied by or under control of such employer for the purpose of doing such work shall be conclusively presumed to have agreed to accept the compensation provided in article three in lieu of his right of action under article two unless he shall have given notice in writing to the employer at the time of entering upon such employer's premises for the purpose of doing his work of his intention not to accept such compensation and unless within ten days thereafter there shall have been filed with the department a true copy of such notice accompanied by proof of service thereof upon such employer setting forth under oath or affirmation the time place and manner of such service And in such cases where article three binds such employer and such laborer or assistant it shall not be in effect between the intermediate employer or contractor and such laborer or assistant unless otherwise expressly agreed Where such an employer is not in fact liable for the payment of compensation under article three the employe shall not be deemed to have accepted article three of this act as to such employer nor have surrendered his or his dependents' rights under the provisions of section 303

Section 2 Section 305 of the act amended February 28 1956 (P L 1120) is amended to read:

Section 305 Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance fund or in any insurance company or mutual association or company authorized to insure such liability in this Commonwealth unless such employer shall be exempted by the department from such insurance An employer desiring to be exempt from insuring the whole or any part of his liability for compensation shall make application to the department showing his financial abiity to pay such compensation whereupon the department if satisfied of the applicant's financial ability shall upon the payment of a fee of fifty dollars ($50.00) issue to the applicant a permit authorizing such exemption: Provided however That every such self insurer shall pay into the Second Injury Reserve and Rehabilitation Fund annually an amount equal to six one-thousands of one per centum of its annual gross payroll as determined from its withholding tax records From a refusal of the department to issue such permit an appeal shall lie to the court of common pleas of Dauphin County In any such appeal the only question shall be whether the department abused its discretion in refusing such permit The department shall establish a period of twelve (12) calendar months to begin and end at such times as the department shall prescribe which shall be known as the annual exemption period Unless previously revoked all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued Permits issued under this act shall be renewed upon the filing of an application and the payment of a renewal fee of fifty dollars ($50.00) The department may from time to time require further statements of the financial ability of such employer and if at any time such employer appear no longer able to pay compensation shall revoke its permit granting exemption in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund or insure his liability in any insurance company or mutual association or company as aforesaid

Any employer who fails to comply with the provisions of this section for every such failure shall upon summary conviction before any official of competent jurisdiction be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) and costs of prosecution or imprisonment for a period of not more than six months or both Every day's violation shall constitute a separate offense It shall be the duty of the department to enforce the provisions of this section and it shall investigate all violations that are brought to its notice and shall institute prosecutions for violations thereof All fines recovered under the provisions of this section shall be paid to the department and by it paid into the State Treasury

In any proceeding against an employer under this section a certificate of non-insurance issued by the official Workmen's Compensation Rating and Inspection Bureau and a certificate of the department showing that the defendant has not been exempted from obtaining insurance under this section shall be prima facie evidence of the facts therein stated

Amend Sec. 1, page 6, line 14, by striking out "1" and inserting: 3

Amend Sec. 1, page 6, lines 16 to 18, by striking out all of said lines and inserting: sections 306.1 and 307 of the act

Amend Sec. 1 (Sec. 306), page 8, lines 8 and 14 by inserting brackets before "The" in line 8 and after "in" in line 14.

Amend Sec. 1 (Sec. 306), page 8, line 14, by inserting after "In": In

Amend Sec. 1 (Sec. 306), page 10, line 4, by inserting brackets before "During" and after "the" where it appears the second time.

Amend Sec. 1 (Sec 306), page 10, line 4, by inserting after "The": The

Amend Sec. 1 (Sec. 306), page 10, lines 8 and 9 by inserting brackets before "The" in line 8 and after "dollars" in line 9.

Amend Sec. 1 (Sec. 306), page 10, lines 12 and

13 by inserting brackets before and after "within the above limitations".

Amend Sec. 1 (Sec. 306), page 10, line 15, and page 11, line 2, by inserting brackets before "for" in line 15, page 10, and after "rehabilitation" in line 2, page 11.

Amend Sec. 1 (Sec. 306), page 11, line 2 by inserting after "needed": as and when needed

Amend Bill, page 14, by inserting after line 19:

Section 306.1 [If an employe who has incurred (through accident or otherwise) permanent partial disability through the loss or loss of use of one hand one arm one foot one leg or one eye, incurs total disability through a subsequent injury causing loss or loss of use of another hand arm foot leg or eye he shall be entitled to additional compensation as follows:

After the cessation of payments by the employer for the period of weeks prescribed in Clause (c) of section 306 for the subsequent injury additional compensation shall be paid during the continuance of total disability at the weekly compensation rate applicable for total disability This additional compensation shall be paid by the Commonwealth only upon an award by a compensation referee or the board All claims for such additional compensation shall be forever barred unless the employe shall have filed a petition therefor with the board within one year after the last payment made under Clause (c) hereof out of the general fund in the State Treasury

The sum of seventy-five thousand dollars ($75,000) is hereby appropriated to the Department of Labor and Industry for compensation payable by the Commonwealth under this section for the biennium one thousand nine hundred and fifty-nine—one thousand nine hundred sixty-one]

If an employe has incurred a substantial partial disability (through accident or otherwise) and if he shall be injured by a subsequent accident in the course of his employment so that the resultant disability is substantially and materially greater than that which would have resulted from the second injury alone the employer or its insurance carrier shall pay for all resultant disability and obtain contribution from the Second Injury Reserve and Rehabilitation Fund for that part of the compensation not attributable to the second injury in and of itself

All claims for such contributies shall be forever barred unless the employer or its insurance carrier shall have filed a petition therefor with the board or entered into an agreement for the payment thereof with the Second Injury Reserve and Rehabilitation Fund within sixteen months from the time that his or its obligation to pay compensation to the injured employe shall have been established by an agreement or award

The Department of Labor and Industry shall be charged with the conservation of the assets of [said appropriation] the Second Injury Reserve and Rehabilitation Fund in furtherance of this purpose the Attorney General shall appoint a member of his staff to represent the Commonwealth in all proceedings brought to enforce claims against the [Commonwealth] Second Injury Reserve and Rehabilitation Fund In its award the Workmen's Compensation Board [of the Department of Labor and Industry] shall specifically find the amount the injured employe shall be paid weekly [the number of weeks compensation which shall be paid by the employer the data upon which payments out of the State appropriation shall begin and if possible the length of time such payments shall continue] by the Second Injury Reserve and Rehabilitation Fund and the amount to be paid by the employer all payments to cease upon the death of claimant

Any benefits received by any employe or to which he may be entitled by reason of such increased disability from any State or Federal fund or agency to which said employe has not directly contributed shall be regarded as a credit to any award made against the [Commonwealth] Second Injury Reserve and Rehabilitation Fund as aforesaid excepting those benefits received by an employe by reason of service connected physical injuries incurred during any war between the United States of America and any foreign country

Amend Bill, page 32, by inserting after line 9:

Section 4 Section 315 of the act amended February 28 1956 (P L 1120) is amended to read:

Section 315 (a) In cases of personal injury all claims for compensation shall be forever barred unless within [sixteen months] two years after the accident the parties shall have agreed upon the compensation payable under this article or unless within [sixteen months] two years after the accident one of the parties shall have filed a petition as provided in article four hereof In cases of death all claims for compensation shall be forever barred unless within [sixteen months] two years after the death the parties shall have agreed upon the compensation under this article or unless within [sixteen months] two years after the death one of the parties shall have filed a petition as provided in article four hereof Where however payments of compensation have been made in any case said limitations shall not take effect until the expiration of [sixteen months] two years from the time of the making of the most recent payment prior to date of filing such petition Provided That any payment made under an established plan or policy of insurance for the payment of benefits on account of non-occupational illness or injury shall not be considered to be payment in lieu of workmen's compensation and such payment shall not toll the running of the Statute of Limitations unless it shall conclusively be proven that the employe was led to believe that such payments were in fact made in lieu of compensation

(b) In cases of eye injuries or accidental injuries due to radium poisoning or due to radioactive properties or due to Roentgen rays or in cases where the injury is due to radio-active emissions whether primary or secondary the period of limitations contained herein shall not begin to run until the injury shall have manifested itself by compensable disability

(c) If the employer does not file an accident report as required in the act of July 19 1913 (P L 843) entitled "An act requiring employers to make report to the Department of Labor and Industry of accidents to employees and prescribing a penalty for non-compliance therewith" the period of limitation shall not begin to run until the act shall have been complied with

Section 5 Section 319 of the act amended December 28 1959 (P L 2034) is amended to read:

Section 319 Where the compensable injury is caused in whole or in part by the act or omission of a third party the employer shall be subrogated to the right of the employe his personal representative his estate or his dependents against such third party to the extent of the compensation payable under this article by the employer reasonable attorney's fees and other proper disbursements incurred in obtaining a recovery or in effecting a compromise settlement shall be prorated between the employer and employe his personal representative his estate or his dependents [The employer shall pay that proportion of the attorney's fees and other proper disbursements that the amount of compensation paid or payable at the time of recovery or settlement bears to the total recovery or settlement] Any recovery against such third person in excess of the compensation heretofore paid by the employer shall be paid forthwith to the employe his personal representative

his estate or his dependents and shall be treated as an advance payment by the employer on account of any future instalments of compensation

Where an employe has received payments for the disability or medical expense resulting from an injury by accident in the course of his employment paid by the employer or an insurance company [hospital medical osteopathic or dental service corporation employe or fraternal welfare or benefit association] on the basis that the injury and disability were not compensable under this act in the event of an agreement or award for that injury the employer or insurance company [hospital medical osteopathic or dental service corporation employe or fraternal welfare or benefit association which] who made [any] the payments shall be subrogated out of the agreement or award to the amount so paid [without deduction for attorney's fees or otherwise] if the right to subrogation is agreed to by the parties or is established at the time of hearing before the referee or the board

Section 6 Subsection (a) of section 320 of the act amended February 28 1956 (P L 1120) is amended and the section is amended by adding after subsection (a) a new subsection to read:

Section 320 (a) If the employe at the time of the accident is a minor under the age of eighteen years employed or permitted to work in violation of any provision of the laws of this Commonwealth relating to minors of such age or compensation either in the case of injury or death of such employe shall be one hundred and fifty per centum of the amount that would be payable to such minor if legally employed The amount by which such compensation shall exceed that provided for in cases of legal employment may be referred to as "additional compensation"

(a.1) If the accident and the injury is caused or materially contributed to by a violation on the part of his employer of safety statutes or safety rules applicable to the employment in which the employe was injured compensation either in the case of injury or death of such employe shall be one hundred and fifty per centum of the amount that would otherwise be payable to such employe The amount by which such compensation shall exceed the compensation payable had there not been a violation as herein provided may be referred to as "additional compensation"

* * *

Section 7 Section 410 of the act amended December 28 1959 (P L 2034) is amended to read:

Section 410 If after any accident the employer and the employe or his dependent concerned in any accident shall fail to agree upon the facts thereof and the compensation due under this act the employe or his dependents may present a claim for compensation to the board

Whenever any claim for compensation is presented to the board and is finally adjudicated in favor of the claimant the amounts of compensation actually due at the time the first payment is made after such adjudication shall bear interest at the rate of six per centum per annum from the day such claim is presented and such interest shall be payable to the same persons as the compensation is payable The claimant shall also have the right to reimbursement for the reasonable costs of procuring the attendance of necessary witnesses in such amount and upon complying with such conditions as the Workmen's Compensation Board shall by rule provide

In case any claimant shall die before the final adjudication of his claim the amount of compensation due such claimant to the date of death shall be paid to the dependents entitled to compensation or if there be no dependents then to the estate of the decedent

Whenever any claim for compensation is presented to the board or a referee and the injury and accident are not denied and the only issue involved is the liability as between the defendant or the carrier or two or more defendants or carriers the referee or the board shall forthwith order payments to be immediately made by the defendants or the carriers in said case After the referee or the board render a final decision the payments made by the defendant or carrier not liable in the case shall be awarded or assessed against the defendant or carrier liable in the case as costs in the proceedings in favor of the defendant or carrier not liable in the case

Section 8 Section 413 of the act amended February 28 1956 (P L 1120) is amended to read:

Section 413 The board or a referee designated by the board may at any time review and modify or set aside an original or supplemental agreement upon petition filed by either party with the board or in the course of the proceedings under any petition pending before such board or referee if it be proved that such agreement was in any material respect incorrect

The board or referee designated by the board may at any time modify reinstate suspend or terminate an original or supplemental agreement or an award upon petition filed by either party with such board upon proof that the disability of an injured employe has increased decreased recurred or has temporarily or finally ceased or that the status of any dependent has changed Such modification reinstatement suspension or termination shall be made as of the date upon which it is shown that the disability of the injured employe has increased decreased recurred or has temporarily or finally ceased or upon which it is shown that the status of any dependent has changed Provided That except in the case of eye injuries no agreement or award shall be reviewed or modified or reinstated unless a petition is filed with the board within two years after the date of the most recent payment of compensation made prior to the filing of such petition And provided further That any payment made under an established plan or policy of insurance for the payment of benefits on account of nonoccupational illness or injury shall not be considered to be payment in lieu of workmen's compensation and such payment shall not toll the running of the Statute of Limitations And provided further That where compensation has been suspended because the employe's earnings are equal to or in excess of his wages prior to the accident that payments under the agreement or award may be resumed at any time during the period for which compensation for partial disability is payable unless it be shown that the loss in earnings does not result from the disability due to the injury

The board or referee to whom any such petition has been assigned may subpoena witnesses hear evidence make findings of fact and award or disallow compensation in the same manner and with the same effect and subject to the same right of appeal as if such petition were an original claim petition

The filing of a petition to terminate or modify a compensation agreement or award as provided in this section shall operate as a supersedeas and shall suspend the payment of compensation fixed in the agreement or by the award in whole or to such extent as the facts alleged in the petition would if proved require Provided That if an employer does not file such a petition to modify or terminate the agreement or award within twenty days after he has ceased making regular payments of compensation the filing of the petition shall not operate as a supersedeas prior to the date of filing the said petition and compensation shall be payable as theretofore provided until the date the petition is filed Where an employer shall file a

petition to terminate the payment of compensation or modify the payment of compensation to a lesser amount than that payable under the agreement or award theretofore existing each such petition shall be supported by a statement of an examining physician setting forth whether all disability due to the accident has terminated or whether the disability has diminished and if the latter the extent of partial disability that remains Each such statement shall specify briefly the examining physician's findings on which he bases his opinions Where some degree of partial disability remains payments of compensation for such partial disability shall be payable weekly during the pendency of the proceedings If no such statement by an examining physician is included with the petition the employe shall be paid the maximum compensation payable for partial disability until the petition shall be finally determined

Section 9 The first and second paragraphs of section 428 of the act amended December 28 1959 (P L 2034) are amended to read:

Section 428 Whenever the employer who has accepted and complied with the provisions of section three hundred five shall be in default in compensation payments for thirty days or more the employe or dependents entitled to compensation thereunder may file a certified copy of the agreement and the order of the board approving the same or of the award or order with the prothonotary of the court of common pleas of any county and the prothonotary shall enter the entire balance payable under the agreement award or order to be payable to the employe or his dependents as a judgment against the employer or other party liable under such agreement or award Where the compensation so payable is for a total [and permanent] disability the judgment shall be in the amount of thirty thousand dollars less such amount as the employer shall have actually paid pursuant to such agreement or award Such judgment shall be a lien against property of the employer or other party liable under such agreement or award and execution may issue thereon forthwith

Wherever after an accident any employe or his dependents shall have entered into a compensation agreement with an employer who has not accepted or complied with the provisions of section three hundred five or shall file a claim petition with the board against such employer he may file a certified copy thereof with the prothonotary of the court of common pleas of any county The prothonotary shall enter the amount stipulated in any such agreement or claimed in any such petition as judgment against the employer and where the amount so stipulated or claimed is for total [and permanent] disability such judgment shall be in the sum of thirty thousand dollars If the agreement be approved by the department or compensation awarded as claimed in the petition the amount of compensation stipulated in the agreement or claimed in the petition shall be a lien as of the date when the agreement or petition was filed with the prothonotary Pending the approval of the agreement or the award of compensation no other lien which may be attached to the employer's property during such time shall gain priority over the lien of such agreement or award but no execution shall issue on any compensation judgment before the approval of the agreement or the award of compensation on the said petition

* * *

On the question,

Will the Senate agree to the amendments?

Mr. BERGER. Mr. President, these voluminous amendments would restore the bill in all respects to the way it was before it was amended in committee.

Therefore, I ask my colleagues to vote "no" on these amendments. I also ask for a roll call.

Mr. WEINER. Mr. President, the reason for bringing this bill back to its original version is that we feel it is a much stronger bill. It would also make it much easier to administer. It would make it a better bill in the sense that the provisions that were in it in the House dealt with the heart of the problem and contained many provisions which we think should be in there.

Therefore, Mr. President, I ask my colleagues to vote "aye" on this measure.

And the question recurring,

Will the Senate agree to the amendments?

(During the calling of the roll, the following occurred:)

Mr. WEINER. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDING OFFICER. The Chair now turns the gavel over to the Lieutenant Governor to preside.

The PRESIDENT. The Clerk will please continue with the calling of the roll.

The yeas and nays were required by Mr. BERGER and were as follows, viz:

YEAS—25

Camiel,	Lane,	Mullin,	Seyler,
Devlin,	Mahady,	Murray,	Silvert,
DiSilvestro,	McCreesh,	Ripp,	Staisey,
Donolow,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,			

NAYS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

The PRESIDENT. There being a tie vote on the adoption of these amendments, the Chair, as President of the Senate, will vote in the affirmative. The amendments, therefore, are adopted by a vote of 26-25.

On the question,

Will the Senate agree to the bill on third reading, as amended?

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

HB 1638 (Pr. No. 2692)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendments:

> Amend Title, page 2, last line of Title, by inserting after "act": regulating practice and procedure changing subrogation rights providing for attendance of witnesses and generally clarifying and changing the provisions of the act
>
> Amend Sec. 1, page 2, line 1, by striking out "SUBSECTION (A)" and inserting: Subsections (a) and (c)
>
> Amend Sec. 1, page 2, line 3, by inserting after "(a)": subsection (a)

Amend Sec. 1, page 2, line 4, by striking out "IS" and inserting: and subsection (c) amended February 28 1956 (P L 1095) are

Amend Bill, page 6, by inserting between lines 5 and 6:

(c) Compensation for the occupational diseases enumerated in this act shall be paid only when such occupational disease is preculiar to the occupation or industry in which the employe was engaged and not common to the general population Wherever compensable disability or death is mentioned as a cause for compensation under this act it shall mean only compensable disability or death resulting from occupational disease and occurring within four years after the date of his last employment in such occupation or industry Provided however That where the disability or death is due to radio-active emissions whether primary or secondary or to radio-active properties or to Roentgen rays such disability or death shall be compensable even though occurring more than four years after the date of last employment in such occupation or industry in which he was exposed to such rays or emissions

* * *

Section 2 Subsection (b) of section 302 of the act is amended to read:

Section 302 * * *

(b) After October first one thousand nine hundred and thirty-nine an employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe of contractor for the performance upon such premises of a part of the employer's regular business entrusted to that employe or contractor shall be conclusively presumed to have agreed to pay to such laborer or assistant compensation in accordance with the provisions of article three unless the employer shall post at his plant office or place of business a notice of his intention not to pay such compensation and unless there be filed with the department within twenty days thereafter a true copy of such notice together with proof of the posting of the same setting forth upon oath or affirmation the time place and manner of such posting and after October first one thousand nine hundred and thirty-nine any such laborer or assistant who shall enter upon premises occupied by or under control of such employer for the purpose of doing such work shall be conclusively presumed to have agreed to accept the compensation provided in article three in lieu of his right of action under article two unless he shall have given notice in writing to the employer at the time of entering upon such employer's premises for the purpose of doing his work of his intention not to accept such compensation and unless within twenty days thereafter there shall have been filed with the department a true copy of such notice accompanied by proof of service thereof upon such employer setting forth under oath or affirmation the time place and manner of such service. And in such cases where article three binds such employer and such laborer or assistant it shall not be in effect between the intermediate employer or contractor and such laborer or assistant unless otherwise expressly agreed Where such an employer is not in fact liable for the payment of compensation under article three the employe shall not be deemed to have accepted article three of this act as to such employer nor have surrendered his or his dependents' rights under the provisions of section 303

* * *

Amend Sec. 2, page 6, line 6, by striking out "2" and inserting 3

Amend Sec. 2 (Sec. 306), page 7, line 15, page 8, line 2, by inserting a bracket before "The" in line 15, page 7 and after "in" in line 2, page 8.

Amend Sec. 2 (Sec. 306), page 8, line 2, by inserting after "In": In

Amend Sec. 2 (Sec. 306), page 9, line 9, by inserting brackets before "During" and after "the" where it appears the second time.

Amend Sec. 2 (Sec. 306), page 9, line 9, by inserting after "The": The

Amend Sec. 2 (Sec. 306), page 9, lines 12 and 13, by inserting brackets before "The" in line 12 and after "dollars" in line 13.

Amend Sec. 2 (Sec. 306), page 9, lines 16 and 17, by inserting brackets before "within" in line 16 and after "limitations" in line 17.

Amend Sec. 2 (Sec. 306), page 9, line 19; page 10, line 6, by inserting brackets before "for" in line 19, page 9 and after "rehabilitation" in line 6, page 10.

Amend Sec. 2 (Sec. 306), page 10, line 6, by inserting after "needed": as and when needed

Amend Sec. 3, page 11, line 4, by striking out "3" and inserting: 4

Amend Bill, page 25, by inserting between lines 8 and 9:

Section 5 Section 315 of the act amended February 28 1956 (P L 1095) is amended to read:

Section 315 In cases of disability all claims for compensation shall be forever barred unless within [sixteen months] two years after compensable disability begins the parties shall have agreed upon the compensation payable under this article or unless within [sixteen months] two years after compensable disability begins one of the parties shall have filed a petition as provided in article four hereof In cases of death all claims for compensation shall be forever barred unless within [sixteen months] two years after the death the parties shall have agreed upon the compensation payable under this article or unless within [sixteen months] two years after the death one of the parties shall have filed a petition as provided in article four hereof Where however payments of compensation have been made in any case said limitations shall not take effect until the expiration of [sixteen months] two years from the time of the making of the most recent payment made prior to the date of filing such petition

Section 6 Section 319 of the act amended February 28 1956 (P L 1095) and December 1 1959 (P L 1678) is amended to read:

Section 319 Where the compensable disability is caused in whole or in part by the act or omission of a third party the employer shall be subrogated to the right of the employe his personal representative his estate or his dependents against such third party for the balance of any sum recovered in litigation or paid in compromise settlement after subtraction of reasonable attorney's fees and other proper disbursements but only to the extent of the compensation payable under this article by the employer the said attorney's fees and disbursements shall be prorated between the employer and the employe his personal representative his estate or his dependents Any recovery against such third person in excess of the compensation theretofore paid by the employer shall be paid forthwith to the employe or to the dependents and shall be treated as an advance payment by the employer on account of any future instalments of compensation

Where an employe has received payments for the disability or medical expense resulting from a disability in the course of his employment paid by the employer or an insurance company [hospital medical osteopathic or dental service corporation employe or fraternal welfare or benefit association] on the basis that the disability was not compensable under this act in the event of an agreement or award for what disability the employer or insurance company [hospital medical osteopathic or dental service corporation employe

or fraternal welfare or benefit association which] who made [any] the payments shall be subrogated out of the agreement or award to the amount so paid [without deduction for attorneys' fees or otherwise] if the right to subrogation is agreed to by the parties or is established at the time of hearing before the referee or the board

Section 7 Subsection (a) of section 320 of the act amended February 28 1956 (P L 1095) is amended and the section is amended by adding after subsection (a) a new subsection to read:

Section 320 (a) If the employe is a minor under the age of eighteen years employed or permitted to work in violation of any provision of the laws of this Commonwealth relating to minors of such age or compensation either in the case of disability or death of such employe shall be one hundred and fifty per centum of the amount that would be payable to such minor if legally employed The amount by which such compensation shall exceed that provided for in case of legal employment may be referred to as "additional compensation"

(a.1) If the disability or death is caused or materially contributed to by a violation on the part of his employer of safety statutes or safety rules applicable to the employment in which the employe was disabled compensation either in the case of disability or death of such employe shall be one hundred and fifty per centum of the amount that would otherwise be payable to such employe The amount by which such compensation shall exceed the compensation payable had there not been a violation as herein provided may be referred to as "additional compensation"

* * *

Section 8 Section 410 of the act is amended to read:

Section 410 If after any disability or death the employer and the employe or his dependents shall fail to agree upon the facts thereof and the compensation due under this act the employe or his dependents may present a claim for compensasion to the board

Whenever any claim for compensation is presented to the board and is finally adjudicated in favor of the claimant the amounts of compensation actually due at the time the first payment is made after such adjudication shall bear interest at the rate of six per centum per annum from the day such claim is presented and such interest shall be payable to the same persons to whom the compensation is payable

The claimant shall also have the right to reimbursement for the reasonable costs of procuring the attendance of necessary witnesses in such amounts and upon complying with such conditions as the Workmen's Compensation Board shall by rule provide

In case any claimant shall die before the final adjudication of his claim the amount of compensation due such claimant to the date of death shall be paid to the dependents entitled to compensation or if there be no dependents then to the estate of the decedent

Whenever any claim for compensation is presented to the board or a referee and the disability due to an occupational disease is not denied and the only issue involved is the liability as between the defendant or the carrier or two or more defendants or carriers the referee or the board shall forthwith order payments to be immediately made by the defendants or the carriers in said case After the referee or the board render a final decision the payments made by the defendant or carrier not liable in the case shall be awarded or assessed against the defendant or carrier liable in the case as costs in the proceedings in favor of the defendant or carrier not liable in the case

Section 9 Section 413 of the act amended February 28 1956 (P L 1095) is amended to read:

Section 413 The board or a referee designated by the board may at any time review and modify or set aside an existing original or existing supplemental agreement upon petition filed by either party with the board or in the course of the proceedings under any petition pending before such board or referee if it be proved that such agreement was in any material respect incorrect

The board or referee designated by the board may at any time modify reinstate suspend or terminate an original or supplemental agreement or an award upon petition filed by either party with such board upon proof that the disability of the employe has increased decreased recurred or has temporarily or finally ceased or that the status of any dependent has changed Such modification reinstatement suspension or termination shall be made as of date upon which it is shown that the disability of the employe has increased decreased recurred or has temporarily or finally ceased or upon which it is shown that the status of any dependent has changed: Provided That an agreement or an award can only be reviewed modified or reinstated during the time such agreement or award has to run if for a definite period and no agreement or award shall be reviewed or modified or reinstated unless a petition is filed with the board within two years after the date of the most recent payment of compensation made prior to the date of filing such petition Where compensation has been suspended because the employe's earnings are equal to or in excess of his wages prior to the disability payments under the agreement or award may be resumed at any time during the period for which compensation for partial disability is payable unless it be shown that the loss of earnings does not result from the disability due to the exposure

The board or referee to whom any such petition has been assigned may subpoena witnesses hear evidence make findings of fact and award or disallow compensation in the same manner and with the same effect and subject to the same right of appeal as if such petition were an original claim petition

The filing of a petition to terminate or modify a compensation agreement or award as provided in this section shall operate as a supersedeas and shall suspend the payment of compensation fixed in the agreement or by the award in whole or to such extent as the facts alleged in the petition would if proved require Provided That if an employer does not file such a petition to modify or terminate the agreement or award within twenty days after he has ceased making regular payments of compensation the filing of the petition shall not operate as a supersedeas prior to the date of filing the said petition and compensation shall be payable as theretofore provided until the date the petition is filed where an employer shall file a petition to terminate the payment of compensation or modify the payment of compensation to a lesser amount than that payable under the agreement or award theretofore existing each such petition shall be supported by a statement of an examining physician setting forth whether all disability has terminated or whether the disability has diminished and if the latter the extent of partial disability that remains Each such statement shall specify briefly the examining physician's findings on which he bases his opinions When some degree of partial disability remains payments of compensation for such partial disability shall be payable weekly during the pendency of the proceedings If no such statement by an examining physician is included with the petition the employe shall be paid the maximum compensation payable for partial disability until the petition shall be finally determined

Amend Sec. 4, page 25, lines 9 and 10, by striking out "4 THE SECOND PARAGRAPH" and inserting:

10 The first and second paragraphs

Amend Sec. 4 (Sec. 428), page 26, line 9, by striking out all of said line and inserting:

Section 428 Whenever the employer who has accepted and complied with the provisions of section three hundred five shall be in default in compensation payments for thirty days or more the employe or dependents entitled to compensation thereunder may file a certified copy of the agreement and the order of the board approving the same or of the award or order with the prothonotary of the court of common pleas of any county and the prothonotary shall enter the entire balance payable under the agreement award or order to be payable to the employe or his dependents as a judgment against the employer or other party liable under such agreement or award Where the compensation so payable is for a total [and permanent] disability the judgment shall be in the amount of thirty thousand dollars less such amount as the employer shall have actually paid pursuant to such agreement or award Such judgment shall be a lien against property of the employer or other party liable under such agreement or award and execution may issue thereon forthwith

On the question,

Will the Senate agree to the amendments?

Mr. BERGER. Mr. President, I request a roll call vote on these amendments.

The yeas and nays were required by Mr. BERGER and were as follows, viz:

YEAS—25

Camiel,	Lane,	Mullin,	Seyler,
Devlin,	Mahady,	Murray,	Silvert,
DiSilvestro,	McCreesh,	Ripp,	Staisey,
Donolow,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,			

NAYS—25

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Madigan,	Stevenson,	Ware, III,
Flack,	Mallery,	Stroup,	Wolfe,
Fleming,			

The PRESIDENT. There being a tie vote, the Lieutenant Governor, as President of the Senate, votes "aye," and the amendments are adopted by a vote of 26-25.

On the question,

Will the Senate agree to the bill on third reading, as amended?

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

BILL OVER IN ORDER

HB 1678—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 1683 (Pr. No. 2117)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—20

Camiel,	**Kalman,**	**McGinnis,**	**Sarraf,**
Devlin,	**Lane,**	**Mullin,**	**Sesler,**
DiSilvestro,	**Mahady,**	**Murray,**	**Seyler.**
Haluska,	**Mallery,**	**Ripp,**	**Silvert,**
Hays,	**McCreesh,**	**Rooney,**	**Weiner,**

NAYS—24

Bell,	**Fleming,**	**Pechan,**	**Taylor,**
Berger,	**Hawbaker,**	**Propert,**	**Van Sant,**
Chapman,	**Keller,**	**Scott,**	**Wade,**
Confair,	**Kessler,**	**Shafer,**	**Wagner,**
Ehrgood,	**Kromer,**	**Stevenson,**	**Ware, III,**
Flack,	**Madigan,**	**Stroup,**	**Wolfe,**

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 1746 (Pr. No. 2396)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	**Hays,**	**Mullin,**	**Staisey,**
Berger,	**Kalman,**	**Murray,**	**Stevenson,**
Camiel,	**Keller,**	**Pechan,**	**Stiefel,**
Chapman,	**Kessler,**	**Propert,**	**Stroup,**
Confair,	**Kromer,**	**Ripp,**	**Taylor,**
Devlin,	**Lane,**	**Rooney,**	**Van Sant,**
DiSilvestro,	**Madigan,**	**Sarraf,**	**Wade,**
Donolow,	**Mahady,**	**Scott,**	**Wagner,**
Ehrgood,	**Mallery,**	**Sesler,**	**Ware, III,**
Flack,	**McCreesh,**	**Seyler,**	**Weiner,**
Fleming,	**McGinnis,**	**Shafer,**	**Wolfe,**
Haluska,	**McMenamin,**	**Silvert,**	**Yatron,**
Hawbaker,	**Miller,**		

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

The PRESIDENT. As this time, the Chair returns the gavel to the very able Senator from Philadelphia, Senator Donolow.

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

HB 1768 (Pr. No. 2611)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	**Kalman,**	**Mullin,**	**Stevenson,**
Berger,	**Keller,**	**Murray,**	**Stiefel,**
Camiel,	**Kessler,**	**Pechan,**	**Stroup,**
Chapman,	**Kromer,**	**Propert,**	**Taylor,**
Confair,	**Lane,**	**Ripp,**	**Van Sant,**

Devlin,	Madigan,	Rooney,	Wade,
DiSilvestro,	Mahady,	Sarraf,	Wagner,
Ehrgood,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Sesler,	Yatron,
Fleming,	McGinnis,	Shafer,	Ware, III
Haluska,	McMenamin,	Silvert,	Wolfe,
Hawbaker,	Miller,	Staisey,	Donolow, Presiding Officer

NAYS—2

Hays,	Seyler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1771 (Pr. No. 2693)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL REREFERRED

HB 1796 (Pr. No. 2377)—Upon motion of Mr. WEINER, seconded by Mr. LANE, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER TEMPORARILY

HB 1811—Without objection, the bill was passed over in its order temporarily at the request of Mr. WEINER.

SB 769 CALLED UP

SB 769 (Pr. No. 917)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 2 of the Third Reading Calendar by Mr. WEINER.

EDUCATION BILL OVER IN ORDER

SB 769—Mr. WEINER. Mr. President, I now request that Senate Bill No. 769 go over in its order.

Mr. FLEMING. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Weiner.

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Mr. Weiner, permit himself to be interrogated?

Mr. WEINER. I will, Mr. President.

Mr. FLEMING. Mr. President, I would like to ask the gentleman from what purpose the bill is being put over in its order.

Mr. WEINER. Mr. President, the Department of Public Instruction is not in favor of this measure. They feel this is a poorly prepared measure in so far as what the bill is attempting to accomplish. The purpose of the bill seems to be all right, but the Department feels this is the wrong way to go about it or handle this situation.

In Allegheny County, there already is a setup to take care of this particular problem, dealing with handicapped children. They feel this is unnecessary. If the gentleman would like to bring it up for a vote, I will be delighted to do so. I will not quarrel about it and we can dispose of it in that fashion.

Mr. FLEMING. I want to thank the gentleman, Mr. President.

Likewise, I do not wish to quarrel about this matter. This is badly needed legislation in Allegheny County, where I think we have made great advances in the schooling of handicapped children. In nothern Allegheny County, it is badly needed. I certainly must bow to the wisdom of the Department of Public Instruction and to the Majority Leader. If the bill is faulty, certainly there is nothing to do except send it back to committee. I can only hope that at some future date we will be able to implement the School Code in order that this situation, not only in Allegheny County but all over Pennsylvania, can be more adequately handled.

The PRESIDING OFFICER. There being no objection, the bill will go over in its order.

RECESS

Mr. BERGER. Mr. President, I request a ten minute recess of the Senate for the purpose of holding a Republican Caucus.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a ten minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. CAMIEL, by unanimous consent, from the Committee on Public Health and Welfare, reported, as amended, **HB 1340** and **1598** and rereported, as amended, **HB 1541.**

Mr. HALUSKA, by unanimous consent, from the Committee on Local Government, reported, as committed, **HB 1463.**

Mr. McGINNIS, by unanimous consent, from the Committee on Appropriations, reported, as committed, **HB 1841.**

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. DEVLIN, by uanimous consent, from the committee on Executive Nominations, reported the following nominations, made by his Excellency, the Governor:

MEMBER OF THE BOARD OF COMMISSIONERS ON UNIFORM STATE LAWS

May 22, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William H. Wood, 107 North Twentieth Street, Camp Hill, Cumberland County, for reappointment as a member of the Board of Commissioners on Uniform State Laws, for a term of four years, and until his success shall have been appointed and qualified.

DAVID L. LAWRENCE

MEMBER OF THE BOARD OF TRUSTEES OF CHEYNEY STATE COLLEGE

June 20, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Alfred H. Williams, 216 North Providence Road, Wallingford Delaware County, for reappointment as a member of the Board of Trustees of Cheyney State College, until the third Tuesday of January 1967, and until his successor shall have been appointed and qualified.

DAVID L. LAWRENCE

JUSTICE OF THE PEACE

August 22, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Leopold C. Cibik, P. O. R. D. 2, Leechburg, for appointment as Justice of the Peace in and for the Township of Allegheny, Westmoreland County, until the first Monday of January 1962, vice Robert S. Gray, resigned.

DAVID L. LAWRENCE

MEMBER OF THE BOARD OF TRUSTEES OF EAST STROUDSBURG STATE COLLEGE

August 23, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Patrick J. Connors, 716 Beech Street, Old Forge, Lackawanna County, for reappointment as a member of the Board of Trustees of East Stroudsburg State College, until the third Tuesday of January 1967, and until his successor shall have been appointed and qualified.

DAVID L. LAWRENCE

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

June 13, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate R. G. Smith, R. D. 2, Berwick, Columbia County, for appointment as a member of the Pennsylvania Game Commission, until the third Tuesday of January 1969, and until his successor shall have been appointed and qualified, vice Andrew C. Long, Shamokin, whose term expired.

DAVID L. LAWRENCE

PROTHONOTARY OF THE COURT OF COMMON PLEAS, SUSQUEHANNA COUNTY

August 21, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward J. Austin, R. D. 2, Hallstead, Susquehanna County, for appointment as Prothonotary of the Court of Common Pleas, Clerk of the Court of Quarter Sessions of the Peace, and Clerk of the Court of Oyer and Terminer, in and for the County of Susquehanna, until the first Monday of January 1962, vice Howard T. Maynard, resigned.

DAVID L. LAWRENCE

MEMBER OF THE BUCKS COUNTY BOARD OF ASSISTANCE

August 21, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Florence Bender (Republican), 35 Firebush Road, Levittown, Bucks County, for appointment as a member of the Bucks County Board of Assistance, until December 31, 1963, and until her successor is duly appointed and qualified, vice J. Stanley Lee, Newtown, whose term expired.

DAVID L. LAWRENCE

JUSTICE OF THE PEACE

August 21, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Francis M. Rourke, R. D. 1, Millerton, Tioga County, for appointment as Justice of the Peace in and for the Township of Jackson, Tioga County, until the first Monday of January 1962, vice James M. Mosier, resigned.

DAVID L. LAWRENCE

MEMBERS OF THE BOARD OF TRUSTEES OF CALIFORNIA STATE COLLEGE

August 28, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for appointment as members of the Board of Trustees of California State College:

James H. Adamson, 335 Pennsylvania Avenue, North Charleroi, Charleroi, Washington County, until the third Tuesday of January 1967, and until his successor is appointed and qualified, to fill a vacancy.

Mrs. Grace Clyde, 514 Hutchinson Avenue, Canonsburg, Washington County, until the third Tuesday of January 1963, and until her successor is appointed and qualified. (Reappointment)

DAVID L. LAWRENCE

MEMBER OF THE BOARD OF TRUSTEES OF KUTZTOWN STATE COLLEGE

August 28, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Bessie V. Bast, College Hill, Kutztown, Berks County, for appointment as a member of the Board of Trustees of

Kutztown State College, until the third Tuesday of January 1967, and until her successor shall have been appointed and qualified, vice Alvin F. Kemp, Mertztown, deceased.

DAVID L. LAWRENCE

JUSTICE OF THE PEACE

August 28, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law I have the honor hereby to nominate for the advice and consent of the Senate Jesse E. Chapman, Aleppo, Greene County, for appointment as Justice of the Peace in and for the Township of Aleppo, Greene County, to serve until the first Monday of January 1962, vice Roger V. Courtwright, resigned.

DAVID L. LAWRENCE

JUSTICE OF THE PEACE

August 28, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Anne M. Buchner, R. D. 1, Albion, Erie County, for appointment as Justice of the Peace in and for the Township of Conneaut, Erie County, to serve until the first Monday of January 1962, to fill a vacancy.

DAVID L. LAWRENCE

MEMBER OF THE MILK CONTROL COMMISSION

January 3, 1961.

G. Emerson Work, Smock, Fayette County, from November 15, 1960 until May 1, 1965, and until his successor shall have been appointed and qualified.

DAVID L. LAWRENCE

MEMBERS OF THE BOARD OF TRUSTEES OF EMBREEVILLE STATE HOSPITAL

August 14, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for appointment as members of the Board of Trustees of Embreeville State Hospital:

Mrs. Constance D. Braendel, Swedesford Road, Malvern, Chester County, until the third Tuesday of January 1965, and until her successor is appointed and qualified, vice Mrs. Janet Payne Whitney, Westtown, resigned.

E. Lewis Burnham, 296 Bair Road, Berwyn, Chester County, until the third Tuesday of January 1963, and until his sucessor is appointed and qualified. (Reappointment)

DAVID L. LAWRENCE

ALDERMAN

August 23, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Ruby C. Myers, 115 East Crawford Avenue, Altoona, Blair County, for appointment as Alderman in and for the Tenth Ward of the City of Altoona, Blair County, to serve until the first Monday of January 1962, vice Charles M. Hauk, resigned.

DAVID L. LAWRENCE

EXECUTIVE SESSION

A motion was made by Mr. DEVLIN and Mr. LANE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. DEVLIN asked and obtained unanimous consent for immediate consideration of the nominations made by His Excellency, the Governor, which were just reported from committee and read by the Clerk.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. LANE. Mr. President, if I may, I would like to make an observation. We have just confirmed a very, very great friend of mine, and an old friend of mine, in the person of Mr. James H. Adamson, from Charleroi, Pennsylvania. Mr. Adamson will now be a member of the Board of Trustees of California State College.

We know Mr. James H. Adamson as "K.O." Adamson, one of the top amateur boxers in western Pennsylvania during his day. Mr. Adamson is also a graduate of State College and at one time served as president of the Alumni. He happens to be a very close, personal friend of mine. I might say that as long as I have been a Member of this Senate, this is the first time I have had one of my best friends confirmed as an official in State Government. Therefore, to "K.O." Adamson, I say that I wish him all the luck in the world. I know the people at California State College and the people in State Government will be, indeed, happy and they will be well satisfied with the services of "K.O." Adamson.

EXECUTIVE SESSION RISES

Mr. DEVLIN. Mr. President, I move that the Executive Session do now rise.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILL

The Secretary to the Governor being introduced, presented communication in writing from His Excellency,

the Governor, advising that the following Senate Bill had been approved and signed by the Governor:

SB 875

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

ALDERMAN

August 29, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Henry R. Ryan, 7438 Race Street, Pittsburgh 8, Allegheny County, for appointment as Alderman in and for the Thirteenth Ward of the City of Pittsburgh, Allegheny County, to serve until the first Monday of January 1962, vice Mrs. Sarah R. Kirk, resigned.

DAVID L. LAWRENCE

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, **SB 667,** with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. The bill, as amended, will be placed on the Calendar.

HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate, **SB 225** and **238,** with the information that the House has passed the same without amendments.

AMENDMENTS TO HOUSE BILL, RECALLED FROM THE GOVERNOR

He also presented for concurrence, **HB 1273,** said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDING OFFICER. The bill, as amended, will be placed on the Calendar.

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 1277.**

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO **HB 1277**

Mr. WEINER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 1277, and that a Committee of Conference on the part of the Senate be appointed.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 1335.**

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO **HB 1335**

Mr. WEINER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 1335, and that a Committee of Conference on the part of the Senate be appointed.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

HOUSE BILLS FOR CONCURENCE

He also presented for concurrence **HB 17,** which was referred to the Committee on Judiciary General.

He also presented for concurrence **HB 773, 1603** and **1625,** which were referred to the Committee on Appropriations.

He also presented for concurrence **HB 1702,** which was referred to the Committee on Education.

He also presented for concurrence **HB 1802,** which was referred to the Committee on Corporations.

He also presented for concurrence **HB 1818,** which was referred to the Committee on Rules.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 1275, 1276, 1278, 1385, 1473, 1484, 1531** and **1604.**

COMMITTEES OF CONFERENCE APPOINTED ON HB 1277 AND HB 1335

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Committees of Conference on the part of the Senate to confer with similar committees of the House (if the House shall appoint such committees) to consider the differences existing between the two houses in relation to the following bills:

House Bill No. 1277—Messrs. LANE, HALUSKA and VAN SANT

House Bill No. 1335—Messrs. WEINER, LANE and BERGER

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Mr. MAHADY submitted the Report of Committee of Conference on **HB 1407,** which was laid over for printing under the rules.

HB 1811 CALLED UP

HB 1811 (Pr. No. 2470)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 13 of the Third Reading Calendar by Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1811 (Pr. No. 2470)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. VAN SANT. Mr. President, I move to reconsider the vote by which this bill just passed third reading.

The PRESIDING OFFICER. How did the Senator vote?

Mr. VAN SANT. Mr. President, I voted with the prevailing side.

Mr. WADE. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. WADE. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. VAN SANT, by unanimous consent, offered the following amendments:

> Amend Sec. 4, page 4, line 14, by striking out "scheduled" and inserting: initial
>
> Amend Sec. 7, page 10, line 8, by inserting after "Commonwealth": provided however that no form or rate in effect upon the effective date of this act shall be disapproved or reduced by order of the commissioner
>
> Amend Sec. 7, page 11, line 6, by inserting after "review": Notwithstanding any other provisions of this act any rate or form in effect upon the effective date of this act may be continued during the period of any hearing by the commissioner and thereafter during the period of any appeal and until such appeal is finally adjudicated by the court having ultimate jurisdiction including appellate courts

On the question,

Will the Senate agree to the amendments?

Mr. ROONEY. Mr. President, I would like to oppose these amendments. Credit life and credit accident insurance in Pennsylvania is a multimillion dollar business. I believe there are over 3,000,000 policies in effect in Pennsylvania today, with absolutely no regulation whatsoever. Pennsylvania is one of the few leading States in the Nation that does not have the regulation of credit life, accident and health insurance. The amendments which have been submitted by Senator Van Sant will have a disastrous effect on the merits of this bill. I hope that my colleagues will vote against them.

Mr. EHRGOOD. Mr. President, the amendments, offered by Senator Van Sant, would keep in effect a rate which might be unreasonable at this particular time. I cannot see any reason at all for doing that. If the rate would be unreasonable, bad and discriminatory, I do not believe we should go ahead and keep that in effect by amendments such as this.

Mr. WEINER. Mr. President, I do not want to get into the midst of these orators on this bill. However, there are several flaws in the amendments as offered by the gentleman, and they are as follows:

You are asking that the Insurance Commissioner be bound by rates which, number one, were never submitted to him; number two, by rates which he has never had an opportunity to look at; and, thirdly, you are saying to him that whether these rates are good or bad, we are asking him—the Insurance Commissioner—to approve them because they were in effect on the date when this measure went into effect.

Suppose, between today and whenever this bill goes into effect, these rates were raised. The Insurance Commissioner would be blanketing in these rates and the very purport and purpose of this bill would, in effect, be lost. I am sure this was not intended by these amendments.

Mr. VAN SANT. Mr. President, part of the amendments provide that these people who are in this business would also have the opportunity to appeal to the courts. As I presently understand it, when the Insurance Commissioner is presented with a fire and casualty rate, then he has the privilege of accepting or rejecting the rate. If he rejects it, the people concerned have the right to appeal to the court.

For that reason, Mr. President, I think these amendments should be inserted in order to protect a business which in the Commonwealth of Pennsylvania, is a big one. This bill will affect seventy-five per cent of the smaller companies and permit the larger companies to usurp the business which is now being shared at the local level by many of the writers of credit life insurance.

Mr. President, may the Senate be at ease for a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. EHRGOOD. Mr. President, I just want to state that under Section 13 of the proposed bill—House Bill No. 1811—it provides for an appeal under the procedure set forth in the Administrative Agency Law, approved June 4, 1945. This, in effect, means that an appeal can be taken to the Common Pleas Court of Dauphin County, as under any circumstances provided for in the Administrative Agency Law.

And the question recurring,

Will the Senate agree to the amendments?

(During the calling of the roll, the following occurred:)

Mr. BELL. Mr. President, I desire to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were required by Mr. VAN SANT and were as follows, viz:

YEAS—10

Bell,	Mahady,	Stroup,	Wade,
Flack,	Miller,	Van Sant,	Ware, III,
Madigan,	Scott,		

NAYS—38

Berger,	Kalman,	Murray,	Silvert,
Camiel,	Keller,	Pechan,	Staisey,
Chapman,	Kessler,	Propert,	Stevenson,
Devlin,	Kromer,	Ripp,	Taylor,
DiSilvestro,	Lane,	Rooney,	Wagner,
Ehrgood,	Mallery,	Sarraf,	Weiner,
Fleming,	McCreesh,	Sesler,	Wolfe,
Haluska,	McGinnis,	Seyler,	Yatron,
Hawbaker,	McMenamin,	Shafer,	Donolow,
Hays,	Mullin,		Presiding Officer

So the question was determined in the negative, and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. VAN SANT, by unanimous consent, offered the following amendment:

> Amend Sec. 2, page 2, line 15, by inserting after "debtor": or group of debtors.

On the question,

Will the Senate agree to the amendment?

Mr. EHRGOOD. Mr. President, I rise to speak against this amendment in view of the fact that it provides for inserting the following after the word "debtor": "or group

of debtors." The rule of interpretation would be that the singular includes the plural and there would be no necessity for this amendment to be offered.

For that reason, Mr. President, I would ask the Members of the Senate to defeat this amendment.

Mr. MAHADY. Mr. President, I rise in support of the amendment. I agree with the statement made by Senator Ehrgood, but not with the conclusion which he has attributed to it. The debtor may include a group of debtors in the ordinary sense, but not in this bill.

The whole crux of this legislation rises out of the fact that many people who opposed this bill the last time are now in favor of it. This is because of the fact that the three leading people in this field now secure group insurance. The group insurance rate is not available to the ordinary, single operator or the little fellow.

If this amendment is adopted, it insures that this bill also covers the group and the group insurance. No longer will individual policies be issued. Group insurance is covered only by a master policy. Therefore, the difference between the master policy and the group is the purpose of this clarifying amendment. Even if you were to assume their premise, as an abundance of caution, we want to make sure that the man who writes group insurance is also going to be bound by this legislation.

Mr. ROONEY. Mr. President, I cannot understand the statement made by Senator Mahady about the little man. The man about whom we are talking here is the loan company. Before a loan is granted to an individual, the loan manager, or whoever takes the application, explains to him that he can have credit accident and health insurance and he can have credit life insurance. The loan company is not selling this insurance in order to protect the borrower. They are selling the insurance in order to protect the loan company. If, in 1963 or 1965, the loan companies are not making enough money, maybe it is up to this legislative Body to increase the interest rates. However, I cannot understand the correlation between insurance and loans. I think this is the finest piece of legislation that we will have an opportunity to vote for during this Session for the consumer—for the man on Main Street. That is the man whom we represent here in Harrisburg.

I ask all of my colleagues to vote against this amendment and vote in favor of the bill.

Mr. PECHAN. Mr. President, I would like to concur in what has been said by my distinguished colleague, Senator Rooney.

It seems that everybody is talking about the lender or the businessman. Nobody is thinking about the small consumer. Some years ago, I sponsored legislation for the small loan companies whereby we increased the amount they could lend from $300 to $600. At that time, when I did that, some of the very opponents that we presently have were opposed to that type of legislation. They argued that they would be run out of business. Let me tell you, Mr. President, that they have never had it so good. One of the reasons why they are objecting to this bill is because they are receiving as much as two dollars for $100 and they do not want anybody to regulate them out of it.

The banks charge you something like thirty-eight cents per $100. As I understand it, the large companies, which are being referred to, charge fifty cents per $100. There are some of these little fellows who are charging for life insurance as much as two dollars per $100.

It is about time that we think about the little guy once in awhile and try to help him.

When I did introduce the measure which increased the lending from $300 to $600, we also decreased the amount of interest that the consumer had to pay.

Mr. VAN SANT. Mr. President, I desire to interrogate the gentleman from Armstrong, Senator Pechan.

The PRESIDING OFFICER. Will the gentleman from Armstrong, Mr. Pechan, permit himself to be interrogated?

Mr. PECHAN. I will, Mr. President.

Mr. VAN SANT. Mr. President, Senator Pechan has referred to the fact that this does not help the little fellow. If I buy an automobile and I were to be killed in an accident and the automobile were financed, the remainder of the cost of the automobile would be paid up. Is that correct? Is it also correct that my widow would have a clear title to that automobile?

Mr. PECHAN. Yes. If you had your insurance paid up and something happened to you, your wife—

Mr. VAN SANT. It is assumed that my insurance would be paid up.

Mr. PECHAN. Yes.

Mr. VAN SANT. Is not my wife a little person and is she not receiving the benefit of this?

Mr. PECHAN. I cannot understand what your wife is doing with a small loan.

The PRESIDING OFFICER. The gentleman from Armstrong is out of order.

Mr. VAN SANT. Senator Pechan, the difference between your financial business and my financial business is none because we are both down in the mouth.

Now, Senator, this is a great potential because during the last Session out in your very District, I learned of a newspaperman who had bought an automobile and was in an accident. If he had not had the insurance, then his widow would have been expected to pay that debt. This insurance is good for people.

The gentleman pointed out another thing when he said that these large group companies, referred to by Senator Mahady, can write this insurance at fifty cents per $100 under the group plan. Therefore, I think they would be in unfair competition with the little fellow, like the gentleman who wrote this letter. He is an automobile dealer and has his own finance agency, the same as many other dealers throughout the Commonwealth. This would put them in unfair competition.

For that reason, Mr. President, I would request that my colleagues vote for this clarifying amendment and that the words "or group of debtors" be included in this legislation.

And the question recurring,

Will the Senate agree to the amendment?

The roll was called and resulted as follows:

YEAS—12

Bell,	Flack,	Miller,	Van Sant,
Berger,	Madigan,	Scott,	Wade,
Confair,	Mahady,	Stroup,	Ware, III,

NAYS—36

Camiel,	Kalman,	Mullin,	Shafer,
Chapman,	Keller,	Murray,	Silvert,
Devlin,	Kessler,	Pechan,	Stevenson,
DiSilvestro,	Kromer,	Propert,	Taylor,
Ehrgood,	Lane,	Ripp,	Wagner,
Fleming,	Mallery,	Rooney,	Weiner,
Haluska,	McCreesh,	Sarraf,	Wolfe,

Hawbaker,	McGinnis,	Sesler,	Yatron,
Hays,	McMenamin,	Seyler,	Donolow,
			Presiding Officer

So the question was determined in the negative, and the amendment was defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. MAHADY, by unanimous consent, offered the following amendment:

Amend Sec. 8, page 13, lines 5 to 13 by striking out all of said lines.

On the question,

Will the Senate agree to the amendment?

Mr. MAHADY. Mr. President, the purpose of this amendment is the crux, to a great extent, of the impact of this bill upon the loan companies. I do not intend to dwell on the bill. I have previously restricted myself to the amendments. However, because of the answers which have been given in relation to the other amendments, there are a few things that I must say.

At the present time, Mr. President, the maximum rate is limited to one per cent, or one dollar. The Banking Department very rigidly enforces that. In their audit, they also audit the refunds where policies are cancelled and the money is given back. Let us distinguish between this bill so that the proponents of it may be clear in their own minds. The Banking Department regulates the loan companies. The Insurance Department regulates the insurance in connection with the loan companies. There seems to be some misapprehension or misunderstanding upon that point.

The fact is that the group rate is fifty cents and not thirty-eight cents, as was said here. Let me also say that I think Senator Pechan, by his remarks, has a beclouded memory. He is not old enough to have a clouded memory, which is only for people who are much more advanced in years. The bill he was talking about is the one which he introduced to raise the small loan business from $600 to $800. That is the bill about which he was talking, and the bill which the Governor vetoed. He vetoed it because it would have destroyed the individual operator and would have been the end of the small loan companies.

Mr. President, you will note that we are trying to eliminate 8 (e), thereby eliminating the giving of commissions to companies. That is the matter under discussion and the meat of the discussion at the moment. There are two landmarks in this bill. Life insurance has never been regulated. It has been free on the open market and has set its own rates. They were not set by arbitrary action, but by the mortality tables and by the actuaries who worked out the science because of the lives and the deaths and what could be afforded on the market.

If this bill is passed, it will be the first time that life in any form has ever been regulated and the free market will disappear. That is one of the dangers of the bill. However, getting to the heart of 8 (e), no loan company today is allowed to get anything except interest. For the first time, so that the people who have group insurance can put that commission in their own company and have an additional increment beside their interest, they have included 8 (e). That was the deal: You give us regulations, and we will give you the right to put that in your own company.

The idea of this amendment is to remove one of those hurdles. That is the hurdle which is there; that you can put the money into the company and you will find that the commissions will go into the company for the first time, rather than to the agent.

Mr. PECHAN. Mr. President, I do not want to prolong this debate, but there has been so much misinformation about this matter and so much bad feeling. I do not want to go into it, but I do want to correct Senator Mahady.

I never introduced a bill raising it from $600 to $800, which was vetoed. Where the gentleman got his information, I do not know. I sponsored a bill which raised the ante from $300 to $600 and it is presently the law. I do not know where Senator Mahady gets all his misinformation. However, let us not go back to what happened two weeks ago or I am liable to break down and cry for keeps this time. I do not want to do that.

Mr. EHRGOOD. Mr. President, I do prefer to address myself to the amendment which was offered, instead of going into the merits of the bill at this time.

Speaking on the amendment that was offered to Section 8 (e), page 13 of the bill, there is presently a doubt—and the law needs some clarification—as to whether commissions on credit life insurance can be legally accepted by the individuals or the companies writing that insurance. This provision in the bill now provides that. So, there is no question under the Small Loan Act that these commissions can be accepted.

In answer to Senator Mahady, I would ask the gentlemen of this Senate whether it is not better to have the commissions go to the company itself, rather than under the table to various individuals who have been using them for other purposes.

Therefore, Mr. President, I would ask the gentlemen to defeat this amendment.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. ROONEY and were as follows, viz:

YEAS—9

Bell,	Kalman,	Stroup,	Wade,
Flack,	Mahady,	Van Sant,	Ware, III,
Hays,			

NAYS—37

Berger,	Kessler,	Murray,	Shafer,
Camiel,	Kromer,	Pechan,	Silvert,
Chapman,	Lane,	Propert,	Stevenson,
Devlin,	Mallery,	Ripp,	Taylor,
DiSilvestro,	McCreesh,	Rooney,	Wagner,
Ehrgood,	McGinnis,	Sarraf,	Weiner,
Fleming,	McMenamin,	Scott,	Wolfe,
Haluska,	Miller,	Sesler,	Yatron,
Hawbaker,	Mullin,	Seyler,	Donolow,
Keller,			Presiding Officer

So the question was determined in the negative, and the amendment was defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. EHRGOOD. Mr. President, I assume that we are now speaking on the bill itself. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. EHRGOOD. Mr. President, I do not want to prolong the debate much longer, but I would like to point

out something very important to the Members of the Senate.

We get so enamored, perhaps, with the idea that this bill only affects credit life insurance in connection with small loan companies, which is entirely incorrect. For example, anyone going to a bank and obtaining a loan to purchase a car and then has, as Senator Van Sant pointed out, the car insured—including life insurance on that individual—that is also involved in this case. That can go up to $3,000, for example, if you borrow $3,000 on a $4,000 car.

The problem here is that you have involved in credit life insurance something like one billion and three-quarter million dollars in the Commonwealth of Pennsylvania alone, and something like thirty-one billion dollars over the United States as a whole. As I understand it, Pennsylvania ranks fourth in the Nation in the amount of this credit life insurance.

Mr. President, when you are talking about one and three-fourth billion dollars in Pennsylvania alone, you are getting into real money. When you start thinking about the commissions on one and three-fourth billion dollars, even at a few cents, you will understand the amount of money which is involved here.

As Senator Rooney so aptly put it, "Who are we protecting here?" We are protecting the consumer. The consumer is the individual who we want to be sure is receiving a fair rate and something which is reasonable. The difference between fifty cents and one dollar, for example, can be tremendous on the amount of insurance that is written.

I touched on the point that perhaps it is a great thing that these commissions start going into the company itself, where they show up on the books, and everyone is aware of what is going on. The Insurance Commissioner has the power to regulate something like this under this bill. Is it unreasonable to give the Insurance Commissioner the power to regulate something like this under this bill. Is one and three-fourth billion dollars? Apparently, I think the answer is no.

Let me point out one other thing. Of course, there has been a great deal of comment and discussion about how the Judiciary Committee of the United States Senate, in 1955, looked into this problem. It may have applied merely to Kansas; that, I do not know because I did not study it that far. However, there certainly were found to be abuses in this field. This bill is to protect—I do not like to use the words "little fellow" because the little fellow is not involved in this any more than anyone else. If I go to a bank and have to finance my automobile, I am the same as anybody else. I believe we are all involved in this case. Every major State—I am talking about New York, Ohio, Illinois, and so forth—has such a bill as this. Thus, I think we are not going ahead and trying to introduce something new. Incidentally, there has been an objection made that we are trying to favor out-of-State companies over the local companies. Of course, that is incorrect, Mr. President. What is occurring is that the Insurance Commissioner would have the power to regulate the rates no matter what company, and to see that they are reasonable. For example, what would be reasonable for one company may be fifty-five or sixty cents whereas, for another, it may be forty cents. Is that not to the benefit of the individual who goes in and gets a loan? That is the thing which I think we should keep in mind in voting on this bill.

Mr. PECHAN. Mr. President, I was a little bit in error in my reply to Senator Mahady.

Senator Van Sant brought me the History of the 1959 Session, showing that Senate Bill No. 868 was sponsored by Senator Pechan and Senator Ruth, the Minority Whip on the other side. I see by the Senate History that this bill passed, which increased the indebtedness to $800. The bill passed the Senate by a vote of 39-11. It went through a long history of Conference Committee Reports. It was passed by the House and then was finally vetoed by the Governor on December 3, 1959.

I want to say to Senator Mahady that I am sorry, but I had completely forgotten about this. However, I did know it had nothing to do with insurance. I am not a sponsor of the bill we are presently debating. I am merely interested in it because I think it is a good bill.

Therefore, Mr. President, I am going to ask my colleagues to support House Bill No. 1811.

Mr. MAHADY. Mr. President, I did not intend to belabor the point. I would not have pursued it, but I appreciate clearing the record.

Mr. President, this bill seems to revolve around a plea for the small man. All right, let us make that plea.

There is no question about what Senator Rooney said when he said: "If necessary, we will raise the rates." If it is necessary to raise the rates, there must be some reason to cause them to raise the rates. Therefore, let us put that on the tables.

The small loan companies pay their managers by permitting them to be the insurance agents. They receive the commissions. In that way, they obtain capable men and they are able to stay in business. There is always a plea regarding every bill that they will go out of business. The proponents say: "Produce proof of it." All right, Mr. President, I shall produce the proof.

The consumer discount people already have a bill in the Banking Committee of this Senate to raise the service charges for the companies, in order to meet the bad effects of this bill. They are already pushing the Members of the Banking Committee to get it out on the floor and to get it out fast in order to raise these service charges so they can make the money up the other way. Therefore, if it is six of one and a half-dozen of another, and you are robbing Peter to pay Paul, what do we accomplish by this bill?

Senator Ehrgood said that the biggest danger is under-the-counter transactions. In the same breath, he said that this applies to banks. What bank, in its right mind, can you accuse of accepting money under the table? That is not done in banks. It cannot be done and they cannot show it on the books. The banks which do the volume in this, in the amounts about which the gentleman spoke, are so big that they would not dare, nor would any employee dare to accept it under the table.

Let me say that I know speeches do not change votes; that your minds are already made up. However, for the record to be clear, I shall speak about the Judiciary Committee of 1955. We already spoke about the action of the Banking Department in making the maximum one per cent on each $100, or a maximum rate of one dollar, and that is well policed. In Kansas, in 1955, they found abuses. Many of them have been corrected, even in Kansas. However, those abuses to that extent were never found in Pennsylvania. Again, we find the number zone of cloudiness of thinking which does not distinguish between the

Banking Department's jurisdiction, and it is the Banking Department that will have to police the evils. They do this and they do a good job, and the men are setting rates.

Again I say to you—and particularly to my colleagues across the aisle who have always said they stand four-square against regulations—that you are taking the first step toward regulating life insurance which has ever been taken. You are interfering with the free market in something that has never been regulated before. Why? Is it to make a record which will show that we want to regulate it? Under the Banking Department, the small loan industry and those companies which come under its jurisdiction are already regulated. In the Consumer's Discount Bill, you have a paragraph which does this and you have it in the Banking Code. It is followed through in every respect.

Mr. President and Members of the Senate, I say this is the biggest evil that we have found. A Justice once said that the power to tax involves the power to destroy. The power to regulate also involves the power to destroy. However, when the giants come in and use the power to regulate in such a manner as to determinedly and actually know that they are going to destroy their competition, then we should not lend them a hand.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. BELL. Mr. President, I desire to be recorded as voting "no" on this bill.

The PRESIDING OFFICER. The gentleman from Delaware will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—32

Chapman,	Kessler,	Pechan,	Silvert,
DiSilvestro,	Kromer,	Propert,	Taylor,
Ehrgood,	Lane,	Ripp,	Wagner,
Fleming,	McGinnis,	Rooney,	Ware, III,
Haluska,	McMenamin,	Scott,	Weiner,
Hawbaker,	Miller,	Sesler,	Wolfe,
Kalman,	Mullin,	Seyler,	Yatron,
Keller,	Murray,	Shafer,	Donolow, Presiding Officer

NAYS—17

Bell,	Hays,	McCreesh,	Stiefel,
Berger,	Madigan,	Sarraf,	Stroup,
Camiel,	Mahady,	Staisey,	Van Sant,
Devlin,	Mallery,	Stevenson,	Wade,
Flack,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

PERMISSION TO ADDRESS SENATE

Mr. VAN SANT asked and obtained unanimous consent to address the Senate.

Mr. VAN SANT. Mr. President, there has been so much talk here about the little man in the last half-hour that I think this would be a good time to introduce a birthday resolution.

SENATE RESOLUTION

BIRTHDAY CONGRATULATIONS EXTENDED TO SENATOR JOHN H. WARE, III

Mr. VAN SANT, by unanimous consent, offered the following resolution **(Serial No. 7a)**, which was read, considered and adopted:

In the Senate, August 29, 1961.

Today marks the fifty-third birthday of John H. Ware, III, one of the newest Members of this distinguished Body. Senator Ware was born on August 29, 1908. In 1930, he was graduated from the University of Pennsylvania and in 1940 he married the former Marian R. Snyder. Today, they are the proud parents of four children.

The good Senator from Chester County was elected to the Senate in 1960, and if he continues to represent his District and the people of Pennsylvania in the excellent manner that he has evidenced during his first term, his presence in the Senate Chamber will be felt for a long time to come. Very seldom does a man make such a distinguished mark in his first term as a Member and it is significant to note that this is the first time that John ever ran for a State office.

On this occasion, we want to wish John Ware a very happy birthday and wish him many more; therefore be it

Resolved, That the Senate now be at ease for a few moments so that we can all wish John H. Ware, III, a happy birthday; and be it further

Resolved, That a copy of this resolution be given to Senator Ware.

The PRESIDING OFFICER. The Chair congratulates the gentleman from Chester, Senator Ware, on his birthday. May he have many, many more birthdays in the years to come.

HOUSE MESSAGE

SENATE CONCURRENT RESOLUTION RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Concurrent Resolution, **Serial No. 129**, with the information that the House has concurred in the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. The Clerk will read the resolution, as amended.

The resolution, as amended, was read by the Clerk as follows:

ADJOURNMENT SINE DIE

In the Senate, August 22, 1961.

Resolved (the House of Representatives concurring), That this regular session of the General Assembly adjourn sine die on Friday, September 1, 1961, at 9:00 p. m., Eastern Standard Time.

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE CONCURRENT RESOLUTION, SERIAL No. 129

Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to this resolution.

Mr. BERGER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WEINER. Mr. President, I might say that it will be very much earlier than 9:00 p. m., Eastern Standard Time, when we adjourn sine die.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECESS

Mr. BERGER. Mr. President, I request a ten minute recess of the Senate for the purpose of holding a Republican Caucus.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a ten minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

SECOND READING CALENDAR

EDUCATION BILL ON SECOND READING

HB 350 (Pr. No. 380)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

EDUCATION BILL ON SECOND READING AMENDED

HB 1283 (Pr. No. 2703)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. HAYS offered the following amendments:

Amend Title, page 1, eighth line of Title, by inserting after "directors": and providing an alternative method for establishing area technical schools

Amend Section 1 (Section 1844), page 2, line 8, by striking out the brackets before and after "fifty-four".

Amend Section 1 (Section 1844), page 2, line 8, by striking out "SIXTY-FOUR".

Amend Section 1 (Section 1844), page 2, line 13, by striking out the brackets before and after "fifty-five".

Amend Section 1 (Section 1844), page 2, line 13, by striking out "SIXTY-FIVE".

Amend Section 1 (Section 1844), page 2, by inserting between lines 16 and 17:

(b) In addition to the method of establishing area technical schools as provided in subsection (a) above the county board of school directors may at any meeting call for an election by the school directors of the districts within an attendance area to determine if an area technical school shall be established The county board of school directors shall notify by certified mail each school district within an attendance area of its action At the next regular meeting of each school board within an attendance area or at a special meeting called prior thereto an election shall be held to determine if an area technical school shall be established The results of this election and the number of votes cast each way shall be certified to the county board of school directors within sixty (60) days of the receipt of the notice to hold the election A canvass of the votes shall be taken and if a majority of the school directors of the districts within an attendance area vote in the affirmative the county board of school directors shall proceed to organize establish and operate an area technical school in the attendance area

Amend Section 1 (Section 1844), page 2, line 17, by striking out "(b)" and inserting: (c)

On the question,

Will the Senate agree to the amendments?

Mr. HAYS. Mr. President, in fairness, I think I should say that Senator Wagner has checked and approved these amendments.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

It was agreed to.

Ordered, To be transcribed for a third reading.

EDUCATION BILL ON SECOND READING

HB 1552 (Pr. No. 1935)—Read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

EDUCATION BILLS OVER IN ORDER

HB 1560, 1807 and 1817—Without objection, the bills were passed over in their order at the request of Mr. HAYS.

BILL ON SECOND READING

HB 65 (Pr. No. 2175)—Read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

BILL REREFERRED

HB 65 (Pr. No. 2175)—Upon motion of Mr. WEINER, seconded by Mr. LANE, and agreed to, the bill just read was rereferred to the Committee on Appropriations.

BILL ON SECOND READING

HB 337 (Pr. No. 2524)—Read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

BILL RECOMMITTED

HB 341 (Pr. No. 2198)—Mr. WEINER. Mr. President, I move that House Bill No. 341 be recommitted to the Committee on Education inasmuch as the House has passed a similar measure which is over here now.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

HB 382 (Pr. No. 2532) and **SB 473 (Pr. No. 518)**—Read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

RECONSIDERATION OF SB 473

Mr. WEINER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 473, Printer's No. 518, just passed second reading.

Mr. KALMAN. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. WEINER. Mr. President, I request that Senate Bill No. 473 go over in its order.

The PRESIDING OFFICER. Hearing no objection, the bill will go over in its order.

BILLS OVER IN ORDER

HB 527, 626 and SB 668—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL ON SECOND READING

HB 669 (Pr. No. 1916)—Read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

BILLS OVER IN ORDER

SB 761—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

SB 799—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON SECOND READING

HB 1001 (Pr. No. 2407)—Read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

BILL OVER IN ORDER

HB 1008—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL ON SECOND READING

HB 1010 (Pr. No. 1112)—Read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

BILL OVER IN ORDER

HB 1030—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILLS ON SECOND READING

HB 1317 (Pr. No. 1537) and **HB 1318 (Pr. No. 1538)**—Read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

BILL ON SECOND READING AMENDED

HB 1539 (Pr. No. 2704)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Messrs. YATRON and STAISEY offered the following amendments:

Amend Title, page 1, fifth and sixth lines of Title, by striking out "CHANGING NOTICE PROVISIONS AND."

Amend Sec. 1 (Sec. 3), page 4, line 9, by striking out the brackets before and after "the last of."

Amend Sec. 1 (Sec. 4), page 5, line 2, by striking out "(45)."

Amend Sec. 1 (Sec. 4), page 5, line 3, by striking out the brackets before and after "the last of."

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

It was agreed to.

Ordered, to be transcribed for a third reading.

BILLS ON SECOND READING

HB 1789 (Pr. No. 2666), HB 1827 (Pr. No. 2548), HB 1829 (Pr. No. 2490) and **HB 1831 (Pr. No. 2616)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF **HB 1831**

Mr. WEINER. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1831, Printer's No. 2616, just passed second reading.

Mr. SILVERT. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. WEINER. Mr. President, I request that House Bill No. 1831 go over in its order.

The PRESIDING OFFICER. There being no objection, the bill will go over in order.

BILL RECOMMITTED

HB 1842 (Pr. No. 2568)—Upon motion of Mr. WEINER, second by Mr. SILVERT, and agreed to, the bill was recommitted to the Committee on State Government.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives being introduced, returned to the Senate, **SB 247, 361, 603** and **811,** with the information that the House has passed the same without amendments.

BILLS ON FIRST READING

Mr. WEINER. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. KALMAN. Mr. President, I second the motion.

The motion was agreed to.

The bills were as follows:

SB 890, 899, 900, 903, 907, 929, HB 56, 112, 260, 386, 400, 670, 749, 942, 1048, 1059, 1080, 1340, 1463, 1522, 1528, 1597, 1598, 1781, 1828 and **1841.**

And said bills having been read at length for the first time,

Ordered, To be laid aside for second reading.

HOUSE MESSAGES

HOUSE NONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives being introduced, informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 1811.**

SENATE INSISTS UPON ITS AMENDMENTS NONCURREND IN BY THE HOUSE TO **HB 1181**

Mr. WEINER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 1811, and that a Committee of Conference on the part of the Senate be appointed.

Mr. SEYLER. Mr. President, I second the motion.

The motion was agreed to.

RECESS

Mr. WEINER. Mr. President, I request a five minute recess of the Senate for the purpose of holding meetings of the Committees on Education and Appropriations, to be held in the Appropriations Committee Room, and also a meeting of the Committee on Rules, to be held in the President pro tempore's office.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objections, and declares a five minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. WEINER, by unanimous consent, from the Committee on Rules, reported, as committed, **HB 1818.**

Mr. RIPP, by unanimous consent, from the Committee on Education, reported, as committed, **HB 610** and **1702.**

Mr. McGINNIS, by uanimous consent, from the Committee on Appropriations, reported, as committed, **HB 773** and **1625,** and rereported, as committed, **HB 65.**

BILLS ON FIRST READING

Mr. WEINER. Mr. President, I move that the Senate do now proceed to the first reading of the bills just reported from committees for the first time at today's session.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

The bills were as follows:

HB 610, 773, 1625, 1702 and **1818.**

And said bills having been read at length for the first time,

Ordered, To be laid aside for second reading.

REQUEST TO CALL UP HB 911

Mr. WEINER. Mr. President, I call from the table House Bill No. 911, Printer's No. 2707, which was amended on third reading earlier in today's proceedings. The bill, as amended, is now in print, and we can dispose of this if the gentlemen on the other side have the inclination to do so.

Mr. BERGER. Mr. President, this is a House Bill. We will be in Session for three more days, and there is no reason to call this bill from the table at this time since it is not presently on our Calendar.

Mr. WEINER. Mr. President, this bill will have to go to a Conference Committee. It is a rather complicated measure and I would like to get it out of the Senate as soon as I possibly can.

Mr. BERGER. Mr. President, I request that the bill appear on tomorrow's Calendar.

Mr. WEINER. Mr. President, I would like to ask the gentleman whether he would permit this bill to be the first order of business tomorrow.

Mr. BERGER. Mr. President, I have no objection whatever to that or any other order of business which is agreeable to the gentleman.

The PRESIDING OFFICER. House Bill No. 911 will appear on tomorrow's Third Reading Calendar.

ADJOURNMENT

Mr. WEINER. Mr. President, I move that the Senate do now adjourn until Wednesday, August 30, 1961, at 9:30 a. m., Eastern Standard Time.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:46 p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, August 29, 1961

The House met at 11 a. m., e. s. t.

The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

The Chaplain, Reverend David R. Hoover, offered the following prayer:

O God, our Eternal Father and Protector, we look to Thee in the beginning of this day's session fully recognizing Thy presence in the life of each one of us. We are aware that past experiences and practices have many times caused us to stray from the way in which Thou wouldst have us walk; and we are aware that some early fixations have led us into behavior not in keeping with our station in life. So, O God, we humbly pray that we may not be swayed by power, prestige, or the love of money; but lead us as Thy humble servants to walk in the way that is pleasing to Thee: through Jesus Christ, our Lord. Amen.

JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journals of Thursday, June 29, Monday, July 10, Tuesday, July 11 and Wednesday, July 12, 1961? If not, and without objection, the Journals are approved.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Monday, August 28, 1961, will be postponed until printed.

The Chair hears none.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 666, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," increasing the membership of the Real Estate Commission and prescribing qualifications for the additional member.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 731, entitled:

An Act making an appropriation to Western Pennsylvania School for Blind Children in Pittsburgh and crediting said appropriation to the indebtedness of said school to the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 732, entitled:

An Act making an appropriation to Western Pennsylvania School for the Deaf in Edgewood, Pittsburgh and crediting said appropriation to the indebtedness of said school to Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 733, entitled:

An Act making an appropriation to The Pennsylvania School for the Deaf in Philadelphia and crediting said appropriation to the indebtedness of said school to the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 884, entitled:

An Act amending the act of June 1, 1956 (P. L. 1997), entitled "An act relating to comic books, magazines and other publications, prohibiting and regulating the sale thereof in certain instances and imposing penalties," defining the word "obscene."

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 566, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), defining and providing for special education of exceptional children.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1575, entitled:

An Act making an appropriation to the School of Forestry of Pennsylvania State University for research on diseases of maple trees.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1816, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), enlarging the functions of the State colleges and providing for certain duties for the Board of Presidents of State Colleges and for the Department of Public Instruction and changing provisions relating to tuition, board and fees.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1849, entitled:

An Act amending "The First Class City Permanent Registration Act," approved March 30, 1937 (P. L. 115), providing for the registration of physically disabled persons.

The first section was read.

On the question,

Will the House agree to the section?

Mrs. MARKLEY offered the following amendments:

Amend Sec. 1 (Sec. 20), page 3, line 3, by striking out "shall" and inserting: may

Amend Sec. 1 (Sec. 20), page 3, line 9, by inserting after "registration": Upon receipt by the registration commission of such a letter, duly accompanied by the required physician's statement, the registration commission shall direct one of its registrars to go to the residence of such disabled person and register him or her as the case may be.

They were agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1850, entitled:

An Act amending "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns and Townships," approved April 29, 1937 (P. L. 487), providing for the registration of physically disabled persons.

The first section was read.

On the question,

Will the House agree to the section?

Mrs. MARKLEY offered the following amendments:

Amend Sec. 1 (Sec. 18), page 3, line 8, by striking out "shall" and inserting: may

Amend Sec. 1 (Sec. 18), page 3, line 14, by inserting after "registration": Upon receipt by the registration commission of such a letter, duly accompanied by the required physician's statement, the registration commission shall direct one of its registrars to go to the residence of such disabled person and register him or her as the case may be.

They were agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

The SPEAKER. The Chair requests the gentleman from Armstrong to preside while the Speaker signs some bills.

Mr. HELM IN THE CHAIR

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1854, entitled:

An Act amending "The Military Code of 1949," approved May 27, 1949 (P. L. 1903), providing for the extension of the terms of service of enlisted personnel in the Pennsylvania National Guard.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 354, entitled:

An Act authorizing business corporations engaged in community industrial development whose stock is owned exclusively by a nonprofit corporation to amend their charters to be converted into nonprofit corporations engaged in similar purposes with court approval and prescribing procedure.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 373, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," changing certain salaries and work loads, prescribing general extension education areas, decreasing the number of names needed for free extension education, raising the deposit fee and providing for a tuition fee in certain instances, deleting provisions relating to free evening schools, providing for payments on account of approved vocational extension classes and making an appropriation.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 413, entitled:

An Act amending the act of August 24, 1951 (P. L. 1304), entitled as amended "Local Health Administration Law," changing the number of signatures required on a petition to dissolve or withdraw from certain departments of health, changing the time for circulating petitions in certain cases and changing the form of the question to be submitted to electors.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 498, entitled:

An Act amending the act of June 24, 1937 (P. L. 2051), entitled "Public Assistance Law," changing the definition of dependent children for assistance purposes with limitations.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 574, entitled:

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code," increasing the portion of the fee received from learners' permits appropriated to the Department of Public Instruction for carrying out a standardized program of teaching safe driving of motor vehicles.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 670, entitled:

An Act establishing a Family Court division in the Court of Common Pleas of Allegheny County, imposing certain jurisdiction over actions and other matters involving the family, providing for a chief judge and board of judges, clerk, director and professional and other employes, transferring certain duties of the Juvenile Court of Allegheny County and the domestic relations court of the county court to the family court division, providing for additional law judges of the Court of Common Pleas in the fifth judicial district, establishing procedures for reconciliation and providing for the investigation and report of relevant factual information.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 730, entitled:

An Act amending the act of June 1, 1956 (P. L. 1959), entitled "An act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned in the law certain state officers and the salary and expenses of the members of the General Assembly and repealing certain inconsistent acts," increasing the salaries of judges of courts of common pleas orphans' courts County Court and Juvenile Court of Allegheny County and Municipal Court of Philadelphia.

The first section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendments:

Amend Sec. 1, page 2, line 1, by inserting after "Sections" 2, 3,

Amend Bill, page 2, by inserting between lines 9 and 10

Section 2. The annual salary of the Chief Justice of the Supreme Court shall be [thirty thousand five hundred dollars ($30,500)] thirty-three thousand dollars ($33,000), and the annual salary of each of the associate judges of the Supreme Court shall be [thirty thousand dollars ($30,000)] thirty-two thousand five hundred dollars ($32,500).

Section 3. The annual salary of the President Judge of the Superior Court shall be [twenty-eight thousand five hundred dollars ($28,500)] thirty-one thousand dollars ($31,000), and the annual salary of each of the associate judges of the Superior Court shall be [twenty-eight thousand dollars ($28,000)] thirty thousand five hundred dollars ($30,500).

Amend Sec. 1 (Sec. 4), page 3, lines 8 to 13, by striking out "sixty-five thousand or more and" in line 8, all of lines 9 to 12 and "hundred dollars ($20,500)" in line 13, and inserting [sixty-five thousand or more and] less than one hundred thousand inhabitants shall be [nineteen thousand dollars ($19,000), in judicial districts having a population of less than sixty-five thousand inhabitants eighteen thousand dollars ($18,000)] twenty-one thousand five hundred dollars ($21,500)

They were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. McCANN offered the following amendment:

Amend Title, page 2, second line of Title, by inserting after "of" where it appears the first time: the Chief Justice and associate judges of the Supreme Court, the President Judge and associate judges of the Superior Court, and

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 805, entitled:

An Act amending the act of May 20, 1937 (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth . . ." changing the compensation of members providing for the appointment of an executive secretary and other employes changing the limitations on the filing of claims increasing the powers of the board further providing for rules of procedure before the board providing for appeals and making an appropriation.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 869, entitled:

An Act amending the act of October 2, 1959 (P. L. 1251), entitled "An act relating to officers and employes of the General Assembly fixing the number qualifications compensation mileage and duties of the officers and employes of the Senate and of the House of Representatives . . ." further providing that one postmaster shall be employed on an annual basis and providing for the appointment of stenographers by the President pro tempore of the Senate.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 871, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379), entitled "Third Class County Board Assessment Law" requiring counties of the fifth class advanced in classification to counties of the third class to operate a tax assessment system and to continue a permanent system of records pursuant to "The Fourth to Eighth Class County Assessment Law"

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 876, entitled:

An Act amending the act of July 15, 1957 (P. L. 901), entitled "Optional Third Class City Charter Law" to permit cities adopting an optional charter plan under said act to provide for the hearing of appeals from assessments and the revision thereof by an administrative procedure.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 885, entitled:

An Act amending the act of May 5, 1933 (P. L. 457), entitled "Building and Loan Code," further defining and limiting the rights powers duties and liabilities of such associations and shareholders and further defining terms.

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for third reading.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 715, 716 and 1140

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

August 28, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 715, printer's No. 2589, entitled "An Act amending the act of June 1, 1959 (P. L. 392), entitled 'State Employes' Retirement Code of 1959' providing for the elimination of certain reductions in allowances in the case of members of the joint coverage group who elect to make additional contributions.

DAVID L. LAWRENCE

August 28, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 716, printer's No. 2590, entitled "An Act amending the act of June 1, 1959 (P. L. 350), entitled 'Public School Employes' Retirement Code of 1959' providing for the elimination of certain reductions in allowances in the case of members of the joint coverage group who elect to make additional contributions."

DAVID L. LAWRENCE

August 28, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1140, printer's No. 2200, entitled "An Act amending the act of May 4, 1927 (P. L. 519), entitled 'The Borough Code' further regulating division of boroughs into wards and the abolition of wards."

DAVID L. LAWRENCE

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. POLEN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 161.

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code," further regulating the issuance of club liquor licenses and catering licenses.

HOUSE BILL No. 298.

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177), changing membership of the State Board of Medical Education and Licensure.

HOUSE BILL No. 301.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing for separate computation of tuition for junior high school tuition pupils and senior high school tuition pupils at the request of the receiving district.

HOUSE BILL No. 1139.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire land in the Borough of Norristown, Montgomery County, Pennsylvania for the use of Norristown State Hospital.

HOUSE BILL No. 1178.

An Act fixing the salaries and compensation of members of certain boards and commissions and repealing inconsistent acts.

HOUSE BILL No. 1221.

An Act amending the act of June 27, 1947 (P. L. 1095), entitled as amended "Anthracite Strip Mining Law" further regulating anthracite strip mining operations, changing provisions with respect to bonds, backfilling restoration permits and registration including certain persons within the provisions of the act and imposing penalties.

HOUSE BILL No. 1438.

An Act amending the act of May 31, 1945 (P. L. 1198), entitled "Bituminous Coal Open Pit Mining Conservation Act," further regulating bituminous strip mining operations, changing provisions with respect to bonds, filing dates, reports, registration, backfilling and overburden, including certain persons within the provision of the act and providing for the use of funds in certain cases.

HOUSE BILL No. 1564.

An Act limiting the use of appropriations for hospital or institutional care or training in certain cases.

HOUSE BILL No. 1709.

An Act making an appropriation to the Department of Public Welfare for the maintenance of certain hospitals.

SENATE BILL No. 503.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," authorizing the purchase and resale of books by the Historical and Museum Commission.

SENATE BILL No. 736.

An Act regulating the procedure for petitioning a court to order a safety deposit box opened in furtherance of a criminal investigation or proceeding.

SENATE BILL No. 852.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey land situate in Derry Township, Mifflin County, Pennsylvania.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mrs. REIBMAN asked and obtained permission for the Committee on Education to meet during the session of the House.

REPORTS FROM COMMITTEE

Mr. POLEN from the Committee on Appropriations, reported as committed, Senate Bill No. 202, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land with buildings improvements and antiques and other personal property therein in the Borough of Brownsville Fayette County for preservation care and maintenance as a historical site by the Pennsylvania Historical and Museum Commission.

Mr. POLEN from the Committee on Appropriations, reported as committed, Senate Bill No. 320, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission to aid in the maintenance and operation of a shrine to house the replica of the Liberty Bell.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 320, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission to aid in the maintenance and operation of a shrine to house the replica of the Liberty Bell.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, I wish to inform the membership that we want, after the committees report, to vote on H.B. 773 on page 7, H.B. 1702 on page 7 and the concurrences that are noncontroversial and agreed to. Then we want to break for lunch and caucus. The cafeteria will be open for our membership at that time, so we will have those roll calls before we break. This will perhaps not be too long.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. BOIES asked and obtained permission for the Committee on Professional Licensure to meet during the session of the House.

Mr. McCANN asked and obtained permission for the Committee on Rules to meet during the session of the House.

REPORTS FROM COMMITTEE

Mr. McCANN from the Committee on Rules, reported as committed, House Resolution No. 101.

Mr. McCANN from the Committee on Rules, reported as committed, Senate Resolution Serial No. 120.

Designating the fourth Saturday in September each year as Pennsylvania American Indian Day.

Mrs. ANDERSON from the Committee on Education, reported as committed, Senate bill No. 130, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," granting certain powers to directors of newly merged school districts.

Mrs. ANDERSON from the Committee on Education, reported as committed, Senate bill No. 613, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," changing the per pupil unit cost reimbursement for elementary and secondary school construction, authorizing reimbursement in the year of acquisition for school building sites purchased in advance of their need and harmonizing provisions related thereto and extending the provisions for reimbursement on preliminary payments on account of approved building construction to include the State Public School Building Authority and Municipal Authorities and abolishing the cost limitations on school building projects for reimbursement purposes.

Mr. SCHAAF from the Committee on Professional Licensure, reported as committed, Senate bill No. 665, entitled:

An Act amending the act of May 1, 1929 (P. L. 1216), entitled "Real Estate Brokers License Act of 1929," changing licensure provisions for limited real estate brokers and salesmen requiring the registration of cemetery lot salesmen and prescribing responsibilities of certain brokers.

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 828, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," creating a State Commission on Academic Facilities providing for its membership powers and duties and imposing duties upon the Superintendent of Public Instruction.

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 872, entitled:

An Act to authorize the Department of Health and County Departments of Health to render home nursing care services and to charge fees therefor.

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 880, entitled:

An Act amending the act of August 16, 1951 (P. L. 1236), entitled "An act authorizing the Supreme Court and the Superior Court to appoint and fix the compensation of reporters of their decisions and assistants and employes and repealing certain acts," removing the limitation on the salary of reporters.

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 901, entitled:

An Act amending the act of May 13, 1909 (P. L. 520), entitled "Pure Food Law," by providing for the use of sulphur dioxide in certain food items and changing the labeling requirements relating to artificial sweetening agents.

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 905, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code," excepting certain restaurants from the prohibition of granting licenses to places of amusement.

Mrs. S. A. ANDERSON from the Committee on Education, reported as committed, Senate bill No. 915, entitled:

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes' Retirement Code of 1959," providing retirement credit for sabbatical leaves of absence.

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 916, entitled:

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code," authorizing counties to make appropriations and to enter into contracts for improvement of transportation operations and facilities and to accept gifts grants and federal loans in connection therewith.

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 924, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code," further regulating the issuance of new licenses for airport restaurants.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 130, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," granting certain powers to directors of newly merged school districts.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 613, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," changing the per pupil unit cost reimbursement for elementary and secondary school construction, authorizing reimbursement in the year of acquisition for school building sites purchased in advance of their need and harmonizing provisions related thereto and extending the provisions for reimbursement on preliminary payments on account of approved building construction to include the State Public School Building Authority and Municipal Authorities and abolishing the cost limitations on school building projects for reimbursement purposes.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 665, entitled:

An Act amending the act of May 1, 1929 (P. L. 1216), entitled "Real Estate Brokers License Act of 1929" changing licensure provisions for limited real estate brokers and salesmen requiring registration of cemetery lot salesmen and prescribing responsibilities of certain brokers.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 828, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" creating a State Commission on Academic Facilities providing for its membership powers and duties and imposing duties upon the Superintendent of Public Instruction.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 872, entitled:

An Act to authorize the Department of Health and County Departments of Health to render home nursing care services and to charge fees therefor.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 880, entitled:

An Act amending the act of August 16, 1951 (P. L. 1236), entitled "An act authorizing the Supreme Court and the Superior Court to appoint and fix the compensation of reporters of their decisions and assistants and employes and repealing certain acts" removing the limitation on the salary of reporters.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 901, entitled:

An Act amending the act of May 13, 1909 (P. L. 520), entitled "Pure Food Law" by providing for the use of sulphur dioxide in certain food items and changing the labeling requirements relating to artificial sweetening agents.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 905, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" excepting certain restaurants from the prohibition of granting licenses to places of amusement.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 915, entitled:

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes' Retirement Code of 1959" providing retirement credit for sabbatical leaves of absence.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 916, entitled:

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code" authorizing counties to make appropriations and to enter into contracts for improvement of transportation operations and facilities and to accept gifts grants and federal loans in connection therewith.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 924, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" further regulating the issuance of new licenses for airport restaurants.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

BILLS RE-REFERRED

Mrs. REIBMAN from the Committee on Education, returned with the recommendation that it be re-referred to the Committee on Appropriations, Senate bill No. 806, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for the establishment and operation of area technical schools departments or classes by the Department of Public Instruction in certain cases.

The SPEAKER pro tempore. The bill is re-referred to the Committee on Appropriations.

Mrs. REIBMAN from the Committee on Education, returned with the recommendation that it be re-referred to the Committee on Appropriations, Senate bill No. 870, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" changing the manner of filling vacancies in the office of assistant county superintendent.

The SPEAKER pro tempore. The bill is re-referred to the Committee on Appropriations.

Mrs. REIBMAN from the Committee on Education, returned with the recommendation that it be re-referred to the Committee on Appropriations, Senate bill No. 914, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing the awarding of additional scholarships.

The Speaker pro tempore. The bill is re-referred to the Committee on Appropriations.

APPROPRIATION BILL ON FINAL PASSAGE
(NON-PREFERRED)

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 773, entitled:

A Supplement to the act of April 1, 1863 (P. L. 213), entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural Colleges" making an appropriation for carrying the same into effect.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre, Mr. Fulmer.

Mr. FULMER. Mr. Speaker, members of the House, it was my intention to offer amendments to House bill 773 at the proper time. Now it seems that the proper time has not come and will not arrive.

I have been advised by those responsible for university programs that it would be inadvisable to offer any further amendents to House bill 773.

Mr. Speaker and members of the House, permit me to say that my efforts were made in good faith. At the same time it seems to me that it would be most unfair to ignore the wishes of those responsible and run the risk of further jeopardizing the position of the university and its many loyal employes.

Therefore, Mr. Speaker, my amendments will remain silent for the present.

Mr. Speaker and members of the House, on behalf of the administration, the staff and supporting personnel of Penn State and myself, allow me to express our appreciation for your understanding of the needs of Penn State. All of us are hopeful this understanding may be enhanced in months to come. All of us know that with proper understanding will come proper and adequate support.

Mr. Speaker, I know we want to get on with the day, and therefore I would like to file the rest of my remarks for the record.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

Mr. FULMER submitted the following remarks for the record:

Mr. Speaker, members of the House, it was my sincere hope that at this time the Governor through his leadership in the House of Representatives would have supported the requests for funds made by the Pennsylvania State University.

In March, I introduced House bill 1073 with the cosponsorship of Representative Reibman. This bill was introduced at the request of the university. The bill would have provided the sum of $23,100,000 which the Pennsylvania State University requested. This is the sum Dr. Eric Walker, president of Pennsylvania State University, stated was needed to provide the faculty, staff and supporting personnel with a fair and reasonable increase in salary and to provide funds needed to carry out the increased demands made upon the university.

At a later date, June 29, 1961, I, along with Representatives Hamilton, Stone and Whittaker, introduced another bill, House bill 1823, which spelled out how the increased monies would be spent. It is particularly important that the following provisions of the bill be set forth:

(9) For the use of the School of Agriculture for expenditure by the Agricultural Experiment Station for research and investigation of mastitis in dairy cattle the sum of fifty-two thousand dollars ($52,000).

(10) For the salary increases and to cover the cost of admitting additional studies the sum of four million dollars ($4,000,000).

(11) To offset rising costs of operating present program the sum of two hundred seventy-five thousand one hundred forty-nine dollars ($275,-149).

(12) For research in treating detergents in sewage disposal systems the sum of two hundred fifty thousand dollars ($250,000).

(13) For applied research in the control of smoke caused by burning coal culm banks the sum of three hundred thousand dollars ($300,000).

(14) For research and development of farm seeds the sum of three hundred twenty-five thousand dollars ($325,000).

(15) Research for the controlling of contamination of streams by coal acids the sum of one hundred thousand dollars ($100,000).

(16) To furnish new classrooms and laboratories the sum of six hundred forty-four thousand dollars ($644,000).

It was our hope that the Select Committee on Education would give serious consideration to this bill. Unfortunately, for one reason or another the committee never had the bill before it, officially at least.

It is regrettable that the present administration has seen fit to disregard both of these. It is unfortunate because according to Dr. Walker these monies are needed if the university is to meet its obligation to its employes and to the people of the Commonwealth.

It is my understanding that the Pennsylvania State University through its facilities at University Park and its Commonwealth campuses at Allentown, Altoona, Erie, DuBois, Hazleton, McKeesport, New Kensington, Ogontz, Pottsville, Scranton, Wilkes-Barre, Wyomissing and York is prepared to assume increased responsibilities in the academic pursuits both formal and informal classes—both undergraduate and graduate study—both for credit and non-credit course work, in basic and applied research, in agriculture and other extension work provided that sufficient funds are made available.

It is interesting to note that the university has increased its enrollment by 1800 students since 1959 and at the same time the budget submitted by the Governor is the same on an annual basis as it was in 1959. In this connection it should be stated that because of the limitations only 5,000 of the 26,000 who expressed an interest in attending Penn State will be admitted this fall.

Mr. Speaker, it seems to me it is important that we remember that the Pennsylvania State University belongs to the people of Pennsylvania. It is important that we bear in mind that the Pennsylvania State University has a responsibility to the people of Pennsylvania. Mr. Speaker, what is needed is support from the Governor and his administration.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—195

Adams,	**Galley,**	**Lawson,**	**Riley,**
Anderson, J. H.	**Gallagher,**	**Lee, A. M.,**	**Rovansek,**
Anderson, S. A.,	**Gelfand,**	Lee, K. B.,	Rubin,
Arlene,	George,	**Leonard,**	**Rudisill,**
Auker,	**Gibb,**	**Limper,**	**Rutherford,**
Bachman	**Gibbons,**	Long, Wm. Jas.,	Sakulsky,
Backenstoe,	**Goldstein, J. H.,**	Long, Wm. **Jos.,**	Scarcelli,
Blair,	**Goldstein, M. H.,**	**Lutty,**	**Schaaf,**
Boles,	**Goodrich,**	Magee,	Seltzer,
Bonner,	**Gramlich,**	Manbeck,	Shelton,
Bossert,	**Gray,**	Markley,	Sherman,
Bower,	**Greenlee,**	**Marsh,**	**Shupnik,**
Bowman,	**Gremminger,**	Maxwell,	Simmons,
Breth,	**Gross,**	May,	Snare,
Buchanan,	Guesman,	McCandless,	**Stank,**
Bush,	**Guthrie,**	McCann,	Steckel,
Capano,	**Hamilton,**	McDevitt,	Stimmel,
Capitolo,	**Hankins,**	McDonald	Stiteler,
Cauley,	Hartley,	McKeever,	Stone,
Cianfrani,	Haudenshield,	McLaughlin,	Strausser,
Cioffi,	**Heavey,**	**McNally,**	Sullivan, J. A.,
Clarke,	**Heffner,**	**Meholchick,**	**Sullivan, T. F.,**
Comer,	**Helm,**	**Merry,**	**Taylor,**
Cooley,	**Henzel,**	**Miller,**	**Thompson,**
Crossin,	**Hocker,**	**Mills,**	**Tomascik,**
Curwood,	**Holl,**	**Monroe,**	**Tompkins,**
Davis,	**Holliday,**	**Morley,**	**Trusio,**
Dengler,	**Holman.**	**Munley,**	**Varner,**
Dennison,	**Horst,**	**Murphy,**	**Verona,**
Donaldson,	**Irvis,**	**Murray,**	**Wall,**
Dougherty,	**Jenkins,**	**Musto,**	**Walsh,**
Doughten,	**Jim,**	**Needham,**	**Wargo,**
Edwards,	**Isaacs,**	**O'Dell,**	**Weidner,**
Eilberg,	**Johnson, A. W.,**	**O'Donnell, J. A.,**	**Welsh,**
Elvey,	**Johnson, R. P.,**	**Odorisio,**	**Wescott,**
Eshback,	**Jones,**	**Ogilvie,**	**Whittaker,**
Eshleman,	**Kamyk,**	**Parlante,**	**Willard,**
Ewing,	**Keiser,**	**Pashley,**	**Willaredt,**
Farabaugh,	**Kelly,**	**Perry,**	**Williams, A. D.,**
Fetterolf,	**Kernaghan,**	**Petrosky,**	**Williams, E. S.,**
Filo,	**Kessler,**	**Piper,**	**Wilt,**
Fineman,	**King,**	**Polaski,**	**Wood,**
Flynn,	**Kistler,**	**Polen,**	**Worley,**
Foerster,	**Klein,**	**Prendergast,**	**Wynd,**
Foor,	**Kooker,**	**Price,**	**Yetter,**
Fox,	**Kornick,**	**Pursley,**	**Zember,**
Frascella,	**Korns,**	**Reibman,**	**Zimmerman,**
Fry,	**Kramer,**	**Reidenbach,**	**Andrews,**
Fulmer,	**Lamb,**	**Renwick,**	**Speaker**

NAYS—0

NOT VOTING—15

Ashton,	**Knecht,**	**Mihm,**	**Schuster,**
Branca,	**Lippincott,**	**Mullen,**	**Slack,**
Down,	**McCormack,**	**O'Donnell, J. P.,**	**Ujobai,**
Esler,	**McInroy,**	**Royer,**	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

EDUCATION BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1702, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing for the creation establishment and operation of community colleges granting certain powers to the State Council of Education and the Department of Public Instruction ***

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—142

Adams,	**Gallagher,**	**Leonard,**	**Renwick,**
Anderson, S. A.,	**Gelfand,**	**Limper,**	**Riley,**
Arlene,	**Gibbons,**	**Long, Wm. Jas.,**	**Rovansek,**
Bachman	**Goldstein, J. H.,**	**Long, Wm. Jos.,**	**Rubin,**
Boles,	**Goldstein, M. H.,**	**Markley,**	**Rudisill,**
Bonner,	**Gramlich,**	**Marsh,**	**Rutherford,**
Breth,	**Gray,**	**Maxwell,**	**Sakulsky,**
Capano,	**Greenlee,**	**McCandless,**	**Scarcelli,**
Capitolo,	**Gremminger,**	**McCann,**	**Schaaf,**
Cauley,	**Guesman,**	**McDevitt,**	**Seltzer,**
Cianfrani,	**Guthrie,**	**McDonald**	**Shelton,**
Cioffi,	**Hamilton,**	**McKeever,**	**Sherman,**
Clarke,	**Hankins,**	**McLaughlin,**	**Shupnik,**
Comer,	**Hartley,**	**McNally,**	**Simmons,**
Cooley,	**Haudenshield,**	**Meholchick,**	**Stank,**
Crossin,	**Heavey,**	**Mills,**	**Stiteler,**
Curwood,	**Heffner,**	**Monroe,**	**Stone,**
Dengler,	**Helm,**	**Morley,**	**Sullivan, J. A.,**
Dennison,	**Irvis,**	**Munley,**	**Sullivan, T. F.,**
Donaldson,	**Isaacs,**	**Murphy,**	**Taylor,**
Dougherty,	**Jenkins,**	**Murray,**	**Thompson,**
Doughten,	**Jim,**	**Musto,**	**Tomascik,**
Edwards,	**Johnson, A. W.,**	**Needham,**	**Trusio,**
Eilberg,	**Jones,**	**O'Donnell, J. A.,**	**Varner,**
Eshback,	**Kamyk,**	**Odorisio,**	**Verona,**
Eshleman,	**Kelly,**	**Ogilvie,**	**Wall,**
Ewing,	**Kernaghan,**	**Parlante,**	**Wargo,**
Farabaugh,	**Kessler,**	**Pashley,**	**Welsh,**
Filo,	**Klein,**	**Perry,**	**Williams, A. D.,**
Fineman,	**Kooker,**	**Petrosky,**	**Williams, E. S.,**
Flynn,	**Kornick,**	**Piper,**	**Wilt,**
Foerster,	**Korns,**	**Polaski,**	**Worley,**

Fox,	Kramer,	Polen,	Wynd,
Frascella,	Lamb,	Reibman,	Yetter,
Fry,	Lawson,	Reidenbach,	Andrews,
Gailey,	Lee, K. B.,		Speaker

NAYS—51

Anderson, J. H.	Fulmer,	Kistler,	Stimmel,
Auker,	George,	Lee, A. M.,	Tompkins,
Backenstoe,	Gibb,	Magee,	Ujobai,
Blair,	Goodrich,	Manbeck,	Walsh,
Bossert,	Gross,	May,	Weidner,
Bower,	Hocker,	Merry,	Wescott,
Bowman,	Holl,	Miller,	Whittaker,
Buchanan,	Holliday,	O'Dell,	Willard,
Bush,	Holman,	Prendergast,	Willaredt,
Davis,	Horst,	Price,	Wood,
Elvey,	Johnson, R. P.,	Pursley,	Zember,
Fetterolf,	Keiser,	Slack,	Zimmerman,
Foor,	King,	Steckel,	

NOT VOTING—17

Ashton,	Knecht,	McInroy,	Royer,
Branca,	Lippincott,	Mihm,	Schuster,
Down,	Lutty,	Mullen,	Snare,
Esler,	McCormack,	O'Donnell, J. P.,	Strausser,
Henzel,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1275.

An Act amending the act of May 22, 1933 (P. L. 853), entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" providing for the assessment valuation and taxation of certain mobilehomes or house trailers.

With the information that the Senate had passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend bill page 2, by striking out all of Section 1, lines 1 to 14, inclusive; line 15, by striking out after the word "Section" the figure "2" and inserting in lieu thereof the figure "1"; line 16, by inserting after the letters and figures "(P. L. 853)" the following: "known as "The General County Assessment Law"; page 6, line 6, by striking out after the word "trailers" the word "[permanently"; line 7, by striking out at the beginning of the line the words "attached to land] or mobilehomes buildings" and inserting in lieu thereof the following: and mobilehomes buildings permanently attached to land or connected with water gas electric or sewage facilities buildings page 5, line 14, by striking out after the word "Section" the figure "3" and inserting in lieu thereof the figure "2", and by striking out all of lines 16 to 20 inclusive.

Amend page 6, by striking out at the top of the page lines 1 to 5 inclusive; line 6, by striking out at the beginning of the line the letter "(b)" and inserting immediately thereafter the following: "Section 203. 1 Limitation upon taxation" line 10, by striking out at the beginning of the line the following: "remain subject to all of the provisions of" and inserting in lieu thereof "be deemed tangible personal property with respect to".

Amend page 6, line 13, by striking out after the word "Section" the figure "4" and inserting in lieu thereof the figure "3".

Amend page 7, line 3, by striking out after the word "Section" the figure "5" and inserting in lieu thereof the figure "4".

Amend page 9, line 8, by striking out after the word "Section" the figure "6" and inserting in lieu thereof the figure "5".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—169

Adams,	Gailey,	Lee, K. B.,	Rudisill,
Anderson, J. H.,	Gallagher,	Leonard,	Rutherford,
Anderson, S. A.,	Gelfand,	Limper,	Sakulsky,
Arlene,	George,	Long, Wm Jas.,	Scarcelli,
Bachman,	Gibb,	Long, Wm. Jos.,	Schaaf,
Backenstoe,	Gibbons,	Lutty,	Seltzer,
Blair,	Goldstein, J. H.,	Magee,	Shelton,
Boles,	Goldstein, M. H.,	Manbeck,	Sherman,
Bonner,	Goodrich,	Markley,	Simmons,
Bossert,	Gramlich,	Marsh,	Stank,
Bower,	Gray,	Maxwell,	Steckel,
Bowman,	Greenlee,	May,	Stimmel,
Breth,	Gremminger,	McCandless,	Stiteler,
Buchanan,	Gross,	McCann,	Stone,
Bush,	Guthrie,	McDevitt,	Strausser,
Capano,	Hamilton,	McDonald,	Sullivan, J. A.,
Capitolo,	Hankins,	McKeever,	Sullivan, T. F.,
Cauley,	Hartley,	McLaughlin,	Taylor,
Cianfrani,	Haudenshield,	McNally,	Thompson,
Cioffi,	Heavey,	Meholchick,	Tomascik,
Clarke,	Heffner,	Merry,	Tompkins,
Comer,	Helm,	Mills,	Trusio,
Cooley,	Hocker,	Monroe,	Ujobai,
Curwood,	Holl,	Morley,	Varner,
Davis,	Irvis,	Murphy,	Verona,
Dengler,	Jenkins,	Musto,	Wall,
Donaldson,	Jim,	O'Dell,	Weidner,
Dougherty,	Johnson, R. P.,	O'Donnell, J. A.,	Welsh,
Doughten,	Jones,	Ogilvie,	Wescott,
Ellberg,	Kamyk,	Parlante,	Whittaker,
Eshback,	Keiser,	Perry,	Willard,
Eshleman,	Kelly,	Petrosky,	Willaredt,
Ewing,	Kernaghan,	Piper,	Williams, A. D.,
Farabaugh,	King,	Polaski,	Williams, E. S.,
Fetterolf,	Klein,	Polen,	Wilt,
Filo,	Kooker,	Prendergast,	Wood,
Fineman,	Kornick,	Pursley,	Worley,
Flynn,	Korns,	Reibman,	Wynd,
Foerster,	Kramer,	Renwick,	Yetter,
Fox,	Lamb,	Riley,	Zember,
Frascella,	Lawson,	Rovansek,	Zimmerman,
Fry,	Lee, A. M.,	Rubin,	Andrews,
Fulmer,			Speaker

NAYS—21

Auker,	Holman,	Miller,	Price,
Crossin,	Horst,	Munley,	Reidenbach,
Edwards,	Isaacs,	Needham,	Shupnik,
Elvey,	Kessler,	Odorisio,	Slack,
Foor,	Kistler,	Pashley,	Wargo,
Holliday,			

NOT VOTING—20

Ashton,	Guesman,	McCormack,	O'Donnell, J. P.,
Branca,	Henzel,	McInroy,	Royer,
Dennison,	Johnson, A. W.,	Mihm,	Schuster,
Down,	Knecht,	Mullen,	Snare,
Esler,	Lippincott,	Murray,	Walsh,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1276.

An Act amending the act of May 21, 1943 (P. L. 571), entitled as amended "An act relating to assessment for taxation in counties of the fourth fifth sixth seventh and eighth classes designating the subjects property and person subject to and exempt from taxation for county borough town township school except in cities and county institution district purposes and providing for and regulating the assessment and valuation thereof for such purposes creating in each such county a board for the assessment and revision of taxes defining the powers and duties of such boards providing for the acceptance of this act by cities regulating the office of ward borough town and township assessors abolishing the office of assistant triennial assessor in townships of the first class providing for the appointment of a chief assessor assistant assessors and other employes providing for their compensation payable by such counties prescribing certain duties of and certain fees to be collected by the recorder of deeds and municipal officers who issue building permits imposing duties on taxables making improvements on land and grantees of land prescribing penalties and eliminating the triennial assessment" providing for the assessment valueation and taxation of mobilehomes or house trailers.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend bill by striking out all of Section 1 on pages 2 and 3, lines 1 to 5 inclusive and lines 1 to 10 inclusive.

Amend page 2, line 11, by striking out after "Section" the number "2" and inserting in lieu thereof the number "1" and by striking out after the number "201" the words "of the act" and inserting in lieu thereof the following: act of May 21, 1943 (P. L. 571), known as "the fourth to eighth class county assessment law".

Amend Section 1, page 4, line 1 by inserting after the word "trailers" the words "and mobile" and by inserting at the beginning of line 2 "homes"; page 4, line 2, by striking out the bracket before the word "permanently" and by striking out the bracket after the word "land" and by striking out immediately thereafter the words "or mobilehomes" and by inserting in lieu thereof "or connected with water gas electric or sewage facilities"; page 4, line 18, by striking out after the word "Section" the number "3" and inserting in lieu thereof the number "2".

Amend Section 2, page 5, by striking out all of lines 2 to 11 inclusive; page 5, line 12, by striking out at the beginning of the line the letter "(b)"; page 5, line 13, by striking out after the word "levied" the words "as provided by law" and inserting in lieu thereof "by any political subdivision of taxing authority"; page 5, line 16, by striking out after the word "shall" the words "remain subject to all of the provisions of" and inserting in lieu thereof "be deemed tangible personal property with respect to"; page 6, line 1, by striking out after the word "Section" the number "4" and inserting in lieu thereof the number "3"; page 6, line 11, by striking out after the word "Section" the number "5" and inserting in lieu thereof the number "4"; page 7, line 6, by striking out after the word "Section" the number "6" and inserting in lieu thereof the number "5"; page 7, line 15, by striking out after the word "Section" the number "7" and inserting in lieu thereof the number "6".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—176

Adams,	Gailey,	Lee, A. M.,	Rudisill,
Anderson, J. H.,	Gallagher,	Lee, K. B.,	Rutherford,
Anderson, S. A.,	Gelfand,	Leonard,	Sakulsky,
Arlene,	George,	Limper,	Scarcelli,
Bachman,	Gibb,	Long, Wm. Jas.,	Schaaf,
Backenstoe,	Gibbons,	Long, Wm. Jos.,	Seltzer,
Blair,	Goldstein, J. H.,	Lutty,	Shelton,
Boies,	Goldstein, M. H.,	Magee,	Sherman,
Bonner,	Goodrich,	Manbeck,	Simmons,
Bossert,	Gray,	Markley,	Snare,
Bower,	Gramlich,	Marsh,	Stank,
Bowman,	Greenlee,	Maxwell,	Steckel,
Breth,	Gremminger,	May,	Stimmel,
Buchanan,	Gross,	McCandless,	Stiteler,
Bush,	Guesman,	McCann,	Stone,
Capano,	Guthrie,	McDevitt,	Strausser,
Capitolo,	Hamilton,	McDonald,	Sullivan, J. A.,
Cauley,	Hankins,	McKeever,	Sullivan, T. F.,
Cianfrani,	Hartley,	McLaughlin,	Taylor,
Cioffi,	Haudenshield,	McNally,	Thompson,
Clarke,	Heavey,	Meholchick,	Tomascik,
Comer,	Heffner,	Merry,	Tompkins,
Cooley,	Helm,	Mills,	Trusio,
Curwood,	Henzel,	Monroe,	Ujobai,
Davis,	Hocker,	Morley,	Varner,
Dengler,	Holl,	Murray,	Verona,
Dennison,	Irvis,	Musto,	Wall,
Donaldson,	Jenkins,	O'Dell,	Walsh,
Dougherty,	Jim,	O'Donnell, J. A.,	Weidner,
Doughten,	Johnson, A. W.,	Ogilive,	Welsh,
Eilberg,	Johnson, R. P.,	Parlante,	Wescott,
Eshback,	Jones,	Perry,	Whittaker,
Eshleman,	Kamyk,	Petrosky,	Willard,
Ewing,	Keiser,	Piper,	Willaredt,
Farabaugh,	Kelly,	Polaski,	Williams, A. D.,
Fetterolf,	Kernaghan,	Polen,	Williams, E. S.,
Filo,	King,	Prendergast,	Wilt,
Fineman,	Klein,	Price,	Wood,
Flynn,	Kooker,	Pursley,	Worley,
Foerster,	Kornick,	Reibman,	Wynd,
Fox,	Korns,	Renwick,	Yetter,
Frascella,	Kramer,	Riley,	Zember,
Fry,	Lamb,	Rovansek,	Zimmerman,
Fulmer,	Lawson,	Rubin,	Andrews, Speaker

NAYS—21

Auker,	Holman,	Miller,	Pashley,
Crossin,	Horst,	Munley,	Reidenbach,
Edwards,	Isaacs,	Murphy,	Shupnik,
Elvey,	Kessler,	Needham,	Slack,
Foor,	Kistler,	Odorisio,	Wargo,
Holliday,			

NOT VOTING—13

Ashton,	Knecht,	McInroy,	O'Donnell, J. P.,
Branca,	Lippincott,	Mihm,	Royer,
Down,	McCormack,	Mullen,	Schuster,
Esler,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1277.

An Act amending the act of June 25, 1947 (P. L. 1145), entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" limiting the taxation of mobilehomes and house trailer and limiting the rate of the use and occupancy tax on mobilehomes and house trailers.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 2, line 7 of Title, by striking out after the word "and" where it appears the second time, the word "abolishing" and inserting in lieu thereof "limiting the rate of"

Amend Section 1, page 3, line 4, by striking out at the beginning of the line the word "and" and by inserting after the figures "1317" the following: "and June 7, 1961 (Act No. 143)"; page 7, line 6, by inserting after the word "years" where it appears the second time, the following: "prior to the year in which the decedent died"

Amend Section 2, page 7, line 9, by striking out after the word "act" the words "is repealed" and inserting in lieu thereof the following:

Amended September 21, 1959 (P. L. 930), is amended to read

Section 1 * * *

E. Limitations on rates of specific taxes no taxes levied under the provisions of this act shall be levied by any political subdivision on the following subjects exceeding the rates specified in this subsection

* * *

(G) On use or occupancy of house trailers suitable for living quarters $3 by any school district and an additional $2 by other political subdivisions per month no such tax shall be levied for the first thirty days in the trailer camp or parking lot the payment of said tax shall not for rent control purposes be considered as part of the rent

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I move that the House nonconcur in the amendments made by the Senate.

The motion was agreed to.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1278.

An Act amending the act approved July 7, 1947 (P. L. 1368), entitled "An act amending revising and consolidating the laws relating to delinquent county city except of the first and second class and second class A borough town township school district except of the first class and school districts within cities of the second class A and institution district taxes providing when how and upon what property and to what extent liens shall be allowed for such taxes the return and entering of claims therefor the collection and adjudication of such claims sales of real property including seated and unseated lands subject to the lien of such tax claims the disposition of the proceeds thereof including State taxes and municipal claims recovered and the redemption of property providing for the discharge and divestiture by certain tax sales of all estates in property and of mortgages and liens on such property and the proceedings therefor creating a Tax Claim Bureau in each county except a county of the first class to act as agent for taxing districts defining its powers and duties including sales of property the management of property taken in sequestration and the management sale and disposition of property heretofore sold to the county commissioners taxing districts and trustees at tax sales providing a method for the service of process and notices imposing duties on taxing districts and their officers and on tax collectors and certain expenses on counties and for their reimbursement by taxing districts and repealing existing laws" providing for the sale of mobilehomes or house trailers taxed as real estate

With the information that the Senate had passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendment.

The clerk read the amendment as follows:

Amend Section 1, page 3, line 9, by inserting after the word "trailer" the following:

Permanently attached to land or connected with water gas electricity or sewage facilities

On the question,

Will the House concur in the amendment made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendment made by the Senate.

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—177

Adams,	Gelfand,	Lee, K. B.,	Rudisill,
Anderson, J. H.	George,	Leonard,	Rutherford,
Anderson, S. A.,	Gibb,	Limper,	Sakulsky,
Arlene,	Gibbons,	Long, Wm. Jas.,	Scarcelli,
Backenstoe,	Goldstein, J. H.,	Long, Wm. Jos.,	Schaaf,
Blair,	Goldstein, M. H.,	Lutty,	Seltzer.
Boles,	Goodrich,	Magee,	Shelton,
Bossert,	Gramlich,	Manbeck,	Sherman,
Bower,	Gray,	Markley,	Simmons,
Bowman,	Greenlee,	Marsh,	Slack,
Breth,	Gremminger,	Maxwell,	Snare,
Buchanan,	Gross,	May,	Stank,
Bush,	Guesman,	McCandless,	Steckel,
Capano,	Guthrie,	McCann,	Stimmel,
Capitolo,	Hamilton,	McDevitt,	Stiteler,
Cauley,	Hankins,	McDonald	Stone,
Cianfrani,	Hartley,	McKeever,	Strausser,

Cioffi,	Haudenshield,	McLaughlin,	Sullivan, J. A.,
Clarke,	Heavey,	McNally,	Sullivan, T. F.,
Comer,	Heffner,	Meholchick,	Taylor,
Cooley,	Helm,	Merry,	Thompson,
Curwood,	Henzel,	Mills,	Tomascik,
Davis,	Hocker,	Monroe,	Tompkins,
Dengler,	Holl,	Morley,	Trusio,
Dennison,	Holliday,	Murphy,	Ujobai,
Donaldson,	Irvis,	Murray,	Varner,
Dougherty,	Jenkins,	Musto,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Weidner,
Eilberg,	Johnson, R. P.,	O'Donnell, J. P.,	Welsh,
Eshback,	Jones,	Ogilvie,	Wescott,
Eshleman,	Kamyk,	Parlante,	Whittaker,
Ewing,	Keiser,	Petrosky,	Willard,
Farabaugh,	Kelly,	Piper.	Willaredt,
Fetterolf,	Kernaghan,	Polaski,	Williams, A. D.,
Filo,	King,	Polen,	Williams, E. S.,
Fineman,	Klein,	Prendergast,	Wilt,
Flynn,	Kooker,	Price,	Wood,
Foerster,	Kornick,	Pursley,	Worley,
Fox,	Korns,	Reibman,	Wynd,
Frascella,	Kramer,	Renwick,	Yetter,
Fry,	Lamb,	Riley,	Zember,
Fulmer,	Lawson,	Rovansek,	Zimmerman,
Galley,	Lee, A. M.,	Rubin,	Andrews,
Gallagher,			Speaker

NAYS—20

Auker,	Elvey,	Kessler,	Odorisio,
Bachman	Foor,	Kistler,	Pashley,
Bonner,	Holman,	Miller,	Reidenbach,
Crossin,	Horst,	Munley,	Shupnik,
Edwards,	Isaacs,	Needham,	Wargo,

NOT VOTING—13

Ashton,	Lippincott,	Mihm,	Royer,
Branca,	McCormack,	Mullen,	Schuster,
Esler,	McInroy,	Perry,	Walsh,
Knecht,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1335.

An Act Amending the act of March 31, 1949 (P. L. 372), entitled "An act to promote the welfare of the people of the Commonwealth creating The General State Authority as a body corporate and politic with power to construct improve equip furnish and operate projects and to lease the same and to fix fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds for said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain empowering The General State Authority to sell and convey projects and property to the Commonwealth and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" increasing the powers and the borrowing capacity of the Authority and allocating the proceeds of such increased borrowing capacity

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1 , page 3, line 12, by striking out the brackets before "and" at the beginning of the line, and after the word "land" and by striking out immediately thereafter the words "reservoirs and lakes"; page 4, line 14, by striking out after the figures "($631,431,400)" the following: "eight hun-" and by striking out all of line 15, and by striking out on line 16 the following: "dollars ($874,902,220)" and inserting in lieu thereof the following: "eight hundred sixty-five million two thousand two hundred one dollars ($865,002,201)"

Amend Section 2, page 5, line 17, by striking out after the word "Waters" the figures "$38,470,261" and inserting in lieu thereof the figures "$34,080,010"; by striking out all of line 18 and by inserting in lieu thereof the following: "A Forest and Park Services Program ($20,423,291)"; page 10, by striking out all of lines 1, 2, and 3; page 11, by striking out all of lines 13 to 19, inclusive; pages 12 and 13, by striking out all of said pages; page 22, line 12, by striking out after the word "Instruction" the figures "$35,-992,447" and inserting in lieu thereof the figures "$33,445,-954"; by striking out all of line 14 and inserting in lieu thereof: "Colleges ($32,571,048)"; page 24, by striking out all of lines 7, 8, and 9; page 25, by striking out all of line 14; page 27, by striking out all of line 17; page 39, by striking out on line 5 after the word "Revenue" the figures "$923,112" and inserting in lieu thereof the figures "$846,-629" and by striking out all of line 6 and inserting in lieu thereof:

"A Program Highway Safety ($846,629)"; page 40, by striking out all of lines 12 and 13; page 44, line 16, by striking out "Renovation of Salk Hall" and inserting in lieu thereof "Designing planning and construction of new building"; page 45, line 17, by striking out after the word "Authority" the figures "$12,677,926" and inserting in lieu thereof the figures "$12,178,540"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I move that the House nonconcur in the amendments made by the Senate.

The motion was agreed to.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1385.

An Act Amending the act of June 1, 1959 (P. L. 392), entitled "An act relating to the retirement of State employes amending revising consolidating and changing the laws relating thereto" providing credit for out-of-State service for certain contributors employed at State colleges Pennsylvania State University and certain schools

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 1, line 5, by inserting after the word "colleges" the following: "Pennsylvania State University and certain schools."

Amend Section 1, page 2, line 6, by inserting after the

word "who" the following: "is an officer or employe of the Department of Public Instruction or who;" page 2, by inserting after line 8, the following: Thaddeus Stevens Trade School Pennsylvania State Oral School for the Deaf Scotland School for Veterans' Children or the Pennsylvania State University; page 3, line 11, by striking out after the word "contributions" the letters "ae" and inserting in lieu thereof the word "are".

Amend Section 3, page 5, line 2, by inserting at the beginning of the line the following: "amended April 28, 1961 (P. L. 158)"; page 5, line 9, by inserting after "Class D" "Class D-1."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—195

Adams,	Fulmer,	Lamb,	Riley,
Anderson, J. H.,	Gailey,	Lawson,	Rovansek,
Anderson, S. A.,	Gallagher,	Lee, A. M.,	Rubin,
Arlene,	Gelfand,	Lee, K. B.,	Rudisill,
Auker,	George,	Leonard,	Rutherford,
Bachman,	Gibb,	Limper,	Sakulsky,
Backenstoe,	Gibbons,	Long, Wm. Jos.,	Scarcelli,
Blair,	Goldstein, J. H.,	Magee,	Schaaf,
Boies,	Goldstein, M. H.,	Manbeck,	Seltzer,
Bonner,	Goodrich,	Markley,	Shelton,
Bossert,	Gramlich,	Marsh,	Sherman,
Bower,	Gray,	Maxwell,	Shupnik,
Bowman,	Greenlee,	May,	Simmons,
Breth,	Gremminger,	McCandless,	Slack,
Buchanan,	Gross,	McCann,	Snare,
Bush,	Guesman,	McDevitt,	Stank,
Capano,	Guthrie,	McDonald,	Steckel,
Capitolo,	Hamilton,	McKeever,	Stimmel,
Cauley,	Hankins,	McLaughlin,	Stiteler,
Cooley,	Hartley,	McNally,	Stone,
Cianfrani,	Haudenshield,	Meholchick,	Strausser,
Cioffi,	Heavey,	Merry,	Sullivan, J. A.,
Clarke,	Heffner,	Miller,	Sullivan, T. F.,
Comer,	Helm,	Mills,	Taylor,
Crossin,	Henzel,	Monroe,	Thompson,
Curwood,	Hocker,	Morley,	Tomascik,
Davis,	Holl,	Munley,	Tompkins,
Dengler,	Holliday,	Murphy,	Trusio,
Dennison,	Holman,	Murray,	Ujobai,
Donaldson,	Horst,	Musto,	Varner,
Dougherty,	Irvis,	Needham,	Verona,
Doughten,	Isaacs,	O'Dell,	Wall,
Down,	Jenkins,	O'Donnell, J. A.,	Walsh,
Edwards,	Jim,	O'Donnell, J. P.,	Weidner,
Eilberg,	Johnson, A. W.,	Odorisio,	Welsh,
Elvey,	Johnson, R. P.,	Ogilvie,	Wescott,
Eshback,	Jones,	Parlante,	Whittaker,
Eshleman,	Kamyk,	Pashley,	Willaredt,
Ewing,	Keiser,	Perry,	Williams, A. D.,
Farabaugh,	Kelly,	Petrosky,	Williams, E. S.,
Fetterolf,	Kernaghan,	Piper,	Wilt,
Filo,	Kessler,	Polaski,	Wood,
Fineman,	King,	Polen,	Worley,
Flynn,	Kistler,	Prendergast,	Wynd,
Foerster,	Klein,	Price,	Yetter,
Foor,	Kooker,	Pursley,	Zember,
Fox,	Kornick,	Reibman,	Zimmerman,
Frascella,	Korns,	Reidenbach,	Andrews,
Fry,	Kramer,	Renwick,	Speaker

NAYS—1

Wargo,

NOT VOTING—14

Ashton,	Lippincott,	McInroy,	Royer,
Branca,	Long, Wm. Jas.,	Mihm,	Schuster,
Esler,	Lutty,	Mullen,	Willard,
Knecht,	McCormack,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1473.

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the Water and Power Resources Board to sell lease or otherwise dispose of certain minerals in or beneath certain streams or bodies of water

With the information that the Senate had passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendment.

The clerk read the amendment as follows:

Amend Section 1, page 3, line 6, by inserting after the word "gravel" the following: and minerals deposited as silt in pools created by dams.

On the question,

Will the House concur in the amendment made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendment made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—199

Anderson, J. H.	Gallagher,	Lee, K. B.,	Royer,
Anderson, S. A.	Gelfand,	Leonard,	Rubin,
Arlene,	George,	Limper,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boies,	Goodrich,	Manbeck,	Seltzer,
Bonner,	Gramlich,	Markley,	Shelton,
Bossert,	Gray,	Marsh,	Sherman,
Bower,	Greenlee,	Maxwell,	Shupnik,
Bowman,	Gremminger,	May,	Simmons,
Breth,	Gross,	McCandless,	Slack,
Buchanan,	Guesman,	McCann,	Snare,
Bush,	Guthrie,	McDevitt,	Stank,
Capano,	Hamilton,	McDonald	Steckel,
Capitolo,	Hankins,	McKeever,	Stimmel,
Cauley,	Hartley,	McLaughlin,	Stiteler,
Cianfrani,	Heavey,	McNally,	Stone,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Mills,	Taylor,
Crossin,	Holl,	Monroe,	Thompson,

Curwood,	Holliday,	Morley,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Kamyk,	Ogilvie,	Welsh,
Eshback,	Keiser,	Parlante,	Wescott,
Eshleman,	Kelly,	Pashley,	Whittaker,
Ewing,	Kernaghan,	Perry,	Willard,
Farabaugh,	Kessler,	Petrosky,	Willaredt,
Fetterolf,	King,	Piper,	Williams, A. D.,
Filo,	Kistler,	Polaski,	Williams, E. S.,
Fineman,	Klein,	Polen,	Wilt,
Flynn,	Knecht,	Prendergast,	Wood,
Foerster,	Kooker,	Price,	Worley,
Foor,	Kornick,	Pursley,	Wynd,
Fox,	Korns,	Reibman,	Yetter,
Frascella,	Kramer,	Reidenbach,	Zember,
Fry,	Lamb,	Renwick,	Zimmerman,
Fulmer,	Lawson,	Riley,	Andrews,
Gailey,	Lee, A. M.,	Rovansek,	Speaker

NAYS—1

Adams,

NOT VOTING—10

Ashton,	Haudenshield,	McInroy,	Mullen,
Branca,	Lippincott,	Mihm,	Schuster,
Esler,	McCormack,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1484.

An Act amending the act of May 22, 1933 (P. L. 851), entitled "An act fixing the pay and mileage of jurors and witnesses" clarifying the mileage reimbursement to jurors.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 2, line 3, by striking out after the word "he" the word "serves" and inserting in lieu thereof "is required to be present; page 2, line 4, by striking out after the word "a" the word "juror" and inserting in lieu thereof the words "member of the jury panel."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—197

Adams,	Gallagher,	Lee, A. M.,	Rovansek,
Anderson, J. H.,	Gelfand,	Lee, K. B.,	Royer,
Anderson, S. A.,	George,	Leonard,	Rubin,
Arlene,	Gibb,	Limper,	Rudisill,
Auker,	Gibbons,	Long, Wm. Jas.,	Rutherford,
Bachman,	Goldstein, J. H.,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, M. H.,	Lutty,	Scarcelli,
Blair,	Goodrich,	Magee,	Schaaf,
Bonner,	Gramlich,	Manbeck,	Seltzer,
Bossert,	Gray,	Markley,	Shelton,
Bower,	Greenlee,	Marsh,	Sherman,
Bowman,	Gremminger,	Maxwell,	Shupnik,
Buchanan,	Gross,	May,	Simmons,
Bush,	Guesman,	McCandless,	Slack,
Breth,	Guthrie,	McCann,	Snare,
Capano,	Hamilton,	McDevitt,	Stank,
Capitolo,	Hankins,	McDonald,	Steckel,
Cauley,	Hartley,	McKeever,	Stimmel,
Cianfrani,	Haudenshield,	McLaughlin,	Stiteler,
Cioffi,	Heavey,	Meholchick,	Stone,
Clarke,	Heffner,	Merry,	Strausser,
Comer,	Helm,	Miller,	Sullivan, J. A.,
Cooley,	Henzel,	Mills,	Sullivan, T. F.,
Crossin,	Hocker,	Monroe,	Taylor,
Curwood,	Holl,	Morley,	Thompson,
Davis,	Holliday,	Munley,	Tomascik,
Dengler,	Holman,	Murphy,	Tompkins,
Dennison,	Horst,	Murray,	Trusio,
Donaldson,	Irvis,	Musto,	Ujobai,
Dougherty,	Isaacs,	Needham,	Varner,
Doughten,	Jenkins,	O'Dell,	Verona,
Down,	Jim,	O'Donnell, J. A.,	Wall,
Edwards,	Johnson, A. W.,	O'Donnell, J. P.,	Walsh,
Eilberg,	Johnson, R. P.,	Odorisio,	Wargo,
Elvey,	Jones,	Ogilvie,	Weidner,
Eshback,	Kamyk,	Parlante,	Welsh,
Eshleman,	Keiser,	Pashley,	Wescott,
Ewing,	Kelly,	Perry,	Whittaker,
Farabaugh,	Kernaghan,	Petrosky,	Willard,
Fetterolf,	Kessler,	Piper,	Willaredt,
Filo,	Kistler,	Polaski,	Williams, A. D.,
Fineman,	Klein,	Polen,	Williams, E. S.,
Flynn,	Knecht,	Prendergast,	Wilt,
Forester,	Kooker,	Price,	Wood,
Foor,	Kornick,	Pursley,	Worley,
Fox,	Korns,	Reibman,	Wynd,
Frascella,	Kramer,	Reidenbach,	Yetter,
Fry,	Lamb,	Renwick,	Zember,
Fulmer,	Lawson,	Riley,	Andrews,
Gailey,			Speaker

NAYS—0

NOT VOTING—13

Ashton,	King,	McInroy,	Mullen,
Boles,	Lippincott,	McNally,	Schuster.
Branca,	McCormack,	Mihm,	Zimmerman,
Esler,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1531.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and

officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" further providing for the disposal of surplus materials salvaged from State highways and bridges.

With the information that the Senate had passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendment.

The clerk read the amendment as follows:

Amend bill, Section 1, page 3, line 19 by inserting after the word "Supervisors" the following: boards of township commissioners councils of boroughs and cities and boards of county commissioners.

On the question,

Will the House concur in the amendment made by the Senate?

Mr. McCANN. Mr. Speaker, on House bill 1531 the gentleman from Washington, Mr. Flynn, has met with the Department of Property and Supplies regarding the administrative problem we had on this bill. At first in our caucus it was discussed that this could not be handled administratively as the amendments were placed in House bill 1531. I have been informed this morning, after a conference, that it can be handled and, therefore, I am going to move that the House do concur in the amendments placed in House bill 1531 by the Senate.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. TOMPKINS. Mr. Speaker, we are very pleased with the information the gentleman has received, because we also concur in the amendments.

On the question recurring,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—197

Adams,	Gallagher,	Lawson,	Rovansek,
Anderson, J. H.,	Gelfand,	Lee, A. M.,	Royer,
Anderson, S. A.,	George,	Lee, K. B.,	Rubin,
Arlene,	Gibb,	Leonard,	Rudisill,
Auker,	Gibbons,	Limper,	Rutherford,
Bachman,	Goldstein, J. H.,	Long, Wm. Jas.,	Sakulsky,
Backenstoe,	Goldstein, M. H.,	Long, Wm. Jos.,	Scarcelli,
Blair,	Goodrich,	Lutty,	Schaaf,
Boles,	Gramlich,	Magee,	Seltzer,
Bonner,	Gray,	Manbeck,	Shelton,
Bossert,	Greenlee,	Markley,	Sherman,
Bower,	Gremminger,	Marsh,	Shupnik,
Bowman,	Gross,	Maxwell,	Simmons,
Breth,	Guesman,	May,	Slack,
Buchanan,	Guthrie,	McCandless,	Snare,
Bush,	Hamilton,	McCann,	Steckel,
Capano,	Hankins,	McDevitt,	Stimmel,
Capitolo,	Hartley,	McDonald,	Stiteler,
Cauley,	Haudenshield,	McKeever,	Stone,
Cianfrani,	Heavey,	McLaughlin,	Strausser,
Cioffi,	Heffner,	McNally,	Sullivan, J. A.,
Clarke,	Helm,	Meholchick,	Sullivan, T. F.,
Comer,	Henzel,	Merry,	Taylor,
Cooley,	Hocker,	Miller,	Thompson,
Crossin,	Holl,	Monroe,	Tompkins,
Curwood,	Holliday,	Morley,	Tomascik,
Davis,	Holman,	Munley,	Trusio,
Dengler,	Horst,	Murphy,	Ujobai,
Dennison,	Irvis,	Murray,	Varner,
Donaldson,	Isaacs,	Musto,	Verona,
Dougherty,	Jenkins,	O'Dell,	Wall,
Down,	Jim,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, A. W.,	O'Donnell, J. P.,	Wargo,
Ellberg,	Johnson, R. P.,	Odorisio,	Weidner,
Elvey,	Jones,	Ogilvie,	Welsh,
Eshback,	Kamyk,	Parlante,	Wescott,
Eshleman,	Keiser,	Pashley,	Whittaker,
Ewing,	Kelly,	Perry,	Willard,
Farabaugh,	Kernaghan,	Petrosky,	Willaredt,
Fetterolf,	Kessler,	Piper,	Williams, A. D.,
Filo,	King,	Polaski,	Williams, E. S.,
Fineman,	Kistler,	Polen,	Wilt,
Flynn,	Klein,	Prendergast,	Wood,
Forester,	Knecht,	Price,	Worley,
Foor,	Kooker,	Pursley,	Wynd,
Fox,	Kornick,	Reibman,	Yetter,
Frascella,	Korns,	Reidenbach,	Zember,
Fry,	Kramer,	Renwick,	Zimmerman,
Fulmer,	Lamb,	Riley,	Andrews,
Gailey,			Speaker

NAYS—1

Mills,

NOT VOTING—12

Ashton,	Esler,	McInroy,	Needham,
Branca,	Lippincott,	Mihm,	Schuster,
Doughten,	McCormack,	Mullen,	Stank,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1604.

An Act amending the act of June 17, 1913 (P. L. 507), entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" increasing assessments when returns are filed later than a certain date in counties of the second class.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 2, line 2 of title, by inserting after the word "date" the following: "in counties of the second class"

Amend Section 1, page 3, line 3, by inserting after the word "resident" the following: "of a county of the second class"; lines 6 and 7, by striking out after the word "of" on line 6, the following: "property assessment appeals and review of such county of the second class"; line 10, by striking out after the word "assessment" the following: "provided that the penalty herein" and by striking out all of lines 11 and 12.

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—194

Adams,	Gailey,	Lee, K. B.,	Rovansek,
Anderson, J. H.	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	Gelfand,	Limper,	Rubin,
Arlene,	George,	Long, Wm. Jas.,	Rudisill,
Auker,	Gibb,	Long, Wm. Jos.,	Rutherford,
Bachman	Gibbons,	Lutty,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Magee,	Scarcelli,
Blair,	Goldstein, M. H.,	Manbeck,	Schaaf,
Boles,	Goodrich,	Markley,	Seltzer,
Bonner,	Gramlich,	Marsh,	Shelton,
Bossert,	Gray,	Maxwell,	Sherman,
Bower,	Greenlee,	May,	Shupnik,
Bowman,	Gremminger,	McCandless,	Simmons,
Breth,	Gross,	McCann,	Slack,
Buchanan,	Guesman,	McDevitt,	Snare,
Bush,	Guthrie,	McDonald	Stank,
Capano,	Hamilton,	McKeever,	Steckel,
Capitolo,	Hankins,	McLaughlin,	Stimmel,
Cauley,	Hartley,	McNally,	Stiteler,
Cianfrani,	Haudenshield,	Meholchick,	Stone,
Cioffi,	Heavey,	Merry,	Strausser,
Clarke,	Heffner,	Miller,	Sullivan, J. A.,
Comer,	Helm,	Mills,	Sullivan, T. F.,
Cooley,	Henzel,	Monroe,	Taylor,
Crossin,	Hocker,	Morley,	Thompson,
Curwood,	Holl,	Munley,	Tompkins,
Davis,	Holliday,	Murphy,	Trusio,
Dengler,	Holman,	Murray,	Ujobai,
Dennison,	Horst,	Musto,	Varner,
Donaldson,	Irvis,	Needham,	Verona,
Dougherty,	Jim,	O'Dell,	Wall,
Doughten,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Down,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Ogilvie,	Weidner,
Elvey,	Kamyk,	Parlante,	Welsh,
Eshback,	Keiser,	Pashley,	Wescott,
Eshleman,	Kernaghan,	Perry,	Whittaker,
Ewing,	Kessler,	Petrosky,	Willard,
Farabaugh,	King,	Piper,	Willaredt,
Fetterolf,	Kistler,	Polaski,	Williams, A. D.,
Filo,	Klein,	Polen,	Williams, E. S.,
Fineman,	Knecht,	Prendergast,	Wilt,
Flynn,	Kooker,	Price,	Wood,
Foerster,	Kornick,	Pursley,	Wynd,
Foor,	Korns,	Reibman,	Yetter,
Fox,	Kramer,	Reidenbach,	Zember,
Frascella,	Lamb,	Renwick,	Zimmerman,
Fry,	Lawson,	Riley,	Andrews,
Fulmer,	Lee, A. M.,		Speaker

NAYS—4

Edwards,	Isaacs,	Odorisio,	Worley,

NOT VOTING—12

Ashton,	Jenkins,	McCormack,	Mullen,
Branca,	Kelly,	McInroy,	Schuster,
Esler,	Lippincott,	Mihm,	Tomascik,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

DEMOCRATIC CAUCUS

Mr. McCANN. Mr. Speaker, it is now 2 o'clock. I am going to ask for a recess of one and one-half hours, lunch first and then a 45-minute caucus. At that time I will ask the Democratic members to bring their House calendars with them. We will begin on page 6, bills on final passage, then on page 7, then the bills on third reading and then the Senate bills.

REPUBLICAN CAUCUS

Mr. TOMPKINS. Mr. Speaker, we will go to lunch first and then have a Republican caucus immediately after lunch. We ask the members to bring their calendars with them.

RECESS

The SPEAKER pro tempore. Without objection, the Chair will declare a recess for one and one-half hours.

The Chair hears none, and a recess is declared.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 601

Mr. FILO. Mr. Speaker, I present the report of the Committee of Conference on Senate bill No. 601.

The SPEAKER. The report will lie over for printing under the rules.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. FINEMAN asked and obtained permission for the Committee on State Government to meet during the session of the House.

Mr. DOUGHERTY asked and obtained permission for the Committee on Cities—Counties, First Class to meet during the session of the House.

Mr. COMER asked and obtained permission for the Committee on Highways to meet during the session of the House.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 99

Mr. FINEMAN. Mr. Speaker, I present the report of the Committee of Conference on Senate bill No. 99.

The SPEAKER. The report will lie over for printing under the rules.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. RUDISILL asked and obtained permission for the Committee on Judiciary to meet during the session of the House.

REPORTS FROM COMMITTEE

Mr. ISAACS from the Committee on Judiciary, reported as committed, Senate bill No. 596, entitled:

An Act amending the act of June 15, 1871 (P. L. 387), entitled, "An act providing for the entry of certain proceedings on the judgment indexes of the several courts of this commonwealth," changing the place of indexing certain proceedings.

Mr. ISAACS from the Committee on Judiciary, reported as committed, Senate bill No. 597, entitled:

An Act amending the act of April 18, 1949 (P. L. 512), entitled "Fiduciaries Act of 1949" further regulating indexing of petitions for specific performance of agreements to purchase or sell real estate.

Mr. IRVIS from the Committee on Judiciary, reported as committed, Senate bill No. 683, entitled:

A Joint Resolution proposing an amendment to article three, section eighteen, of the Constitution of the Commonwealth of Pennsylvania providing for grants or loans to residents of the Commonwealth for higher educational purposes.

Mrs. S. A. ANDERSON from the Committee on State Government, reported as committed, Senate bill No. 702, entitled:

An Act amending the act of July 20, 1917 (P. L. 1158), entitled, "An act to fix, regulate and establish the fees to be charged and received by constables in this Commonwealth," increasing the fees in certain cases.

Mr. ZEMBER from the Committee on Cities—Counties First Class, reported as committed, Senate bill No. 710, entitled:

An Act amending the act of October 14, 1959 (P. L. 1314), entitled, "An act to regulate and establish the fees to be received by the clerk of oyer and terminer and quarter sessions of the peace and the municipal court of Philadelphia in counties of the first class," providing that the provisions of the act be subject to certain limitations.

Mrs. MUNLEY from the Committee on Highways, reported as committed, Senate bill No. 713, entitled:

An Act amending the act of June 1, 1945 (P. L. 1242), entitled "State Highway Law," authorizing adoption of a system for qualification of competent and responsible bidders on highway projects.

Mr. LAMB from the Committee on Judiciary, reported as committed, Senate bill No. 826, entitled:

An Act prohibiting the expression by the judge before the jury or any juror in a criminal proceeding of his belief, opinion or thought concerning the guilt or innocence of any defendant in such proceeding.

Mr. LUTTY from the Committee on State Government, reported as committed, Senate bill No. 882, entitled:

An Act amending the act of December 3, 1959 (P. L. 1688), entitled "Housing Agency Law," clarifying and supplementing provisions of existing law relating to the financing of cooperatively-owned housing, changing the terms of housing loans for elderly persons, modifying the reserve requirements for outstanding Agency bonds and placing the Agency's report to the Legislature on an annual basis.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 596, entitled:

An Act amending the act of June 15, 1871 (P. L. 387), entitled, "An act providing for the entry of certain proceedings on the judgment indexes of the several courts of this commonwealth," changing the place of indexing certain proceedings.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 597, entitled:

An Act amending the act of April 18, 1949 (P. L. 512), entitled "Fiduciaries Act of 1949," further regulating indexing of petitions for specific performance of agreements to purchase or sell real estate.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 683, entitled:

A Joint Resolution proposing an amendment to article three, section eighteen, of the Constitution of the Commonwealth of Pennsylvania, providing for grants or loans to residents of the Commonwealth for higher educational purposes.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 702, entitled:

An Act amending the act of July 20, 1917 (P. L. 1158), entitled, "An act to fix, regulate, and establish the fees to be charged and received by constables in this Commonwealth," increasing the fees in certain cases.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 710, entitled:

An Act amending the act of October 14, 1959 (P. L. 1314), entitled, "An act to regulate and establish the fees to be received by the clerk of oyer and terminer and quarter sessions of the peace and the municipal court of Philadelphia in counties of the first class," providing that the provisions of the act be subject to certain limitations.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 713, entitled:

An Act amending the act of June 1, 1945 (P. L. 1242), entitled "State Highway Law," authorizing adoption of a system for qualification of competent and responsible bidders on highway projects.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 826, entitled:

An Act prohibiting the expression by the judge before the jury or any juror in a criminal proceeding of his belief, opinion or thought concerning the guilt or innocence of any defendant in such proceeding.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 882, entitled:

An Act amending the act of December 3, 1959 (P. L. 1688), entitled, "Housing Agency Law," clarifying and supplementing provisions of existing law relating to the financing of cooperatively-owned housing, changing the terms of housing loans for elderly persons modifying the reserve requirements for outstanding Agency bonds and placing the Agency's report to the Legislature on an annual basis.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1273, entitled:

An Act amending the "State Employes' Retirement Code of 1959" approved June 1, 1959 (P. L. 392), providing a disability retirement allowance for disability incurred by officers and employes of the Pennsylvania State Police while engaging in law enforcement activities.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—198

Adams,	Galley,	Leonard,	Rovansek,
Anderson, J. H.,	Gallagher,	Limper,	Royer,
Anderson, S. A.,	Gelfand,	Long, Wm. Jas.,	Rubin,
Arlene,	George,	Long, Wm. Jos.,	Rudisill,
Auker,	Gibb,	Lutty,	Rutherford,
Bachman,	Gibbons,	Magee,	Scarcelli,
Backenstoe,	Goldstein, J. H.,	Manbeck,	Schaaf,
Blair,	Goldstein, M. H.,	Markley,	Schuster,
Boles,	Goodrich,	Marsh,	Seltzer,
Bonner,	Gramlich,	Maxwell,	Shelton,
Bower,	Gray,	May,	Sherman,
Bowman,	Greenlee,	McCandless,	Shupnik,
Branca,	Gremminger,	McCann,	Simmons,
Breth,	Gross,	McCormack,	Slack,
Buchanan,	Guesman,	McDevitt,	Snare,
Bush,	Guthrie,	McDonald,	Stank,
Capano,	Hankins,	McKeever,	Stimmel,
Capitolo,	Hartley,	McLaughlin,	Stiteler,
Cauley,	Haudenshield,	McNally,	Stone,
Cianfrani,	Heavey,	Meholchick,	Strausser,
Cioffi,	Heffner,	Merry,	Sullivan, J. A.,
Clarke,	Helm,	Miller,	Sullivan, T. F.,
Comer,	Hocker,	Mills,	Taylor,
Cooley,	Holl,	Monroe,	Thompson,
Crossin,	Holliday,	Morley,	Tomascik,
Curwood,	Holman,	Mullen,	Tompkins,
Davis,	Horst,	Munley,	Trusio,
Dengler,	Irvis,	Murphy,	Ujobai,
Dennison,	Jenkins,	Murray,	Varner,
Donaldson,	Jim,	Musto,	Verona,
Dougherty,	Johnson, A. W.,	Needham,	Wall,
Doughten,	Johnson, R. P.,	O'Dell,	Walsh,
Down,	Jones,	O'Donnell, J. A.,	Wargo,
Edwards,	Kamyk,	Odorisio,	Weidner,
Eilberg,	Keiser,	Ogilvie,	Welsh,
Elvey,	Kelly,	Parlante,	Wescott,
Eshback,	Kernaghan,	Pashley,	Whittaker,
Eshleman,	Kessler,	Perry,	Willard,
Ewing,	King,	Petrosky,	Willaredt,
Farabaugh,	Kistler,	Piper,	Williams, A. D.,
Fetterolf,	Klein,	Polaski,	Williams, E. S.,
Filo,	Knecht,	Polen,	Wilt,
Fineman,	Kooker,	Prendergast,	Wood,
Flynn,	Kornick,	Price,	Worley,
Forester,	Korns,	Pursley,	Wynd,
Foor,	Kramer,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, A. M.,	Riley,	Andrews,
Fulmer,	Lee, K. B.,		Speaker

NAYS—0

NOT VOTING—12

Ashton,	Hamilton,	Lippincott,	O'Donnell, J. P.,
Bossert,	Henzel,	McInroy,	Sakulsky,
Esler,	Isaacs,	Mihm,	Steckel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affiirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House bill No. 1625, entitled:

An Act to provide for an additional law judge of the court of common pleas in the fiftieth judicial district and making an appropriation.

On the question,

Shall the bill pass finally?

Mr. McCANDLESS. Mr. Speaker, I find myself in the position of having to oppose a bill that I introduced.

This bill creating a second judgeship in Butler County was agreed upon by leaders of both parties in our county and introduced with the provision for an election in November of this year. This bill was introduced in May and the final date was August 8; it would have had to be passed by that date in order for us to have an election this fall. Since that date is past, I now ask all the members to vote against this bill. We have got along up until now and we can get along for a few more years without it. Thank you.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—106

Anderson, S. A.,	Gallagher,	McCann,	Reibman,
Arlene,	Gelfand,	McCormack,	Reidenbach,
Bachman	Gray,	McDevitt,	Renwick,
Boles,	Greenlee,	McDonald	Riley,
Bonner,	Gremminger,	McKeever,	Rovansek,
Branca,	Guesman,	McLaughlin,	Rubin,
Breth,	Hamilton,	McNally,	Rudisill,
Capano,	Hankins,	Meholchick,	Sakulsky,
Capitolo,	Hartley,	Mills,	Scarcelli,
Cauley,	Heavey,	Monroe,	Schaaf,
Cianfrani,	Irvis,	Morley,	Schuster,
Clarke,	Jenkins,	Mullen,	Shelton,
Comer,	Jim,	Munley,	Sherman,
Cooley,	Jones,	Murphy,	Shupnik,
Crossin,	Kamyk,	Murray,	Stank,
Curwood,	Kelly,	Musto,	Stone,
Dougherty,	Klein,	Needham,	Sullivan, J. A.,
Doughten,	Kornick,	O'Donnell, J. A.,	Sullivan, T. F.,
Eilberg,	Kramer,	O'Donnell, J. P.,	Taylor,
Farabaugh,	Lamb,	Parlante,	Tomascik,
Filo,	Lawson,	Pashley,	Trusio,
Fineman,	Leonard,	Perry,	Verona,
Flynn,	Limper,	Petrosky,	Wargo,
Foerster,	Long, Wm. Jas.,	Polaski,	Welsh,
Frascella,	Long, Wm. Jos.,	Polen,	Yetter,
Fry,	Lutty,	Prendergast,	Andrews,
Galley,	Maxwell,		Speaker

NAYS—99

Adams,	George,	Kistler,	Snare,
Anderson, J. H.	Gibb,	Knecht,	Steckel,
Auker,	Gibbons,	Kooker,	Stimmel,
Backenstoe,	Goldstein, J. H.,	Korns,	Stiteler,
Blair,	Goldstein, M. H.,	Lee, A. M.,	Strausser,
Bossert,	Goodrich,	Lee, K. B.,	Thompson,
Bower,	Gramlich,	Magee,	Tompkins,
Bowman,	Gross,	Manbeck,	Ujobai,
Buchanan,	Guthrie,	Markley,	Varner,
Bush,	Haudenshield,	Marsh,	Wall,
Cioffi,	Heffner,	May,	Walsh,
Davis,	Helm,	McCandless,	Weidner,
Dengler,	Henzel,	Merry,	Wescott,
Dennison,	Hocker,	Miller,	Whittaker,
Donaldson,	Holl,	O'Dell,	Willard,
Down,	Holliday,	Odorisio,	Willaredt,
Edwards,	Holman,	Ogilvie,	Williams, A. D.,

Elvey,	Horst,	Piper,	Williams, E. S.,
Eshback,	Isaacs,	Price,	Wilt,
Eshleman,	Johnson, A. W.,	Pursley,	Wood,
Ewing,	Johnson, R. P.,	Royer,	Worley,
Fetterolf,	Keiser,	Rutherford,	Wynd,
Foor,	Kernaghan,	Seltzer,	Zember,
Fox,	Kessler,	Simmons.	Zimmerman,
Fulmer,	King,	Slack,	

NOT VOTING—5

Ashton,	Lippincott,	McInroy,	Mihm,
Esler,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 667, entitled:

An Act creating and establishing a continuing career system for professional personnel in or assigned to the Department of Highways, establishing and vesting certain powers in the Highway Professional Personnel Board and making an appropriation.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. McNally.

Mr. McNALLY. Mr. Speaker, in Senate bill 667, the purpose of the act is to establish a career system for professional personnel which will attract and retain qualified people. The recruitment of engineers and professional people in the department over a long period of years has suffered, particularly in going into engineering universities and so forth, where they had to take the bottom of the class simply because they could not give any security in future years to a professional person.

At the present time the district engineers all over the Commonwealth are approximately 60 years old and the department has nobody in its own ranks to any great degree who can fill these positions.

The bill is self-explanatory. It is on your desk. I would request everybody on both sides of the aisle to support this piece of legislation. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—174

Adams,	Fox,	Kooker,	Reibman,
Anderson, J. H.,	Frascella,	Kornick,	Renwick,
Anderson, S. A.,	Fry,	Korns,	Riley,
Arlene,	Galley,	Kramer,	Royer,
Auker,	Gallagher,	Lamb,	Rubin,
Bachman,	Gelfand,	Lawson,	Rudisill,
Backenstoe,	George,	Lee, A. M.,	Rutherford,
Blair,	Gibb,	Lee, K. B.,	Sakulsky,
Boles,	Gibbons,	Leonard,	Scarcelli,
Bonner,	Goldstein, J. H.,	Limper,	Schaaf,
Bower,	Goldstein, M. H.,	Long, Wm. Jas.,	Schuster,
Bowman,	Goodrich,	Long, Wm. Jos.,	Seltzer,
Branca,	Gramlich,	Lutty,	Shelton,
Breth,	Gray,	Manbeck,	Sherman,
Buchanan,	Greenlee,	Markley,	Simmons,
Bush,	Gross,	Marsh,	Slack,
Capano,	Guesman,	McCandless,	Snare,
Capitolo,	Guthrie,	McCann,	Steckel,
Cauley,	Hamilton,	McCormack,	Stimmel,
Cianfrani,	Hankins,	McDevitt,	Stiteler,
Cioffi,	Haudenshield,	McDonald,	Stone,
Clarke,	Heavey,	McKeever,	Sullivan, T. F.,
Comer,	Heffner,	McLaughlin,	Thompson,
Crossin,	Helm,	McNally,	Tomascik,
Curwood,	Henzel,	Meholchick,	Trusio,
Davis,	Hocker,	Merry,	Ujobai,
Dengler,	Holliday,	Miller,	Varner,
Dennison,	Holman,	Monroe,	Verona,
Donaldson,	Horst,	Murphy,	Wall,
Dougherty,	Irvis,	Musto,	Walsh,
Down,	Isaacs,	Needham,	Weidner,
Edwards,	Jenkins,	O'Dell,	Welsh,
Ellberg,	Jim,	O'Donnell, J. P.,	Wescott,
Elvey,	Johnson, R. P.,	Odorisio,	Whittaker,
Eshback,	Jones,	Ogilvie,	Willaredt,
Eshleman,	Kamyk,	Parlante,	Williams, A. D.,
Ewing,	Keiser,	Perry,	Williams, E. S.,
Farabaugh,	Kelly,	Petrosky,	Wood,
Fetterolf,	Kernaghan,	Piper,	Worley,
Filo,	Kessler,	Polaski,	Wynd,
Fineman,	King,	Polen,	Zember,
Flynn,	Kistler,	Price,	Zimmerman,
Forester,	Klein,	Pursley,	Andrews,
Foor,	Knecht,		Speaker

NAYS—23

Bossert,	Magee,	Pashley,	Sullivan, J. A.,
Doughten,	Morley,	Prendergast,	Taylor,
Fulmer,	Mullen,	Reidenbach,	Tompkins,
Gremminger,	Munley,	Shupnik,	Wargo,
Hartley,	Murray,	Stank,	Wilt,
Holl,	O'Donnell, J. A.,	Strausser,	

NOT VOTING—13

Ashton,	Lippincott,	McInroy,	Rovansek,
Cooley,	Maxwell,	Mihm,	Willard,
Esler,	May,	Mills,	Yetter,
Johnson, A. W.,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 695, entitled:

An Act amending the act of March 19, 1949 (P. L. 30), entitled, "Public School Code of 1949," further providing for the election of district superintendents and assistant superintendents in districts of the third class except in counties of the second class.

On the question,

Shall the bill pass finally?

BILL RECOMMITTED

Mrs. REIBMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further study.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 17, entitled:

An Act amending the act of April 27, 1927 (P. L. 414), entitled as amended, "An act providing for a system of recording the identification of persons convicted of crime and of fugitives from justice and habitual criminals * * *" requiring the destruction of photographs and fingerprints in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—128

Anderson, S. A.,	Gallagher,	Leonard,	Price,
Arlene,	Gelfand,	Limper,	Reibman,
Bachman	Gibb,	Long, Wm. Jas.,	Reidenbach,
Boies,	Gibbons,	Long, Wm. Jos.,	Renwick,
Bonner,	Goldstein, M. H.,	Lutty,	Riley,
Branca,	Gray,	Marsh,	Rovansek,
Breth,	Greenlee,	May,	Rubin,
Bush,	Gremminger,	McCann,	Rudisill,
Capano,	Guesman,	McCormack,	Sakulsky,
Capitolo,	Hankins,	McDevitt,	Scarcelli,
Cauley,	Hartley,	McDonald	Schaaf,
Cianfrani,	Heavey,	McKeever,	Schuster,
Cioffi,	Heffner,	McLaughlin,	Shelton,
Clarke,	Holman,	McNally,	Sherman,
Comer,	Irvis,	Meholchick,	Shupnik,
Crossin,	Isaacs,	Monroe,	Stank,
Curwood,	Jenkins,	Morley,	Stiteler,
Dengler,	Jim,	Mullen,	Stone,
Dennison,	Johnson, R. P.,	Munley,	Sullivan, J. A.,
Dougherty,	Jones,	Murray,	Sullivan, T. F
Doughten,	Kamyk,	Musto,	Taylor,
Down,	Kelly,	Needham,	Tomascik,
Eilberg,	Kernaghan,	O'Donnell, J. A.,	Verona,
Ewing,	Kessler,	O'Donnell, J. P.,	Walsh,
Farabaugh,	Kistler,	Odorisio,	Wargo,
Filo,	Klein,	Parlante,	Welsh,
Fineman,	Kooker,	Pashley,	Williams, A. D.,
Flynn,	Kornick,	Perry,	Williams, E. S.,
Foerster,	Korns,	Petrosky,	Worley,
Frascella,	Kramer,	Polaski,	Yetter,
Fry,	Lamb,	Polen,	Zimmerman,
Gailey,	Lawson,	Prendergast,	Andrews, Speaker

NAYS—70

Adams,	Fulmer,	Lee, A. M.,	Slack,
Anderson, J. H.	George,	Lee. K. B.,	Snare,
Auker,	Goldstein, J. H.,	Magee,	Stimmel,
Backenstoe,	Goodrich,	Manbeck,	Strausser,
Blair,	Gramlich,	Markley,	Thompson,
Bossert,	Gross,	McCandless,	Tompkins,
Bower,	Guthrie,	Merry,	Ujobai,
Bowman,	Haudenshield,	Miller,	Varner,
Buchanan,	Helm,	Murphy,	Wall,
Davis,	Henzel,	O'Dell,	Weidner,
Donaldson,	Hocker,	Ogilvie,	Wescott,
Edwards,	Holl,	Piper,	Whittaker,
Elvey,	Holliday,	Pursley,	Willaredt,
Eshback,	Horst,	Royer,	Wilt,
Eshleman,	Johnson, A. W.,	Rutherford,	Wood,
Fetterolf,	Keiser,	Seltzer,	Wynd,
Foor,	King,	Simmons,	Zember,
Fox,	Knecht,		

NOT VOTING—12

Ashton,	Hamilton,	McInroy,	Steckel,
Cooley,	Lippincott,	Mihm,	Trusio,
Esler,	Maxwell,	Mills,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1603, entitled:

An Act making an appropriation to the Department of Military Affairs for a training area and armory site in Somerset County.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Stiteler.

Mr. STITELER. Mr. Speaker, this is a purely nonpartisan measure if ever there has been one in this House. Somerset County has a valiant history in all the wars of our Country, in the Revolutionary War, the War of 1812, in the Civil War, when 4,000 boys went out from Somerset County and one out of ten never came back; and in the Spanish American War. In World War I, three companies from Somerset County were shot to pieces, and in World War II, their record was equally distinguished.

This was an infantry outfit until just recently. It has been converted into a tank outfit and the boys there find themselves in the position of a cavalry troop without horses. It is as though a submarine tries to maneuver in the middle of the Sahara Desert.

I want to pay tribute to the Military Affairs Committee for unanimously reporting this bill out and the members of this House who were gracious enough to come there and look the ground over and see what the conditions are. The purpose of this bill is to provide means for these boys to train to protect their Country. We are talking about $10,000. Thank you.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—198

Adams,	Gailey,	Lee, A. M.,	Rovansek,
Anderson, J. H.,	Gallagher,	Lee, K. B.,	Royer,
Anderson, S. A.,	Gelfand,	Leonard,	Rubin,
Arlene,	George,	Limper,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Manbeck,	Schaaf,
Boies,	Goodrich,	Markley,	Schuster,
Bonner,	Gramlich,	Marsh,	Seltzer,
Bossert,	Gray,	Maxwell,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McDevitt,	Slack,
Buchanan,	Guthrie,	McDonald,	Snare,
Bush,	Hamilton,	McKeever,	Stank,
Capano,	Hankins,	McLaughlin,	Steckel,
Capitolo,	Hartley,	McNally,	Stimmel,
Cauley,	Haudenshield,	Meholchick,	Stiteler,
Cianfrani,	Heavey,	Merry,	Stone,
Cioffi,	Heffner,	Miller,	Sullivan, J. A.,
Clarke,	Helm,	Mills,	Sullivan, T. F.,
Comer,	Henzel,	Monroe,	Taylor,
Crossin,	Hocker,	Morley,	Thompson,
Curwood,	Holl,	Mullen,	Tomascik,
Davis,	Holliday,	Munley,	Tompkins,
Dennison,	Holman,	Murphy,	Trusio,
Dengler,	Horst,	Murray,	Ujobai,
Donaldson,	Irvis,	Musto,	Varner,
Dougherty,	Isaacs,	Needham,	Verona,
Doughten,	Jenkins,	O'Dell,	Wall,
Down,	Jim,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Kamyk,	Ogilvie,	Welsh,
Eshback,	Keiser,	Parlante,	Wescott,
Eshleman,	Kelly,	Pashley,	Whittaker,
Ewing,	Kernaghan,	Perry,	Willard,
Farabaugh,	Kessler,	Petrosky,	Willaredt,
Fetterolf,	King,	Piper,	Williams, A. D.,
Filo,	Kistler,	Polaski,	Williams, E. S.,
Fineman,	Klein,	Polen,	Wilt,
Flynn,	Knecht,	Prendergast,	Wood,
Foerster,	Kooker,	Price,	Wynd,
Foor,	Kornick,	Pursley,	Yetter,
Fox,	Korns,	Reibman,	Zember,

Frascella,	Kramer,	Renwick,	Zimmerman,
Fry,	Lamb,	Riley,	Andrews,
Fulmer,	Lawson,		Speaker

NAYS—3

Magee,	Strausser,	Worley,

NOT VOTING—9

Ashton,	Johnson, A. W.,	McCormack,	Mihm,
Cooley,	Lippincott,	McInroy,	Reidenbach,
Esler,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1802, entitled:

An Act amending the "Business Corporation Law," approved May 5, 1933 (P. L. 364), further providing for the payment of dividends.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—198

Adams,	Gailey,	Lee, A. M.,	Rovansek,
Anderson, J. H.	Gallagher,	Lee, K. B.,	Royer,
Anderson, S. A.,	Gelfand,	Leonard,	Rubin,
Arlene,	George,	Limper,	Rudisill,
Auker,	Gibb,	Long, Wm. Jas.,	Rutherford,
Bachman	Gibbons,	Long, Wm. Jos.,	Scarcelli,
Backenstoe,	Goldstein, J. H.,	Lutty,	Schaaf,
Blair,	Goldstein, M. H.,	Magee,	Schuster,
Boles,	Goodrich,	Manbeck,	Seltzer,
Bonner,	Gramlich,	Markley,	Shelton,
Bossert,	Gray,	Marsh,	Sherman,
Bower,	Greenlee,	Maxwell,	Shupnik,
Bowman,	Gremminger,	May,	Simmons,
Branca,	Gross,	McCandless,	Slack,
Breth,	Guesman,	McCann,	Snare,
Buchanan,	Guthrie,	McDevitt,	Stank,
Bush,	Hankins,	McDonald	Steckel,
Capano,	Hartley,	McKeever,	Stimmel,
Capitolo,	Haudenshield,	McLaughlin,	Stiteler,
Cauley,	Heavey,	McNally,	Stone,
Cianfrani,	Heffner,	Meholchick,	Strausser,
Cioffi,	Helm,	Merry,	Sullivan, J. A.,
Clarke,	Henzel,	Miller,	Sullivan, T. F.,
Comer,	Hocker,	Mills,	Taylor,
Crossin,	Holl,	Monroe,	Thompson,
Curwood,	Holliday,	Morley,	Tompkins,
Davis,	Holman,	Mullen,	Trusio,
Dengler,	Horst,	Munley,	Ujobai,
Dennison,	Irvis,	Murphy,	Varner,
Donaldson,	Isaacs,	Murray,	Verona,
Dougherty,	Jenkins,	Musto,	Wall,
Doughten,	Jim,	Needham,	Walsh,
Down,	Johnson, A. W.,	O'Dell,	Wargo,
Edwards,	Johnson, R. P.,	O'Donnell, J. A.,	Weidner,
Eilberg,	Jones,	Odorisio,	Welsh,
Elvey,	Kamyk,	Ogilvie,	Wescott,
Eshback,	Keiser,	Parlante,	Whittaker,
Eshleman,	Kelly,	Pashley,	Willard,
Ewing,	Kernaghan,	Perry,	Willaredt,
Farabaugh,	Kessler,	Petrosky,	Williams, A. D.,
Fetterolf,	King,	Piper,	Williams, E. S.,
Filo,	Kistler,	Polaski,	Wilt,
Fineman,	Klein,	Polen,	Wood,
Flynn,	Knecht,	Prendergast,	Worley,
Foerster,	Kooker,	Price,	Wynd,
Foor,	Kornick,	Pursley,	Yetter,
Fox,	Korns,	Reibman,	Zember,
Frascella,	Kramer,	Renwick,	Zimmerman,
Fry,	Lamb,	Riley,	Andrews,
Fulmer,	Lawson,		Speaker

NAYS—1

Sakulsky,

NOT VOTING—11

Ashton,	Hamilton,	McInroy,	Reidenbach,
Cooley,	Lippincott,	Mihm,	Tomascik,
Esler,	McCormack,	O'Donnell, J. P.,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection,

House bill No. 1845, printer's No. 2680,

was passed over at the request of Mr. McCANN.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 225, entitled:

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes' Retirement Code of 1959," further defining contributory service and further regulating contributions on account of past service.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—203

Anderson, J. H.,	Gelfand,	Leonard,	Royer,
Anderson, S. A.,	George,	Limper,	Rubin,
Arlene,	Gibb,	Long, Wm. Jas.,	Rudisill,
Auker,	Gibbons,	Long, Wm. Jos.,	Rutherford,
Bachman,	Goldstein, J. H.,	Lutty,	Sakulsky,
Backenstoe,	Goldstein, M. H.,	Magee,	Scarcelli,
Blair,	Goodrich,	Manbeck,	Schaaf,
Boles,	Gramlich,	Markley,	Schuster,
Bonner,	Gray,	Marsh,	Seltzer,
Bossert,	Greenlee,	Maxwell,	Shelton,
Bower,	Gremminger,	May,	Sherman,
Bowman,	Gross,	McCandless,	Shupnik,
Branca,	Guesman,	McCann,	Simmons,
Breth,	Guthrie,	McCormack,	Slack,
Buchanan,	Hamilton,	McDevitt,	Snare,
Bush,	Hankins,	McDonald,	Stank,
Capano,	Hartley,	McKeever,	Steckel,
Capitolo,	Haudenshield,	McLaughlin,	Stimmel,
Cauley,	Heavey,	McNally,	Stiteler,
Cianfrani,	Heffner,	Meholchick,	Stone,
Cioffi,	Helm,	Merry,	Strausser,
Clarke,	Henzel,	Miller,	Sullivan, J. A.,
Comer,	Hocker,	Mills,	Sullivan, T. F.,
Crossin,	Holl,	Monroe,	Taylor,
Curwood,	Holliday,	Morley,	Thompson,
Davis,	Holman,	Mullen,	Tomascik,
Dengler,	Horst,	Munley,	Tompkins,
Dennison,	Irvis,	Murphy,	Trusio,
Donaldson,	Isaacs,	Murray,	Ujobai,
Dougherty,	Jenkins,	Musto,	Varner,
Doughten,	Jim,	Needham,	Verona,
Down,	Johnson, A. W.,	O'Dell,	Wall,
Edwards,	Johnson, R. P.,	O'Donnell, J. A.,	Walsh,
Eilberg,	Jones,	O'Donnell, J. P.,	Wargo,
Elvey,	Kamyk,	Odorisio,	Weidner,
Eshback,	Keiser,	Ogilvie,	Welsh,
Eshleman,	Kelly,	Parlante,	Wescott,
Ewing,	Kernaghan,	Pashley,	Whittaker,
Farabaugh,	Kessler,	Perry,	Willard,
Fetterolf,	King,	Petrosky,	Willaredt,
Filo,	Kistler,	Piper,	Williams, A. D.,
Fineman,	Klein,	Polaski,	Williams, E. S.,
Flynn,	Knecht,	Polen,	Wilt,
Foerster,	Kooker,	Prendergast,	Wood,

Foor,	Kornick,	Price,	Worley,
Fox,	Korns,	Pursley,	Wynd,
Frascella,	Kramer,	Reibman,	Yetter,
Fry,	Lawson,	Reidenbach,	Zember,
Fulmer,	Lamb,	Renwick,	Zimmerman,
Gailey,	Lee, A. M.,	Riley,	Andrews,
Gallagher,	Lee, K. B.,	Rovansek,	Speaker

NAYS—0

NOT VOTING—7

Adams,	Cooley,	Lippincott,	Mihm,
Ashton,	Esler,	McInroy,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Mr. HELM IN THE CHAIR

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 238, entitled:

An Act amending the act of June 1, 1959 (P. L. 350), entitled, "Public School Employes' Retirement Code of 1959," providing credit for school service for certain contributors who make additional contributions into the fund.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—201

Adams,	George,	Leonard,	Royer,
Anderson, J. H.	Gibb,	Limper,	Rubin,
Anderson, S. A.,	Gibbons,	Long, Wm. Jas.,	Rudisill,
Arlene,	Goldstein, J. H.,	Long, Wm. Jos.,	Rutherford,
Auker,	Goldstein, M. H.,	Lutty,	Sakulsky,
Bachman	Goodrich,	Manbeck,	Scarcelli,
Backenstoe,	Gramlich,	Magee,	Schaaf,
Blair,	Gray,	Markley,	Schuster,
Boles,	Greenlee,	Marsh,	Seltzer,
Bonner,	Gremminger,	Maxwell,	Shelton,
Bossert,	Gross,	May,	Sherman,
Bowman,	Guesman,	McCandless,	Shupnik,
Branca,	Guthrie,	McCann,	Simmons,
Breth,	Hamilton,	McDevitt,	Slack,
Buchanan,	Hankins,	McDonald	Snare,
Bush,	Hartley,	McKeever,	Stank,
Capano,	Haudenshield,	McLaughlin,	Steckel,
Capitolo,	Heavey,	McNally,	Stimmel,
Cauley,	Heffner,	Meholchick,	Stiteler,
Cioffi,	Helm,	Merry,	Stone,
Clarke,	Henzel,	Miller,	Strausser,
Comer,	Hocker,	Mills,	Sullivan, J. A.,
Crossin,	Holl,	Monroe,	Sullivan, T. F.,
Curwood,	Holliday,	Morley,	Taylor,
Davis,	Holman,	Mullen,	Thompson,
Dengler,	Horst,	Munley,	Tomascik,
Dennison,	Irvis,	Murphy,	Tompkins,
Donaldson,	Isaacs,	Murray,	Trusio,
Dougherty,	Jenkins,	Musto,	Ujobai,
Doughten,	Jim,	Needham,	Varner,
Down,	Johnson, A. W.,	O'Dell,	Verona,
Edwards,	Johnson, R. P.,	O'Donnell, J. A.,	Wall,
Eilberg,	Jones,	O'Donnell, J. P.,	Walsh,
Elvey,	Kamyk,	Odorisio,	Wargo,
Eshback,	Keiser,	Ogilvie,	Weidner,
Eshleman,	Kelly,	Parlante,	Welsh,
Ewing,	Kernaghan,	Pashley,	Wescott,
Farabaugh,	Kessler,	Perry,	Whittaker,
Fetterolf,	King,	Petrosky,	Willard,
Filo,	Kistler,	Piper,	Willaredt,
Fineman,	Klein,	Polaski,	Williams, A. D.,
Flynn,	Knecht,	Polen,	Williams, E. S.,
Foerster,	Kooker,	Prendergast,	Wilt,
Foor,	Kornick,	Price,	Wood,
Fox,	Korns,	Pursley,	Worley,
Frascella,	Kramer,	Reibman,	Wynd,
Fry,	Lamb,	Reidenbach,	Yetter,
Fulmer,	Lawson,	Renwick,	Zember,
Gailey,	Lee, A. M.,	Riley,	Zimmerman,
Gallagher,	Lee, K. B.,	Rovansek,	Andrews,
Gelfand,			Speaker

NAYS—0

NOT VOTING—9

Ashton,	Cooley,	Lippincott,	McInroy,
Bower,	Esler,	McCormack,	Mihm,
Cianfrani,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 1818

Mr. SCARCELLI. Mr. Speaker, I move that the vote by which House bill No. 1818, printer's No. 2679, entitled:

"An Act amending the 'Unemployment Compensation Law,' approved December 5, 1936 (1937 P. L. 2897), redefining State and modifying certain provisions as to eligibility of individuals while in training or when permanently separated."

was defeated on final passage Monday, August 28, 1961, be reconsidered.

Mr. CAULEY. Mr. Speaker, I second the motion.

The SPEAKER pro tempore. How did the gentleman from Philadelphia, Mr. Scarcelli, vote on the final passage of this bill?

Mr. SCARCELLI. Mr. Speaker, I voted with the prevailing side.

The SPEAKER pro tempore. How did the gentleman from Allegheny, Mr. Cauley, vote on the final passage of this bill?

Mr. CAULEY. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Bowman.

Mr. BOWMAN. Mr. Speaker, after the roll call I would like to request a personal privilege to speak.

The SPEAKER pro tempore. The Chair will recognize the gentleman.

Mr. McCANN. Mr. Speaker, I ask the membership to vote "aye."

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. BOWMAN and FETTEROLF and were as follows:

YEAS—154

Anderson, S. A.,	Goldstein, J. H.,	Long, Wm. Jos.,	Renwick,
Arlene,	Goldstein, M. H.,	Manbeck,	Riley,
Bachman,	Goodrich,	Marsh,	Rovansek,
Boles,	Gray,	Maxwell,	Rubin,
Bonner,	Greenlee,	May,	Rudisill,
Bower,	Gremminger,	McCann,	Sakulsky,
Branca,	Guesman,	McCormack,	Scarcelli,
Breth,	Guthrie,	McDevitt,	Schaaf,

Buchanan,	Hamilton,	McDonald,	Schuster,
Bush,	Hankins,	McKeever,	Shelton,
Capano,	Hartley,	McLaughlin,	Sherman,
Capitolo,	Heavey,	McNally,	Shupnik,
Cauley,	Heffner,	Meholchick,	Simmons,
Cianfrani,	Helm,	Miller,	Slack,
Cioffi,	Henzel,	Mills,	Snare,
Clarke,	Holl,	Monroe,	Stank,
Comer,	Holliday,	Morley,	Stone,
Crossin,	Irvis,	Mullen,	Sullivan, J. A.,
Curwood,	Isaacs,	Munley,	Sullivan, T. F.,
Dengler,	Jenkins,	Murphy,	Taylor,
Dennison,	Jim,	Murray,	Tomascik,
Dougherty,	Johnson, A. W.,	Musto,	Trusio,
Doughten,	Jones,	Needham,	Ujobai,
Down,	Kamyk,	O'Donnell, J. A.,	Varner,
Edwards,	Kelly,	O'Donnell, J. P.,	Verona,
Eilberg,	Kernaghan,	Odorisio,	Walsh,
Farabaugh,	Kessler,	Parlante,	Wargo,
Fetterolf,	Klein,	Pashley,	Welsh,
Filo,	Knecht,	Perry,	Whittaker,
Fineman,	Kooker,	Petrosky,	Willaredt,
Flynn,	Kornick,	Piper,	Williams, A. D.,
Foerster,	Kramer,	Polaski,	Williams, E. S.,
Fox,	Lamb,	Polen,	Worley,
Frascella,	Lawson,	Prendergast,	Wynd,
Fry,	Lee, K. B.,	Price,	Yetter,
Fulmer,	Leonard,	Pursley,	Zember,
Gailey,	Limper,	Reibman,	Zimmerman,
Gallagher,	Lutty,	Reidenbach,	Andrews,
Gelfand,	Long, Wm. Jas.,		Speaker

NAYS—48

Adams,	Ewing,	Keiser,	Rutherford,
Anderson, J. H.,	Foor,	King,	Seltzer,
Auker,	George,	Kistler,	Steckel,
Backenstoe,	Gibb,	Korns,	Stimmel,
Blair,	Gibbons,	Lee, A. M.,	Stiteler,
Bossert,	Gramlich,	Magee,	Strausser,
Bowman,	Gross,	Markley,	Thompson,
Davis,	Haudenshield,	McCandless,	Tompkins,
Donaldson,	Hocker,	Merry,	Wall,
Elvey,	Holman,	O'Dell,	Weidner,
Eshback,	Horst,	Ogilive,	Wilt,
Eshleman,	Johnson, R. P.,	Royer,	Wood,

NOT VOTING—8

Ashton,	Esler,	McInroy,	Wescott,
Cooley,	Lippincott,	Mihm,	Willard,

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—152

Adams,	Gelfand,	Long, Wm. Jos.,	Riley,
Anderson, S. A.,	Gibbons,	Lutty,	Rovansek,
Arlene,	Goldstein, J. H.,	Markley,	Rubin,
Bachman	Goldstein, M. H.,	Marsh,	Rudisill,
Backenstoe,	Gray,	Maxwell,	Sakulsky,
Boles,	Greenlee,	May,	Scarcelli,
Bonner,	Gremminger,	McCann,	Schaaf,
Bower,	Gross,	McCormack,	Schuster,
Branca,	Guesman,	McDevitt,	Shelton,
Breth,	Hamilton,	McDonald	Sherman,
Buchanan,	Hankins,	McKeever,	Shupnik,
Capano,	Hartley,	McLaughlin,	Slack,
Capitolo,	Heavey,	McNally,	Snare,
Cauley,	Heffner,	Meholchick,	Stank,
Cianfrani,	Helm,	Miller,	Steckel,
Cioffi,	Holliday,	Mills,	Stimmel,
Clarke,	Irvis,	Monroe,	Stone,
Comer,	Isaacs,	Morley,	Sullivan, J. A.,
Crossin,	Jenkins,	Mullen,	Sullivan, T. F.,
Curwood,	Jim,	Munley,	Taylor,
Dengler,	Johnson, A. W.,	Murray,	Thompson.
Donaldson,	Jones,	Murphy,	Tomascik,
Dougherty,	Kamyk,	Musto,	Trusio,
Doughten,	Kelly,	Needham,	Ujobai,
Down,	Kernaghan,	O'Donnell, J. A.,	Varner,
Edwards,	Kessler,	O'Donnell, J. P.,	Verona,
Eilberg,	Klein,	Odorisio,	Wall,
Farabaugh,	Knecht,	Parlante,	Walsh,
Fetterolf,	Kooker,	Pashley,	Wargo,
Filo,	Kornick,	Perry,	Welsh,
Fineman,	Kramer,	Petrosky,	Wescott,
Flynn,	Lamb,	Polaski,	Willaredt,
Foerster,	Lawson,	Polen,	Williams, A. D.,
Frascella,	Lee, A. M.,	Prendergast,	Williams, E. S.,
Fry,	Lee, K. B.,	Price,	Worley,
Fulmer,	Leonard,	Pursley,	Wynd,
Gailey,	Limper,	Reibman,	Yetter,
Gallagher,	Long, Wm. Jas.,	Renwick,	Andrews,
			Speaker

NAYS—50

Anderson, J. H.	Fox,	Keiser,	Rutherford,
Auker,	George,	King,	Seltzer,
Blair,	Gibb,	Kistler,	Simmons,
Bossert,	Goodrich,	Korns,	Stiteler,
Bowman,	Gramlich,	Magee,	Strausser,
Bush,	Guthrie,	Manbeck,	Tompkins,
Davis,	Haudenshield,	McCandless,	Weidner,
Dennison,	Henzel,	Merry,	Whittaker,
Elvey,	Hocker,	O'Dell,	Wilt,
Eshback,	Holl,	Ogilvie,	Wood,
Eshleman,	Holman,	Piper,	Zember,
Ewing,	Horst,	Royer,	Zimmerman,
Foor,	Johnson, R. P.,		

NOT VOTING—8

Ashton,	Esler,	McInroy,	Reidenbach,
Cooley,	Lippincott,	Mihm,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

PERMISSION TO ADDRESS HOUSE

Mr. BOWMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, it has always been my practice to play the game as fairly as possible. However, the events that have just occurred, while I do not question the procedural propriety, I very seriously take exception to the technique employed.

At no time was I advised that House bill 1818 would be immediately voted upon after being brought back for reconsideration. I was advised that the bill would be reconsidered, and, wrongly or rightly, I assumed that the normal procedure in these cases would be employed, namely, that it would be postponed and put on the calendar again. This did not happen. I voted with respect to the motion to reconsider and I fully expected to be afforded the privilege, either before the bill was voted on today, or expecting, rather, that it would be voted upon tomorrow, to be given that opportunity. In the rush of events that opportunity was denied to me.

I merely point this out to say that in these closing days I recognize the problems, I recognize the pressure we are under, but I think that we should also all recognize that rights and privileges which one accords to another should be reciprocated, and I hope that as we close this session we will not have repetition of this experience which I had today.

The SPEAKER pro tempore. The Chair would like to say that in any motion to reconsider the question that recurs is, "Shall the bill pass finally?" In the absence of any other motion to postpone or to place on the postponed calendar, the Chair could only put the question, "Shall the bill pass finally?"

Mr. BOWMAN. I request the privilege to make one further statement.

The SPEAKER pro tempore. The gentleman is in order and will proceed.

Mr. BOWMAN. I am not dealing with technical procedural rules; I am dealing with fundamental privileges accorded to a member. It was not accorded to me.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, may I say that at no time did I have any discussion on this situation with the gentleman who just spoke. It was the intention of the two gentlemen who sponsored the reconsideration resolution that last night it would be reconsidered and placed on the calendar. This was going to take some time and, as you know, we ran clear to, I believe, almost after 12 o'clock, daylight saving time—12 midnight.

Had I known that there was any question involved in this situation, I would have consulted him. May I assure him that I did inform various people that when the reconsideration resolution would be brought up, it would be brought up straight for a vote. I apologize to the gentleman from Dauphin, Mr. Bowman, that I did not inform him. Perhaps in the 10,000 things that I try to do in each 24 hours there are many that I may miss. And now I make this public apology to you, Mr. Bowman, and I certainly should have done that very thing. I do not try, at any time, to play this game of politics except above the board, where you know each move I am going to make as well as the move you intend to make.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, I call up the Sine Die Resolution.

The SPEAKER pro tempore. The Chair lays before the House the report from the Committee on Rules which the clerk will read.

The resolution was read by the clerk as follows:

SENATE MESSAGE

SINE DIE ADJOURNMENT

The clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, August 22, 1961.

Resolved (the House of Representatives concurring) that this regular session of the General Assembly adjourn sine die on Thursday, August 31, 1961, at 9 p. m., e. s. t.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

Mr. McCANN offered the following amendment:

Amend line 3 by striking out "Thursday, August 31, 1961, at 9 p.m., Eastern Standard Time", and inserting in lieu thereof: "Friday, September 1, 1961, at 9:00 o'clock p.m., Eastern Standard Time".

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, the question that I have asked carefully, this amendment to the sine die resolution provides that this general session of the General Assembly of 1961 will adjourn sine die Friday, September 1st, at 9 p.m., e.s.t., The one question that I have continued to ask and have gotten a favorable answer to is, that the House can adjourn any time prior to 9 p.m., e.s.t., with the agreement of the other body.

I am asking the members to vote in support of the amendment to the sine die resolution, which has been offered, and then for the adoption of the sine die resolution as amended.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Messrs. STIMMEL and ESHLEMAN and were as follows:

YEAS—161

Adams,	Gibb,	Lee, A. M.,	Reidenbach,
Anderson, S. A.,	Gibbons,	Lee, K. B.,	Renwick,
Arlene,	Goldstein, M. H.,	Leonard,	Riley,
Bachman,	Goodrich,	Limper,	Rovansek,
Boles,	Gramlich,	Long, Wm. Jas.,	Rubin,
Bonner,	Gray,	Long, Wm. Jos.,	Rudisill,
Bower,	Greenlee,	Lutty,	Sakulsky,
Bowman,	Gremminger,	Markley,	Scarcelli,
Branca,	Guthrie,	Marsh,	Schaaf,
Breth,	Guesman,	Maxwell,	Schuster,
Buchanan,	Hamilton,	McCann,	Shelton,
Capano,	Hankins,	McCormack,	Sherman,
Capitolo,	Hartley,	McDevitt,	Shupnik,
Cauley,	Haudenshield,	McDonald,	Simmons,
Cianfrani,	Heavey,	McKeever,	Slack,
Cioffi,	Heffner,	McLaughlin,	Steckel,
Clarke,	Helm,	McNally,	Stitzler,
Comer,	Henzel,	Meholchick,	Stone,
Crossin,	Hocker,	Mills,	Strausser,
Curwood,	Holliday,	Monroe,	Sullivan, J. A.,
Dengler,	Irvis,	Morley,	Sullivan, T. F.,
Dennison,	Isaacs,	Mullen,	Taylor,
Donaldson,	Jenkins,	Munley,	Thompson,
Dougherty,	Jim,	Murphy,	Tomascik,
Doughten,	Johnson, A. W.,	Murray,	Trusio,
Edwards,	Johnson, R. P.,	Musto,	Ujobai,
Eilberg,	Jones,	Needham,	Varner,
Eshback,	Kamyk,	O'Donnell, J. A.,	Verona,
Ewing,	Keiser,	O'Donnell, J. P.,	Wall,
Farabaugh,	Kelly,	Odorisio,	Walsh,
Fetterolf,	Kernaghan,	Ogilvie,	Wargo,
Filo,	Kessler,	Parlante,	Welsh,
Fineman,	Klein,	Pashley,	Willaredt,
Flynn,	Knecht,	Perry,	Williams, A. D.,
Foerster,	Kooker,	Petrosky,	Williams, E. S.,
Fox,	Kornick,	Polaski,	Wilt,
Frascella,	Korns,	Polen,	Wood,
Fry,	Kramer,	Prendergast,	Worley,
Galley,	Lamb,	Pursley,	Wynd,
Gallagher,	Lawson,	Reibman,	Yetter,
Gelfand,			

NAYS—39

Anderson, J. H.,	Foor,	Manbeck,	Seltzer,
Auker,	Fulmer,	May,	Snare,
Backenstoe,	George,	McCandless,	Stimmel,
Blair,	Goldstein, J. H.,	Merry,	Tompkins,
Bossert,	Holl,	Miller,	Weidner,
Bush,	Holman,	O'Dell,	Wescott,
Davis,	Ott,	Piper,	Whittaker,
Down,	King,	Price,	Zember,
Elvey,	Kistler,	Royer,	Zimmerman,
Eshleman,	Magee,	Rutherford,	

NOT VOTING—10

Ashton,	Gross,	Mihm,	Willard,
Cooley,	Lippincott,	Stank,	Andrews,
Esler,	McInroy,		Speaker

So the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House concur in the resolution of the Senate as amended?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Andrews.

Mr. ANDREWS. Mr. Speaker, I cannot influence the tide of events, but I can, for the record, maintain a traditional position.

I believe that suicide is a capital crime and I do not believe that a live legislative body has any more right to commit suicide than does a live human being. There is a difference between being in session and being in being.

I believe, and it has been my traditional position for 30 years, that it is the business and the duty and the obligation of this General Assembly to remain in being and in recess when the circumstances permit.

Now there is another reason that figures in the situation we face, and that is the problem of moral obligation. It would appear if the General Assembly adjourns sine die as of the present time, it will have walked away and it will have refused to face a critical issue, congressional reapportionment.

A sine die adjournment, with no congressional reapportionment bill passed, will be a gesture signifying the victory of personal ambitions and personal spite over legislative responsibility. It is bad enough to confess that as a General Assembly we are unable to cope with legislative reapportionment problems that confront us but it is infinitely worse to confess to all the world that congressional reapportionment is an issue which we must needs sweep under the legislative rug and try to forget. And we cannot forget however much we try.

Now I imagine the Pennsylvania public eventually will refuse to permit us to forget, but it will remember all too vividly what we do when we march away from our responsibilities.

Is it true that unless we serve personal ambition that we cannot redistrict the Senatorial districts?

Are we so enmeshed in partisan controversy that we cannot make a fair apportionment, a reapportionment of the districts of this House? Has partisan rivalry and personal strife triumphed over us to that extent?

Either this sine die resolution, if passed, as it quite likely will, is a colossal bluff, or it is the sign manual of the inability of our parliamentary system to cope with the ambitions of particular individuals and the sign that the fires of partisanship burn with such intensity that our General Assembly dare not face them.

One wonders if after all, those of us who have planned for an increased measure of legislative responsibility have been in error, if there is to be no congressional reapportionment. If there is to be eventually, why not be about the business now?

Are our committees incapable of action? We have committees. We do not have to sit back and wait for any high command to frame the conscience of this body. And if there is no congressional reapportionment, I say to you all that those who sow the wind will reap the whirlwind, and the party upon which responsibility for a failure, if such failure comes, to effect a congressional reapportionment, will be left without a single Congressman from Pennsylvania.

The SPEAKER pro tempore. Does the gentleman from Philadelphia, Mr. Sherman, desire recognition?

Mr. SHERMAN. Mr. Speaker, I yield to the gentleman from McKean, Mr. Johnson.

The SPEAKER pro tempore. The Chair recognizes the gentleman from McKean, Mr. Johnson.

Mr. A. W. JOHNSON. Mr. Speaker, it is a serious question that is presented to us today, whether or not we shall adopt the sine die resolution.

I will speak first on the suggestion by the Speaker that we should not commit suicide, as it were, as a session and continue in the form of a recess. The last session, the 1960 session, we were firm in that belief. While we did not have much to do in the 1960 session, because of alleged vote frauds and the other things that were going on around the State, we on the Republican side felt that we should stay in session so we would have committees available to go all over Pennsylvania, where these vote frauds were creeping up and were alleged in the papers and where there was lack of grand jury investigations and so forth.

I am sorry to say that because of the sincere efforts on our part in 1960 to keep this session alive to do a job that we felt should be done, we were seriously impeached by all the newspapers in Pennsylvania as a "do-nothing" session, and what is wrong with you Republicans keeping that session going, and so forth.

Personally I have had, and I know a lot on our side have had, their fill of this business of keeping a session going in recess just for that purpose. We are willing to quit sine die if the Democrats are willing to quit sine die.

Yesterday I received a call from the other house saying, Mr. Johnson, you are the one who is preventing Mr. McCann from adjourning sine die on Thursday. I said, no, we are not. There are bills being let out of committee here today, some that you want to pass on Friday, and should pass, particularly the one having to do with extending enlistments in the National Guard. We are not holding up sine die.

I wish you people on the Democratic side would get together. Do you want to sine die or do you not? Senator Weiner wants you to do it; the Governor wants you to sine die. If you are willing to get out of here by Friday, we are willing to sine die. We feel that we have had enough of this session with all these bills that are in committee now that come out to harrass every facet of community life and business life in this State; it is time that we quit and get rid of these bills and go home to face the people. Now I realize that there are bills over in the Senate. We do not know if they are going to pass them or not, but you can send this sine die resolution over there and then it will be up to the Senate whether they want to adopt it or not.

But I think you people should get together. Do you want to sine die or do you not? You are in the majority and we will take our nod from you people.

Now, let us talk about reapportionment. Of course, we are going to try to fix the blame on somebody, some faction, somewhere about reapportionment. We on the Republican side will say we have been acting in good faith. You people will say that you have been acting in good faith. We have had many meetings. You say we are unreasonable in saying that Philadelphia should only have five Congressmen and not six. Bill Green insists, although he says that he does not insist, but he does, I mean, actions speak louder than words, he insists on keeping his six Congressmen. As long as Philadelphia does not have the population he would like to reach out and take neighboring counties so that you can multiply six by 419,000 and get 2.5 million, which you would need for six Congressmen.

We say reapportion Philadelphia with five and we will start elsewhere in the State, and we Republicans will agree to lose one Republican Congressman in mid-Pennsylvania, and then we will sit down with you and create a swing district that could go either way. But we do not seem to be able to agree on that. Last night we sat down. There was a lot of bantering. The Democrats said, you put your plan on the table, because when we started we said, you show us where you lose one Democratic Congressman and we will show you where we will lose one and then we will get together on a swing district where it will be doubtful. But we could not seem to get anywhere on that question.

I know the Speaker is right. It seems we ought to be able to agree on that. But we are thinking of the people down in Montgomery County, Delaware, Bucks, Chester, and through there. They have vehemently said that they will not have any part of Philadelphia reaching over into their counties, and we feel that we have a mandate from those people to stick to our guns. They feel that because of the mandate from Bill Green that they have to stick to their guns.

You say we ought to be able to solve it. I know we ought to be able to solve it. I say the way to solve it is to run them at large and let us find out what the people of Pennsylvania think about it.

We feel we have acted in good faith and we think that right is on our side. As I say, it is up to you folks. If you want to adjourn sine die, I have talked to our caucus about it and we are willing to go along with you on it and send that over to the Senate.

There are some in our caucus who do not agree and it will be up to them on a roll call to register their approval or disapproval. I think you ought to get together. I do not like to get calls from the other body saying that we over here are holding it up, because we are not.

I know you can finish your work here by Friday, get these bills over to the Senate and get them out of committee. But I hope we do not get out of here and try to have a lot of recriminations about who did this or who did that. We feel that on reapportionment we are in the right; you feel that you are in the right. It seems that it is a situation that almost cannot be solved at this point, but that is another question.

So as far as many of the members on this side are concerned, if you want to present this sine die resolution today, we will vote for it. I say there are some who will not, but it is up to you people to make up your minds what you want to do because you are in the majority.

Mr. McCANN. Mr. Speaker, we have presented the resolution for sine die adjournment because we are asking our membership to vote "aye" in adopting that resolution. We have amended the resolution to read 'Friday" because there are bills on the present calendar, House bills, which you and I know, particularly one dealing with military affairs, must be enacted into law to extend the term of the National Guard because of this world situation and crisis we are in. This can only be done on Friday to complete it.

I say to you that we have been in these meetings on congressional reapportionment and we certainly are not sweeping anything under the rug, because you have been present with your committees in those meetings. It is the same old simple answer. You show me the three Congressmen who are now serving, who have been elected, who want to give up their seats. I am sure you will be amazed at how willing they will be, the same as you in being asked to give up your seat in a reapportionment. But it must be done, and it will be done, and we in Pennsylvania know that we do not want Pennsylvania's 27 Congressmen running at large; we want them running from congressional districts of this Commowealth.

Therefore, Mr. Speaker, these meetings will go on, as you know quite well they will, and we want, and we hope, and we believe that we will have a congressional reapportionment bill. I ask the membership to vote "aye" on the sine die resolution and enact it here at this time and send it over to the Senate. I talked to the Senate leaders last night, informing them that I would amend this today in this manner and send it over and explained why Friday is the proper date. Therefore we are in that position and I ask your support on this sine die resolution.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Sherman.

Mr. SHERMAN. Mr. Speaker, I had intended to make a lengthy speech, but I assure you I will cut it quite short.

I was surprised at Hi Andrews' speech, although I recall that last week, toward the latter part of the week, he came out with a memorandum, and perhaps he had to eat his words as such because he expected us to adjourn by Thursday. He knew right well we had a congressional reapportionment committee meeting, with George Bloom, Otis Morse, myself, and a few others. He knew it would be considered and considered Monday evening, and he should have known by mere inquiry that under no circumstances while there were hopes this week of introducing and passing a congressional reapportionment bill, and that could have been done, if you figure out the legislative days again, and even on Friday morning at 2 a. m., if we had come to an agreement by Monday evening, under no circumstances would any adjournment resolution be passed in this House on Monday, or accepted by this House on Monday, while there was still hope on Monday evening of coming to an agreement.

I was further surprised at Hi's remarks because he himself out of the contingent fund is sending different people to different States, and one of the States he has recently sent people to was the State of New York, where after, I think, three months they have adjourned and under no circumstances or stretch of the imagination have they passed any congressional reapportionment bill. They do not intend to pass one at this time and they do not intend to consider any until at least after Labor Day.

I have the highest regard for him, but I am sure if he had considered his remarks twice before speaking he would not have used such expressions as "colossal bluff" and things of that kind, because he should have known better.

I say to Mr. Johnson that if we wanted to shove a bill down your throat as the majority party, perhaps we could have done so, but we have not endeavored in any way, shape or form to do so. We have had three meetings with the leaders of both the Democrats and Republicans, acting in a very informal but fine manner. We have made progress, and I think Mr. Johnson will admit we have made progress. At the meeting on Monday evening we made greater progress than ever, even though George Bloom, who promised to be present Monday evening, for some reason, sickness or otherwise, could not show up.

The attitude is "take one out of Philadelphia." Why

pick on Philadelphia? I do not know, but we shall have a fair reapportionment bill as long as this committee that has acted and is making progress will continue sitting down. We have time until February 15, but we shall not wait until then. This committee will meet from time to time. If you consider congressional reapportionment, and I am talking for myself, not by word of mouth of any leader from Philadelphia or otherwise, on the basis of what should be considered, on the basis of population, I do not give a darn, if you will pardon the expression, whether Philadelphia has four, five, six or ten, or Delaware, Montgomery or any other county has a similar number, consider the matter properly on the basis of population, consider it on the basis of districts, and you will come up with a fair, equitable reapportionment bill, and it will be done in proper time for this House to act upon it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, what I say now is entirely my own personal view and in no way reflects any party position.

I have, for a good number of years, been an advocate of recess instead of adjournment. As the Speaker said, there is a great difference between the General Assembly being in session and a General Assembly in being. You may think that my views as I am stating them now are in opposition to the effort we have had to try to shorten the time of our sessions. The time of our working session is a great deal different than a General Assembly in being.

I am not going to use the words of suicide, but I am going to say this: that when we adjourn this Assembly sine die, we are in effect creating a benevolent dictatorship in the Commonwealth of Pennsylvania. We no longer stand in the position of a coordinate branch of the government, because we have no power to act. A General Assembly not in being is just no General Assembly at all. Why we cannot work this thing on the basis of recess so that we may be in being at the time of need, and we have found out this week, just yesterday in connection with the National Guard bill, that events are moving in the world that may require us to be present and in being.

Why we should adjourn sine die, I do not know.

There is a bill languishing in one of our committees today, a constitutional amendment, which would give the General Assembly the power to call itself into special session if the need arrived. On a sine die adjournment in the State of Pennsylvania we are absolutely stripped of all power. We have no vestige, not one little bit of power whatever. We are dependent entirely upon the whims and the wishes of the Governor of this Commonwealth of Pennsylvania. We saw some of the evils of that back in 1955 and 1956 and in 1957 and 1958 when things were going on that, had we been in session, we could have stopped a lot of them and perhaps stopped a $141 million deficit in this Commonwealth of Pennsylvania. But we had no power. We stripped ourselves of power by having adjourned sine die.

I, for one, have been an advocate of having the General Assembly in being so we can act when the necessity arises instead of depending upon the Governor as to whether or not he sees fit to call us into being.

For that reason I am going to vote against sine die adjournment.

On the question recurring,

Will the House concur in the resolution of the Senate as amended?

The yeas and nays were required by Messrs. STIMMEL and ESHLEMAN and were as follows:

YEAS—119

Anderson, S. A.,	Gallagher,	Lee, K. B.,	Prendergast,
Arlene,	Gelfand,	Leonard,	Pursley,
Auker,	Gibbons,	Limper,	Reibman,
Bachman,	Goodrich,	Long, Wm. Jas.,	Reidenbach,
Boles,	Gray,	Long, Wm. Jos.,	Riley,
Bonner,	Greenlee,	Lutty,	Rovansek,
Bowman,	Gremminger,	Maxwell,	Rubin,
Branca,	Gross,	McCann,	Rudisill,
Breth,	Guesman,	McCormack,	Sakulsky,
Buchanan,	Guthrie,	McDevitt,	Scarcelli,
Capano,	Hamilton,	McDonald,	Schaaf,
Capitolo,	Hankins,	McKeever,	Schuster,
Cauley,	Hartley,	McLaughlin,	Shelton,
Cianfrani,	Heavey,	Miller,	Sherman,
Cioffi,	Helm,	Mills,	Shupnik,
Clarke,	Holliday,	Monroe,	Stank,
Comer,	Irvis,	Morley,	Stone,
Crossin,	Jenkins,	Mullen,	Sullivan, J. A.,
Dougherty,	Jim,	Munley,	Sullivan, T. F.,
Doughten,	Johnson, A. W.,	Murphy,	Taylor,
Edwards,	Jones,	Murray,	Tomascik,
Eilberg,	Kamyk,	Needham,	Trusio,
Ewing,	Kelly,	O'Donnell, J. A.,	Verona,
Filo,	Kessler,	O'Donnell, J. P.,	Walsh,
Fineman,	Klein,	Parlante,	Wargo,
Flynn,	Kornick,	Pashley,	Welsh,
Foerster,	Kramer,	Perry,	Wescott,
Fox,	Lamb,	Petrosky,	Williams, E. S.,
Frascella,	Lawson,	Polaski,	Yetter,
Galley,	Lee, A. M.,	Polen,	

NAYS—84

Adams,	George,	Magee,	Snare,
Anderson, J. H.,	Gibb,	Manbeck,	Steckel,
Backenstoe,	Goldstein, J. H.,	Markley,	Stimmel,
Blair,	Goldstein, M. H.,	Marsh,	Stiteler,
Bossert,	Gramlich,	May,	Strausser,
Bower,	Haudenshield,	McCandless,	Thompson,
Bush,	Heffner,	McNally,	Tompkins,
Curwood,	Henzel,	Meholchick,	Ujobai,
Davis,	Hocker,	Merry,	Varner,
Dengler,	Holl,	Musto,	Wall,
Dennison,	Holman,	O'Dell,	Weidner,
Donaldson,	Horst,	Odorisio,	Whittaker,
Down,	Isaacs,	Ogilvie,	Willaredt,
Elvey,	Johnson, R. P.,	Piper,	Williams, A. D.,
Eshback,	Keiser,	Price,	Wilt,
Eshleman,	Kernaghan,	Renwick,	Wood,
Farabaugh,	King,	Royer,	Worley,
Fetterolf,	Kistler,	Rutherford,	Wynd,
Foor,	Knecht,	Seltzer,	Zember,
Fry,	Kooker,	Simmons,	Zimmerman,
Fulmer,	Korns,	Slack,	Andrews, Speaker

NOT VOTING—7

Ashton,	Esler,	McInroy,	Willard,
Cooley,	Lippincott,	Mihm,	

So the question was determined in the affirmative and the resolution was concurred in as amended.

Ordered, that the clerk return the same to the Senate for concurrence.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. PRENDERGAST, FARABAUGH and SCHAAF. Resolution No. 103.

In the House of Representatives, August 29, 1961.

A bill has been introduced in the General Assembly which would provide for the humane slaughter of livestock.

There is a great deal of controversy over this problem, with the proponents of the bill stating that a new law is necessary and the opponents stating that the present method of slaughtering is satisfactory and humane.

In order to properly determine all the aspects of the situation a study should be made of the methods of slaughter; therefore be it

Resolved, That the Joint State Government Commission be directed to investigate the problem of slaughtering livestock within the Commonwealth with particular attention being paid to the methods now being used, the improvements that can be made and the economic aspects of the problem; and be it further

Resolved, That the Joint State Government Commission report to the House of Representatives its findings and recommendations, with drafts of legislation necessary to carry the recommendations into effect, as soon as possible.

Referred to Committee on Rules.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 619.

An Act amending the act of June 1, 1959 (P. L. 392), entitled "State Employes' Retirement Code of 1959" providing for the transfer of credits for employes of the Department of Health who are contributors to the Public School Employes' Retirement System.

Referred to the Committee on Appropriations.

SENATE BILL No. 758.

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code" prohibiting certain business activities on Sunday.

Referred to the Committee on Law and Order.

SENATE BILL No. 787.

An Act providing for the acquisition by the Department of Forests and Waters of the Kinzua Bridge and certain adjoining grounds for a State park.

Referred to the Committee on Rules.

SENATE BILL No. 814.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for educational broadcasting and authorizing agreements relating thereto.

Referred to the Committee on Education.

SENATE BILL No. 815.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further regulating the estabilshment and operation of audio-visual libraries and instructional materials centers.

Referred to the Committee on Education.

SENATE BILL No. 910.

An Act authorizing the Commonwealth through the Department of Forests and Waters or other State agencies or instrumentalities or political subdivisions of the Commonwealth or other local public bodies separately or together to conduct surveys make land use studies and to purchase or accept land for park and recreational purposes conservation purposes preservation of open space land and for historic and scenic purposes with the assistance of the Federal Government and to accept funds personnel or other aid from the Federal Government or from other sources.

Referred to the Committee on Game and Conservation.

SENATE BILL No. 912.

An Act amending the act of November 21, 1959 (P. L. 1579), entitled "An act authorizing the Department of Property and Supplies with the approval of the Governor to acquire purchase or lease certain institutions for use by the Department of Public Welfare as youth development centers . . ." abolishing the Board of Trustees of The Youth Development Center at Canonsburg creating additional boards and further providing for the receiving into custody of certain minors.

Referred to the Committee on State Government.

SENATE BILL No. 913.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" abolishing the Board of Trustees of the Youth Development Center at Canonsburg and creating additional boards of trustees.

Referred to the Committee on State Government.

SENATE BILL No. 928.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" changing the power and duties of the Department of Internal Affairs in relation to the minutes of the Canal Commissioners.

Referred to the Committee on State Government.

SENATE BILL No. 931.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" imposing powers and duties on the General Assembly relative to the allocation of space in the State Capitol Building.

Referred to the Committee on Rules.

SENATE BILL No. 932.

An Act amending the act of December 22, 1959 (P. L. 1978), entitled "State Harness Racing Law" changing the commission to an independent administrative commission permitting corporation organized to hold race meetings to have a perpetual duration permitting the renewal of licenses and authorizing elections to determine if a racing plant is to be located within the county once every four years.

Referred to the Committee on Rules.

SENATE BILL No. 934.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further providing for school nurse services and changing reimbursement provisions with respect thereto.

Referred to the Committee on Rules.

SENATE BILL No. 935.

An Act amending the act of April 28, 1937 (P. L. 417), entitled "Milk Control Law" further regulating the sale of milk on farms directly to consumers.

Referred to the Committee on Agriculture and Dairy Industries.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 247, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift on behalf of the Commonwealth certain land located in the Borough of Cornwall Lebanon County.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—202

Adams,	Gelfand,	Limper,	Royer,
Anderson, J. H.	George,	Long, Wm. Jas.,	Rubin,
Anderson, S. A.,	Gibb,	Long, Wm. Jos.,	Rudisill,
Arlene,	Gibbons,	Lutty,	Rutherford,
Auker,	Goldstein, J. H.,	Magee,	Sakulsky,
Bachman	Goldstein, M. H.,	Manbeck,	Scarcelli,
Backenstoe,	Goodrich,	Markley,	Schaaf,
Blair,	Gramlich,	Marsh,	Schuster,
Boles,	Gray,	Maxwell,	Seltzer,
Bonner,	Greenlee,	May,	Shelton,
Bossert,	Gremminger,	McCandless,	Sherman,
Bower,	Gross,	McCann,	Shupnik,
Bowman,	Guesman,	McCormack,	Simmons,
Branca,	Guthrie,	McDevitt,	Slack,
Breth,	Hamilton,	McDonald	Snare,
Buchanan,	Hankins,	McKeever,	Stank,
Bush,	Hartley,	McLaughlin,	Steckel,
Capano,	Haudenshield,	McNally,	Stimmel,
Capitolo,	Heavey,	Meholchick,	Stiteler,
Cianfrani,	Heffner,	Merry,	Strausser,
Cioffi,	Helm,	Miller,	Stone,
Clarke,	Henzel,	Mills,	Sullivan, J. A.,
Comer,	Hocker,	Monroe,	Sullivan, T. F.,
Cooley,	Holl,	Morley,	Taylor,
Crossin,	Holliday,	Mullen,	Thompson,
Curwood,	Holman,	Munley,	Tomascik,
Davis,	Horst,	Murphy,	Tompkins,
Dengler,	Irvis,	Murray,	Trusio,
Dennison,	Isaacs,	Musto,	Ujobai,
Donaldson,	Jim,	Needham,	Varner,
Dougherty,	Johnson, A. W.,	O'Dell,	Verona,
Doughten,	Johnson, R. P.,	O'Donnell, J. A.,	Wall,
Down,	Jones,	O'Donnell, J. P.,	Walsh,
Edwards,	Kamyk,	Odorisio,	Wargo,
Eilberg,	Keiser,	Ogilvie,	Weidner,
Elvey,	Kelly,	Parlante,	Welsh,
Eshleman,	Kernaghan,	Pashley,	Wescott,
Ewing,	Kessler,	Perry,	Whittaker,
Farabaugh,	King,	Petrosky,	Willard,
Fetterolf,	Kistler,	Piper,	Willaredt,
Filo,	Klein,	Polaski,	Williams, A. D.,
Fineman,	Knecht,	Polen,	Williams, E. S.,
Flynn,	Kooker,	Prendergast,	Wilt,
Foerster,	Kornick,	Price,	Wood,
Foor,	Korns,	Pursley,	Worley,
Fox,	Kramer,	Reibman,	Wynd,
Frascella,	Lamb,	Reidenbach,	Yetter,
Fry,	Lawson,	Renwick,	Zember,
Fulmer,	Lee, A. M.,	Riley,	Zimmerman,
Gailey,	Lee, K. B.,	Rovansek,	Andrews,
Gallagher,	Leonard,		Speaker

NAYS—0

NOT VOTING—8

Ashton,	Eshback,	Jenkins,	McInroy,
Cauley,	Esler,	Lippincott,	Mihm,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 345, entitled:

An Act regulating sewage disposal systems in the interest of preserving the health of the people of the Commonwealth requiring permits to be issued to persons installing sewage disposal systems imposing certain duties on the Department of Health and on municipalities and providing penalties.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. TOMPKINS. Mr. Speaker, I move that this bill be recommitted to the Committee on Rules.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Maxwell.

Mr. MAXWELL. Mr. Speaker, I rise to oppose the motion to recommit this very necessary bill.

I know that I am not allowed to debate the merits of this bill under the motion to recommit. Maybe that is why the gentleman from Cameron made the motion to recommit, for fear that there may be a little light and a little truth shed upon this misrepresented bill.

In all fairness, I ask this House, on both sides, to vote down the motion to recommit. Let us debate the bill, then if the membership decides to vote against the bill, all well and good. But let us have a chance to give this bill the proper hearing it deserves. Please, on both sides of the House, vote down the motion to recommit.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. TOMPKINS and A. W. JOHNSON and were as follows:

YEAS—110

Adams,	Fox,	Kernaghan,	Royer,
Anderson, J. H.,	Frascella,	Kessler,	Rutherford,
Anderson, S. A.,	Fulmer,	King,	Scarcelli,
Arlene,	George,	Knecht,	Seltzer,
Backenstoe,	Gibb,	Korns,	Slack,
Blair,	Gibbons,	Lee, A. M.,	Steckel,
Bonner,	Goldstein, J. H.,	Lee, K. B.,	Stimmel,
Bossert,	Goodrich,	Limper,	Stiteler,
Bowman,	Gramlich,	Magee,	Strausser,
Buchanan,	Gremminger,	Manbeck,	Thompson,
Bush,	Gross,	Markley,	Tompkins,
Capitolo,	Guthrie,	Marsh,	Trusio,
Comer,	Hankins,	May,	Ujobai,
Davis,	Heavey,	McCandless,	Varner,
Dengler,	Heffner,	McDonald,	Wall,
Dennison,	Helm,	McNally,	Weidner,
Donaldson,	Henzel,	Merry,	Wescott,
Down,	Hocker,	Murphy,	Whittaker,
Edwards,	Holl,	O'Dell,	Willaredt,
Eilberg,	Holliday,	Odorisio,	Williams, E. S.,
Elvey,	Holman,	Ogilvie,	Wilt,
Eshback,	Horst,	Parlante,	Wood,
Eshleman,	Isaacs,	Perry,	Worley,
Ewing,	Johnson, A. W.,	Piper,	Wynd,
Farabaugh,	Johnson, R. P.,	Price,	Yetter,
Fetterolf,	Jones,	Pursley,	Zember,
Fineman,	Keiser,	Renwick,	Zimmerman,
Foor,	Kelly,		

NAYS—92

Auker,	Gray,	McDevitt,	Rovansek,
Bachman,	Greenlee,	McKeever,	Rubin,
Boles,	Guesman,	McLaughlin,	Rudisill,
Bower,	Hamilton,	Meholchick,	Sakulsky,
Branca,	Hartley,	Miller,	Schaaf,
Breth,	Haudenshield,	Mills,	Schuster,
Capano,	Irvis,	Monroe,	Shelton,
Cauley,	Jim,	Morley,	Sherman,
Cianfrani,	Kamyk,	Mullen,	Shupnik,
Cioffi,	Kistler,	Munley,	Simmons,
Clarke,	Klein,	Murray,	Snare,
Crossin,	Kooker,	Musto,	Stank,
Curwood,	Kornick,	Needham,	Stone,
Dougherty,	Kramer,	O'Donnell, J. A.,	Sullivan, J. A.,

Doughten,	Lamb,	O'Donnell, J. P.,	Sullivan, T. F.,
Filo,	Lawson,	Pashley,	Taylor,
Flynn,	Leonard,	Petrosky,	Tomascik,
Forester,	Long, Wm. Jas.,	Polaski,	Verona,
Fry,	Long, Wm. Jos.,	Polen,	Walsh,
Gailey,	Lutty,	Prendergast,	Wargo,
Gallagher,	Maxwell,	Reibman,	Welsh,
Gelfand,	McCann,	Reidenbach,	Williams, A. D.,
Goldstein, M. H.,	McCormack,	Riley,	Andrews, Speaker

NOT VOTING—8

Ashton,	Esler,	Lippincott,	Mihm,
Cooley,	Jenkins,	McInroy,	Willard,

So the question was determined in the affirmative and the motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 361, entitled:

An Act concerning the ownership of securities by minors providing for the transfer of and dealing with such securities and prescribing the powers duties liabilities and immunities of certain persons in their transactions in connection therewith.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—189

Adams,	George,	Limper,	Rubin,
Anderson, J. H.,	Gibb,	Long, Wm. Jas.,	Rudisill,
Anderson, S. A.,	Gibbons,	Long, Wm. Jos.,	Rutherford,
Arlene,	Goldstein, J. H.,	Lutty,	Sakulsky,
Backenstoe,	Goldstein, M. H.,	Magee,	Scarcelli,
Blair,	Goodrich,	Manbeck,	Schaaf,
Bonner,	Gramlich,	Markley,	Schuster,
Bossert,	Gray,	Marsh,	Seltzer,
Bower,	Greenlee,	Maxwell,	Shelton,
Bowman,	Gremminger,	May,	Sherman,
Branca,	Gross,	McCandless,	Shupnik,
Buchanan,	Guesman,	McCann,	Simmons,
Bush,	Guthrie,	McDevitt,	Slack,
Capano,	Hamilton,	McDonald,	Snare,
Capitolo,	Hankins,	McKeever,	Stank,
Cauley,	Hartley,	McLaughlin,	Steckel,
Cianfrani,	Haudenshield,	McNally,	Stimmel,
Cioffi,	Heavey,	Meholchick,	Stiteler,
Clarke,	Heffner,	Merry,	Stone,
Comer,	Helm,	Miller,	Strausser,
Crossin,	Henzel,	Mills,	Sullivan, J. A.,
Curwood,	Hocker,	Monroe,	Sullivan, T. F.,
Davis,	Holl,	Morley,	Taylor,
Dengler,	Holliday,	Mullen,	Thompson,
Dennison,	Holman,	Munley,	Tomascik,
Donaldson,	Horst,	Murphy,	Tompkins,
Dougherty,	Irvis,	Murray,	Ujobai,
Doughten,	Isaacs,	Musto,	Varner,
Down,	Jim,	O'Dell,	Verona,
Edwards,	Johnson, R. P.,	O'Donnell, J. A.,	Wall,
Eilberg,	Jones,	Odorisio,	Wargo,
Elvey,	Kamyk,	Ogilive,	Weidner,
Eshback,	Kelly,	Parlante,	Welsh,
Eshleman,	Kernaghan,	Pashley,	Wescott,
Ewing,	Kessler,	Perry,	Whittaker,
Farabaugh,	Keiser,	Petrosky,	Willard,
Fetterolf,	Klein,	Piper,	Willaredt,
Filo,	Knecht,	Polaski,	Williams, A. D.,
Fineman,	King,	Polen,	Williams, E. S.,
Flynn,	Kooker,	Prendergast,	Wilt,
Foerster,	Kornick,	Price,	Wood,
Foor,	Korns,	Pursley,	Worley,
Fox,	Kramer,	Reibman,	Wynd,
Frascella,	Lawson,	Renwick,	Yetter,
Fry,	Lee, A. M.,	Riley,	Zember,
Fulmer,	Lee, K. B.,	Rovansek,	Zimmerman,
Gailey,	Leonard,	Royer,	Andrews,
Gallagher,			Speaker

NAYS—2

Auker,	Lamb,

NOT VOTING—19

Ashton,	Esler,	Lippincott,	O'Donnell, J. P.,
Bachman,	Gelfand,	McCormack,	Reidenbach,
Boles,	Jenkins,	McInroy,	Trusio,
Breth,	Johnson, A. W.,	Mihm,	Walsh,
Cooley,	Kistler,	Needham,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Mr. J. P. O'DONNEL. Mr. Speaker, being in the hall of the House, I wish to be recorded as voting "aye."

The SPEAKER. The remarks of the gentleman will be noted upon the record.

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Needham.

Mr. NEEDHAM. Mr. Speaker, I wish to be recorded as voting "aye."

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Kistler.

Mr. KISTLER. Mr. Speaker, I would like to be recorded as having voted "aye."

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 603, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for payment of contributions to the school employes retirement fund on account of school employes on leave of absence for professional study.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—193

Adams,	Gelfand,	Limper,	Rovansek,
Anderson, J. H.,	George,	Long, Wm. Jas.,	Royer,
Anderson, S. A.,	Gibb,	Long, Wm. Jos.,	Rubin,
Arlene,	Gibbons,	Lutty,	Rudisill,
Bachman,	Goldstein, J. H.,	Magee,	Rutherford,
Backenstoe,	Goldstein, M. H.,	Manbeck,	Sakulsky,
Blair,	Goodrich,	Markley,	Scarcelli,
Boles,	Gramlich,	Marsh,	Schaaf,
Bonner,	Gray,	Maxwell,	Schuster,
Bossert,	Greenlee,	May,	Seltzer,
Bower,	Gremminger,	McCandless,	Shelton,
Branca,	Gross,	McCann,	Sherman,
Breth,	Guesman,	McCormack,	Shupnik,
Buchanan,	Guthrie,	McDevitt,	Simmons,
Bush,	Hamilton,	McDonald,	Slack,
Capano,	Hankins,	McKeever,	Snare,
Capitolo,	Hartley,	McLaughlin,	Stank,
Cauley,	Haudenshield,	McNally,	Steckel,
Cianfrani,	Heavey,	Meholchick,	Stimmel,
Cioffi,	Heffner,	Merry,	Stiteler,
Clarke,	Helm,	Miller,	Stone,
Comer,	Henzel,	Mills,	Sullivan, J. A.,
Crossin,	Holl,	Monroe,	Sullivan, T. F.,
Curwood,	Holliday,	Morley,	Taylor,

Davis,	Holman,	Mullen,	Thompson,
Dengler,	Horst,	Munley,	Tomascik,
Donaldson,	Irvis,	Murphy,	Tompkins,
Dougherty,	Isaacs,	Murray,	Trusio,
Doughten,	Jim,	Musto,	Ujobai,
Down,	Johnson, A. W.,	Needham,	Varner,
Edwards,	Johnson, R. P.,	O'Dell,	Verona,
Eilberg,	Jones,	O'Donnell, J. A.,	Wall,
Elvey,	Kamyk,	O'Donnell, J. P.,	Walsh,
Eshback,	Kelly,	Ogilvie,	Wargo,
Eshleman,	Kernaghan,	Parlante,	Weidner,
Ewing,	Kessler,	Pashley,	Welsh,
Farabaugh,	King,	Perry,	Wescott,
Fetterolf,	Klein,	Petrosky,	Willaredt,
Filo,	Knecht,	Piper,	Williams, A. D.,
Fineman,	Kooker,	Polaski,	Williams, E. S.,
Flynn,	Kornick,	Polen,	Wilt,
Foerster,	Korns,	Prendergast,	Wood,
Foor,	Kramer,	Price,	Worley,
Frascella,	Lamb,	Pursley,	Wynd,
Fox,	Lawson,	Reibman,	Yetter,
Fry,	Lee, A. M.,	Reidenbach,	Zember,
Fulmer,	Lee, K. B.,	Renwick,	Zimmerman,
Gailey,	Leonard,	Riley,	Andrews,
Gallagher,			Speaker

NAYS—7

Auker,	Hocker,	Kistler,	Whittaker,
Bowman,	Keiser,	Strausser,	

NOT VOTING—10

Ashton,	Esler,	McInroy,	Odorisio,
Cooley,	Jenkins,	Mihm,	Willard,
Dennison,	Lippincott,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 604, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further providing for director representation in union or merged districts under certain conditions.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. A. W. JOHNSON. Could we have the chairman of the Committee on Education please explain this bill?

The SPEAKER. The Chair recognizes the lady from Northampton, Mrs. Reibman.

Mrs. REIBMAN. Mr. Speaker, Senate bill 604 provides that a district voting on a union or merged district may include as part of this question on the ballot, a proposed plan for school board representation, other than one elected by and from each district, so long as the number of directors do not change. It just gives the voters voting on a union or merged district an alternative way of electing school directors to represent the merged district other than that already provided in the law.

Mr. A. W. JOHNSON. Mr. Speaker, may I interrogate the lady further?

Mrs. REIBMAN. Yes, Mr. Speaker.

Mr. A. W. JOHNSON. Mrs. Reibman, is this the bill which would make it possible to concentrate, for instance, three of the directors in one large city to the exclusion of a township, say, that was a private district?

Mrs. REIBMAN. What this actually means is that if the people so decide on the ballot to change the director representation that actually they may elect the school directors all at large to represent the entire merged district.

Mr. A. W. JOHNSON. Mr. Speaker, may I ask the lady, what is the present law with respect to election of school directors?

Mrs. REIBMAN. The present law is that each municipality within the merged district is entitled to a director representative.

Mr. A. W. JOHNSON. I thank the lady.

Mrs. REIBMAN. Mr. Speaker, this bill does not change that law. If the people voting on the merger question decide that they do not want to have it that way, but rather they would prefer to have them all voted for at large, they can so change it by putting it on the ballot. It only gives the school districts another way of changing their representation on a merged board, if they so desire, as long ts they do not change the number of representatives to which they are entitled. Is that clear.

Mr. A. W. JOHNSON. I thank the lady.

Mr. HELM IN THE CHAIR

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, I hope I do not misunderstand this bill when I speak in opposition to it, but, as I understand what this bill could do, it means that if five school districts merged, all five directors could possibly come from one of the merged districts. Now, in saying that this would be on a referendum or choice basis of these districts, we must remember that in a prior bill of this session that this House passed—I do not recall whether the Senate has passed upon it, but the bill passed this House—that bill says that a merged district shall be created when a majority vote of the entire proposed merger area votes in favor of the merger. Now, supposing you have a politically strong district they could then force a merger of the entire district and force that all directors would be elected from that one single district in the entire merger. Now I think the present system, as Mrs. Reibman has described it, of one director coming from each of the component districts, probably is the best method of representation.

The SPEAKER pro tempore. The Chair recognizes the lady from Northampton, Mrs. Reibman.

Mrs. REIBMAN. Mr. Speaker, the present method is not changed by this bill. All this bill does is to provide another method, if the school districts going into the merger decide that they would prefer to have all of their directors elected through some other method than one from each component district. This is really local option. The theory behind this bill is that many people who want to represent a merged district want to come in with the idea that they represent the entire area, not just a municipality within this merged district. It is quite possible that some directors might come from only one particular municipality; it is quite possible that they will not; but that is up to the people to decide for themselves on this referendum, if that is the way they want to do it.

Mr. Speaker, this is purely local option and it really is a good bill. In many cases this would hasten voluntary merger or union of districts, because in many cases a

large district hesitates to go into a merger or a union with other small districts because in many cases they might be out-voted on questions regarding school policy, and this is just providing another way for people to decide for themselves how they want to be represented in a merged or union district. It is a very good bill, and I would ask that it be supported on both sides of the aisle.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Potter, Mr. Goodrich.

Mr. GOODRICH. Mr. Speaker, would the lady from Northampton, Mrs. Reibman, submit to interrogation?

Mrs. REIBMAN. I shall, Mr. Speaker.

Mr. GOODRICH. Mr. Speaker, the gentleman from Washington, Mr. Murphy, indicated that the law presently might be that a union or merged district could be formed by the vote of the total proposed districts rather than on agreement that each municipality comprise a district. Could you explain how the present law is? Do you follow the question?

Mrs. REIBMAN. I cannot hear your question.

Mr. GOODRICH. The gentleman from Washington, Mr. Murphy, suggests that we passed a law, and he does not know whether the Senate passed it or not, or whether it has been signed by the Governor, that would permit the formation of a union or merged district by the total vote in the proposed district. Now, the present law, as I understand it, is that each district to comprise a union or merged district must approve the plan. Could you tell me what is in fact the law at the present time in the formation of union and merged districts?

Mrs. REIBMAN. Well, as I understand it, it is voted upon by all the people in the area, that is, by a majority of the vote.

Mr. GOODRICH. It does not have to be approved then by each individual district that is to comprise the new district?

Mrs. REIBMAN. I do not believe so. I do not know.

Mr. GOODRICH. Now, I do not understand it that way and, if that is true, I would have to oppose the bill. If the other is true, where each individual school district must approve the merger or union districts, then I would agree that this bill would not be objectionable. This is a very important question, Mrs. Reibman.

Mrs. REIBMAN. Mr. Speaker, each district going into a merger or union district must vote on going into this.

Mr. GOODRICH. If a district goes into it, that particular merged district must approve it by referendum, is that correct? Each individual district?

Mrs. REIBMAN. Yes, by referendum.

Mr. GOODRICH. Well, then I cannot see anything objectionable about this bill because each individual district could vote down any plan which required the election of the directors at large.

Mrs. REIBMAN. Yes, each district would have that right to vote on it.

Mr. GOODRICH. I thank the speaker. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, that was the objection I raised, if you will so inform Mr. Goodrich, that we have previously passed a bill in this House, during this session, —I do not know whether it has become law or whether it will in the next three days—that indicates that a majority vote in the total area to be proposed, that is, if you have six districts and one district out-votes the other five, that one district may then force the merger. I do not know the history of that bill but I do know that it passed the House because I forwarded a copy to various school directors in my legislative district. I have not followed it up since that time.

Now, I might also say that the wording of this proposal in Senate bill 604 stipulates that, when the matter is submitted to the electorate by various component school boards, they may previously agree on something different. But I question this. Supposing the question is submitted to the electorate by the county school board or the county superintendent of schools, as it has been done in my county, the local school board did not want it on the ballot, but the people in the large district who wanted to form the merger requested the county superintendent to place it on the ballot, and it was thusly placed on the ballot without any action of the local school board; it was placed on the ballot as a mandate by the county superintendent, as it may be under the school code. Now suppose the county superintendent forces that issue on the ballot for these six districts which we are speaking of and you have one heavily political district, and then he forces, or that political district forces, the other five into a union with no action by the other five boards whatsoever. Now, I know we are accomplishing what Mrs. Reibman has been striving to do for the past several years in forming new school districts, but I do want the members to know that this could occur.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Potter, Mr. Goodrich.

Mr. GOODRICH. Mr. Speaker, may I interrogate the majority leader please?

The SPEAKER pro tempore. Will the majority leader permit himself to be interrogated?

Mr. McCANN. I will, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. GOODRICH. Mr. Speaker, the gentleman from Washington, Mr. Murphy, has brought out a very important question pertaining to this bill. I wonder if the majority leader would permit this bill to be passed over temporarily for fifteen or twenty minutes so we can clear up a point?

Mr. McCANN. Absolutely.

Mr. GOODRICH. Thank you, Mr. Speaker.

BILL PASSED OVER

There being no objection

Senate bill No. 604, printer's No. 692

was passd over temporarily at the request of Mr. GOODRICH.

Agreeably to order,

The **House proceeded to the third reading** and consideration **of Senate bill No. 811, entitled:**

An **Act amending the act of April 12, 1951** (P. L. 90), entitled **"Liquor Code" removing the prohibition against Sunday sales of liquor or malt or brewed beverages by public service licensees.**

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—110

Adams,	Gibbons,	McCann,	Renwick,
Anderson, S. A.,	Gray,	McCormack,	Riley,
Arlene,	Greenlee,	McDevitt,	Rovansek,
Bachman,	Gremminger,	McDonald,	Rubin,
Blair,	Hamilton,	McKeever,	Sakulsky,
Boies,	Hankins,	McLaughlin,	Scarcelli,
Bonner,	Hartley,	McNally,	Shelton,
Branca,	Heavey,	Meholchick,	Sherman,
Capano,	Holl,	Mills,	Shupnik,
Capitolo,	Irvis,	Monroe,	Slack,
Cauley,	Isaacs,	Morley,	Stank,
Cianfrani,	Jim,	Mullen,	Steckel,
Cioffi,	Johnson, R. P.,	Munley,	Stimmel,
Clarke,	Jones,	Musto,	Stone,
Comer,	Kamyk,	Needham,	Sullivan, J. A.,
Crossin,	Kelly,	O'Dell,	Sullivan, T. F.,
Dennison,	Klein,	O'Donnell, J. A.,	Taylor,
Dougherty,	Kornick,	O'Donnell, J. P.,	Tomascik,
Doughten,	Kramer,	Odorisio,	Trusio,
Eilberg,	Lamb,	Parlante,	Ujobai,
Eshback,	Lawson,	Pashley,	Verona,
Farabaugh,	Leonard,	Perry,	Wargo,
Fetterolf,	Limper,	Petrosky,	Weidner,
Filo,	Long, Wm. Jas.,	Piper,	Welsh,
Flynn,	Long, Wm. Jos.,	Polaski,	Yetter,
Frascella,	Lutty,	Prendergast,	Zember,
Gallagher,	Markley,	Reidenbach,	Andrews,
Gelfand,	Maxwell,		Speaker

NAYS—87

Anderson, J. H.,	Fulmer,	King,	Schaaf,
Auker,	Gailey,	Kistler,	Seltzer,
Backenstoe,	George,	Knecht,	Simmons,
Bossert,	Gibb,	Kooker,	Snare,
Bower,	Goldstein, J. H.,	Korns,	Stiteler,
Bowman,	Goldstein, M. H.,	Lee, A. M.,	Strausser,
Breth,	Goodrich,	Lee, K. B.,	Thompson,
Buchanan,	Gramlich,	Magee,	Tompkins,
Bush,	Gross,	Manbeck,	Varner,
Curwood,	Guthrie,	Marsh,	Wall,
Davis,	Haudenshield,	May,	Wescott,
Dengler,	Heffner,	McCandless,	Whittaker,
Donaldson,	Helm,	Merry,	Willard,
Down,	Henzel,	Miller,	Willaredt,
Edwards,	Hocker,	Murphy,	Williams, A. D.,
Elvey,	Holliday,	Ogilvie,	Williams, E. S.,
Eshleman,	Holman,	Polen,	Wilt,
Ewing,	Horst,	Price,	Wood,
Foerster,	Johnson, A. W.,	Pursley,	Worley,
Foor,	Keiser,	Royer,	Wynd,
Fox,	Kernaghan,	Rudisill,	Zimmerman,
Fry,	Kessler,	Rutherford,	

NOT VOTING—13

Ashton,	Guesman,	McInroy,	Reibman,
Cooley,	Jenkins,	Mihm,	Schuster,
Esler,	Lippincott,	Murray,	Walsh,
Fineman,			

The majority required by the Contsitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1181.

An Act creating an Anthracite Mine Law Study Commission for the purpose of making a study and investigation of all laws relating to underground anthracite coal mines and the preparation of a modern code relating thereto.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 2, line 3, by striking out at the beginning of the line the word "seven" and inserting in lieu thereof the word "nine"; line 4, by striking out after the word "Industries" the word "three" and inserting in lieu thereof the word "four"; line 5, by striking out after the word "and" the word "three" and inserting in lieu thereof the word "four"; line 6, by striking out after the word "operators" the following: "including one anthracite mining operator whose employes are not represented by the bargaining agent"; line 9, by striking out after the word "least" the words "three five" and inserting in lieu thereof the word "seven"; line 10, by striking out after the word "Commonwealth" the following: "and a panel of two names submitted by anthracite mining operators whose employes are not represented by the bargaining agent"; line 14, by striking out after the word "least" the word "five" and inserting in lieu thereof the word "seven."

On the question,

Will the House concur in the amendments made by the Senate?

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, I move that the House do concur in the amendments placed in House bill 1181 by the Senate.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. TOMPKINS. Mr. Speaker, I yield to the gentleman from Schuylkill, Mr. Heffner.

Mr. HEFFNER. Mr. Speaker, I rise to oppose the motion to concur in the Senate amendments to House bill 1181. This bill passed this House with only one negative vote. I believe the vote was 198 to I. When it passed this House, I sincerely believed that this bill was fair and realistic and I fully supported it. Today, however, due to the Senate amendments, I equally believe that this bill is now unfair and unrealistic. Briefly, the House version of this bill provided for a nine study commission to make a study of the laws pertaining to underground mining in the anthracite area and to make recommendations to this session of the General Assembly or the session of 1963. This commission, under the House bill as it passed this House, consisted of seven members; three to represent the collective bargaining agents, and I have no quarrel with that; three to represent the mine operators, and it provided this language:

> One of whom shall include an operator whose employes are not represented by the bargaining agent.

The other member was to be the Secretary of Mines.

Mr. Speaker, the Senate increased the membership of this committee from seven to nine; four to represent the collective bargaining agent four to represent the anthracite mine operators and, also, the Secretary of Mines. However, the Senate of Pennsylvania struck out the language which required that one of the operators should be appointed whose employes are not represented by the bargaining agent.

Mr. Speaker, I find the omission of this language to be discriminatory, unfair, unjust and unrealistic. I fear most that it fails to recognize the independent mining industry in the anthracite region of Pennsylvania. In so doing, it fails to provide a group study which would be representative of all segments of the anthracite underground mining industry.

Mr. Speaker, this industry certainly deserves representation on any mine study group in Pennsylvania. This industry employes approximately 5,000 to 7,000 thousand individuals and grosses approximately $50 million a year. Let me repeat that: This industry which employes 5,000 to 7,000 individuals and grosses approximately $50 million a year is provided no representation.

Mr. Speaker, this industry also mines, mind you—let me emphasize this—mines 50 percent of the underground anthracite coal in Pennsylvania. This industry certainly is vital to the industrial and economic life of the anthracite region, a distressed area in Pennsylvania.

Mr. Speaker, certainly any industry which has contributed so much to the economy of Pennsylvania and mines 50 percent of the underground coal mined in Pennsylvania should have a part of any study of underground mine laws which would directly affect this industry.

Mr. Speaker, I emphatically state here today that any mine study and recommendation to the General Assembly for new laws pertaining to the underground anthracite industry is incomplete without any representation by the independent mine industry. I do not believe that asking for one member out of nine of the mine study commission to be representing this industry is an unreasonable request.

In conclusion I say this: In this session of the General Assembly we have had the privilege of voting for better education, better housing legislation and many other acts which would break down the discrimination which exists in our society. I ask you today to vote for a fair mine study commission that would bring forth a fair anthracite underground mining code in Pennsylvania by simply giving representation to an industry, to all facets of industry, in the anthracite industry. I therefore respectfully request that both sides of the aisle vote "no" to non-concur so this bill can go to a conference committee where we will work out a fair and impartial and just bill. Thank you for your consideration.

The SPEAKER pro tempore. Does the minority whip desire to be recognized?

Mr. TOMPKINS. Vote "no."

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Rovansek.

Mr. ROVANSEK. Mr. Speaker, this is one of the most important pieces of legislation for the hard coal area. Just a few months ago we passed House bill 1222. This is the identical legislation. The only wordage in this is that instead of being "bituminous" it is "anthracite." At the present time the gentleman who just spoke briefly mentioned that we have voted on legislation pertaining to education, and others, and I say to you members of the House that it is about time to protect the anthracite area, and that the anthracite area should be protected in this manner. There are thousands upon thousands of tons of coal being mined in the anthracite area and being mined by members of the United Mine Workers of America.

I am asking you members for the sake of the protection of the miners who work in that area that they should get into the study of this matter as it has been studied up to this present date. I ask the members to concur on the amendment on this House bill regarding the anthracite coal area.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—98

Anderson, S. A.,	Gailey,	Lutty,	Reidenbach,
Arlene,	Gallagher,	Maxwell,	Renwick,
Bachman	Gelfand,	McCann,	Riley,
Boles,	Goldstein, M. H.,	McCormack,	Rovansek,
Bonner,	Gray,	McDevitt,	Rubin,
Branca,	Greenlee,	McKeever,	Rudisill,
Breth,	Gremminger,	McLaughlin,	Sakulsky,
Capano,	Hamilton,	McNally,	Scarcelli,
Capitolo,	Hankins,	Meholchick,	Schuster,
Cauley,	Hartley,	Mills,	Shelton,
Cianfrani,	Heavey,	Monroe,	Sherman,
Cioffi,	Irvis,	Morley,	Shupnik,
Clarke,	Jim,	Mullen,	Simmons,
Comer,	Jones,	Munley,	Stone,
Crossin,	Kamyk,	Murphy,	Sullivan, J. A.,
Curwood,	Kelly,	Musto,	Sullivan, T. F.,
Dougherty,	Klein,	Needham,	Taylor,
Doughten,	Kooker,	O'Donnell, J. P.,	Tomascik,
Eilberg,	Kornick,	Parlante,	Truslo,
Eshback,	Kramer,	Pashley,	Walsh,
Farabaugh,	Lamb,	Perry,	Wargo,
Filo,	Lawson,	Petrosky,	Welsh,
Flynn,	Leonard,	Polen,	Yetter,
Foerster,	Limper,	Reibman,	Andrews,
Frascella,	Long, Wm. Jas.,		Speaker

NAYS—104

Adams,	Gibbons,	Lee, A. M.,	Slack,
Anderson, J. H.	Goldstein, J. H.,	Lee, K. B.,	Snare,
Auker,	Goodrich,	Long, Wm. Jos.,	Stank,
Backenstoe,	Gramlich,	Magee,	Steckel,
Blair,	Gross,	Manbeck,	Stimmel,
Bossert,	Guesman,	Markley,	Stiteler,
Bower,	Guthrie,	Marsh,	Strausser,
Bowman,	Haudenshield,	May,	Thompson,
Buchanan,	Heffner,	McCandless,	Tompkins,
Bush,	Helm,	McDonald	Ujobai,
Davis,	Henzel,	Merry,	Varner,
Dengler,	Hocker,	Miller,	Verona,
Dennison,	Holl,	Murray,	Wall,
Donaldson,	Holliday,	O'Dell,	Weidner,
Down,	Holman,	O'Donnell, J. A.,	Wescott,
Edwards,	Horst,	Odorisio,	Whittaker,
Elvey,	Isaacs,	Ogilvie,	Willard,
Eshleman,	Johnson, A. W.,	Piper,	Willaredt,
Ewing,	Johnson, R. P.,	Polaski,	Williams, A. D.,
Fetterolf,	Keiser,	Prendergast,	Williams, E. S.,
Foor,	Kernaghan,	Price,	Wilt,
Fox,	Kessler,	Pursley,	Wood,
Fry,	King,	Royer,	Worley,
Fulmer,	Kistler,	Rutherford,	Wynd,
George,	Knecht,	Schaaf,	Zember,
Gibb,	Korns,	Seltzer,	Zimmerman,

NOT VOTING—8

Ashton,	Esler,	Jenkins,	McInroy,
Cooley,	Fineman,	Lippincott,	Mihm,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, that the clerk inform the Senate accordingly.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, we are going to ask for committee meetings from the floor of the House and I

ask that the members of the following committees be available for the meetings: Education, Motor Vehicles, Agriculture, Law and Order, Appropriations, Rules.

Mr. Speaker, all the members of those committees will meet one at a time so they will not conflict, and I ask that the various members remain so that certain bills may be reported out. The House will remain in session so the bills may be reported out and read for the first time where they are not amended.

There will be no further roll calls today, but this House will convene tomorrow at 11 a.m., daylight saving time. Mr. Speaker, at this point I will ask for committee meetings.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mrs. REIBMAN asked and obtained permission for the Committee on Education to meet during the session of the House.

Mr. LIMPER asked and obtained permission for the Committee on Motor Vehicles to meet during the session of the House.

SENATE MESSAGE

AMENDED SENATE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bills numbered and entitled as follows:

SENATE BILL No. 96.

An Act authorizing the Department of Highways with the approval of the Governor to construct a highway and to erect and maintain a bridge over the Kiskiminetas River in Westmoreland and Armstrong Counties and to provide the necessary approaches and connections with State highways empowering counties to pay certain damages.

SENATE BILL No. 867.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further classifying school districts and providing for the reorganization of school districts.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. FARABAUGH asked and obtained permission for the Committee on Agriculture and Dairy Industries to meet during the session of the House.

Mr. WELSH asked and obtained permission for the Committee on Law and Order to meet during the session of the House.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1407

Mr. PETROSKY. Mr. Speaker, I present the report of the Committee of Conference on House bill No. 1407.

The SPEAKER pro tempore. The report will lie over for printing under the Rules.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. POLEN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

The SPEAKER(Hiram G. Andrews) IN THE CHAIR.

REPORTS FROM COMMITTEE

Mrs. S. A. ANDERSON from the Committee on Education, reported as committed, Senate bill No. 814, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for educational broadcasting and authorizing agreements relating thereto.

Mrs. ANDERSON from the Committee on Education, reported as committed Senate bill No. 815, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further regulating the establishment and operation of audio-visual libraries and instructional materials centers.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 814, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for educational broadcasting and authorizing agreements relating thereto.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 815, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further regulating the establishment and operation of audio-visual libraries and instructional materials centers.

And said bill having been read at length the first time,

Ordered, to be laid aside for second reading.

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Goldstein, rise?

Mr. M. H. GOLDSTEIN. Before this bill is read. Mr. Speaker, I object to the first reading of Senate bill 758 today in accordance with the rules of the House.

The SPEAKER. The clerk will read the report.

Mr. M. H. GOLDSTEIN. I want to protect the record.

REPORT FROM COMMITTEE

Mr. GIBB from the Committee on Law and Order, reported as committed, Senate bill No. 758, entitled:

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code" prohibiting certain business activities on Sunday.

Mr. M. H. GOLDSTEIN. Mr. Speaker, I now object to first reading of this bill in accordance with the rules of the House.

The SPEAKER. The Chair hears objection and under the rules the bill cannot be read.

For what purpose does the majority leader rise?

Mr. McCANN. Mr. Speaker, may I interrogate the gentleman from Allegheny, Mr. Goldstein?

Mr. McCANN. Mr. Speaker, will the gentleman inform the House why he objects to the normal procedure, which we have used all session on a bill that is not amended, to its being read for the first time?

Mr. M. H. GOLDSTEIN. For the reason that it is a very important bill. It is a matter which should have been brought up early in the session and I want to have time to study the bill.

I want to call to the attention of the House that when the rules were amended, this was the very procedure I objected to—having bills rushed through in two days. If we are going to be here Wednesday, Thursday and Friday, I want the sentiment against this bill to be crystallized. Therefore I am acting in accordance with my rights as a member when I think it is in the interest of the people I represent.

Mr. McCANN. Mr. Speaker, I thank the gentleman very kindly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. McCANN asked and obtained permission for the Committee on Rules to meet during the session of the House.

REPORTS FROM COMMITTEE

Mr. McCANN from the Committee on Rules, reported as committed, House Resolution No. 103.

Mr. O'DELL from the Committee on Motor Vehicles, re-reported as amended, Senate bill No. 191, entitled:

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" including additional buses within the provisions relating to school buses further providing for the operation of school buses and lights located thereon and providing penalties.

Mr. McCORMACK from the Committee on Appropriations, reported as committed, Senate bill No. 619, entitled:

An Act amending the act of June 1, 1959 (P. L. 392), entitled "State Employes' Retirement Code of 1959" providing for the transfer of credits for employes of the Department of Health who are contributors to the Public School Employes' Retirement System.

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 787, entitled:

An Act providing for the acquisition by the Department of Forests and Waters of the Kinzua Bridge and certain adjoining grounds for a State park.

Mr. McCORMACK from the Committee on Appropriations, reported as committed, Senate bill No. 806, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for the establishment and operation of area technical schools departments or classes by the Department of Public Instruction in certain cases.

Mr. McCORMACK from the Committee on Appropriations, reported as committed, Senate bill No. 870, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" changing the manner of filling vacancies in the office of assistant county superintendent.

Mr. McCORMACK from the Committee on Appropriations, reported as committed, Senate bill No. 914, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing the awarding of additional scholarships.

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 931, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" imposing powers and duties on the General Assembly relative to the allocation of space in the State Capitol Building.

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 932, entitled:

An Act amending the act of December 22, 1959 (P. L. 1978), entitled "State Harness Racing Law" changing the commission to an independent administrative commission permitting corporations organized to hold race meetings to have a perpetual duration permitting the renewal of licenses and authorizing elections to determine if a racing plant is to be located within the county once every four years.

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 934, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further providing for school nurse services and changing reimbursement provisions with respect thereto.

Mr. MANBECK from the Committee on Agriculture, reported as committed, Senate bill No. 935, entitled:

An Act amending the act of April 28, 1937 (P. L. 417), entitled "Milk Control Law" further regulating the sale of milk on farms directly to consumers.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 619, entitled:

An Act amending the act of June 1, 1959 (P. L. 392), entitled "State Employes' Retirement Code of 1959" providing for the transfer of credits for employes of the Department of Health who are contributors to the Public School Employes' Retirement System.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 787, entitled:

An Act providing for the acquisition by the Department of Forests and Waters of the Kinzua Bridge and certain adjoining grounds for a State park.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 806, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for the establishment and operation of area technical schools departments or classes by the Department of Public Instruction in certain cases.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 870, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" changing the manner of filling vacancies in the office of assistant county superintendent.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 914, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing the awarding of additional scholarships.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 931, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" imposing powers and duties on the General Assembly relative to the allocation of space in the State Capitol Building.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 932, entitled:

An Act amending the act of December 22, 1959 (P. L. 1978), entitled "State Harness Racing Law" changing the commission to an independent administrative commission permitting corporation organized to hold race meetings to have a perpetual duration permitting the renewal of licenses and authorizing elections to determine if a racing plant is to be located within the county once every four years.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 934, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further providing for school nurse services and changing reimbursement provisions with respect thereto.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 935, entitled:

An Act amending the act of April 28, 1937 (P. L. 417), entitled "Milk Control Law" further regulating the sale of milk on farms directly to consumers.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

COMMITTEE MEETING

JUDICIARY, Mr. Rudisill, chairman, Room 145, Wednesday, August 30, at 10 a.m.

ALL TIMES ARE DAYLIGHT SAVING TIME

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1306.

An Act amending the act of May 29, 1956 (P. L. 1804), entitled "An act providing for the establishment of police pension funds or pension annuities in certain boroughs towns and townships * * *" authorizing boroughs towns and townships maintaining a police force of one or more members to establish a police pension fund or police annuity.

HOUSE BILL No. 1339.

An Act amending the act of July 11, 1917 (P. L. 758), entitled "An act for the protection of public health by regulating the possession control dealing in giving away delivery * * * and use of certain drugs and keeping records thereof * * *" changing penalties for illegal sale dispensing or giving away of drugs.

HOUSE BILL No. 1373.

An Act amending "The Borough Code" approved May 4, 1927 (P. L. 519), authorizing boroughs to authorize or provide for the destruction or killing of unowned pigeons by humane means.

HOUSE BILL No. 1452.

An Act amending the "Business Corporation Law" approved May 5, 1933 (P. L. 364), clarifying the provisions of the act relating to the setting aside of funds by cemetery and burial corporations and bringing additional corporations within the provisions of the act.

HOUSE BILL No. 1453.

An Act reenacting and amending the act of August 10, 1951 (P. L. 1199), entitled "An act concerning devises bequests or gifts in trust for the care and maintenance of cemeteries burial grounds or cemetery lots trustees and substituted trustees thereof * * *" extending the provisions thereof to include business corporations.

HOUSE BILL No. 1454.

An Act amending the "Business Corporation Law" approved May 5, 1933 (P. L. 364) changing the law with respect to devises bequests and gifts in trust for the perpetual care and maintenance of cemeteries burial grounds or the cemetery lots therein and imposing powers on the trustees.

HOUSE BILL No. 1455.

An Act amending the "Nonprofit Corporation Law" approved May 5, 1933 (P. L. 289), making additional corporations subject to certain provisions of the act.

HOUSE BILL No. 1457.

An Act amending the "Real Estate Tax Sale Law" approved July 7, 1947 (P. L. 1368), extending the act to property the owner of which is unknown and has been unknown for a period of not less than ten years.

HOUSE BILL No. 1506.

An Act amending the act of June 21, 1939 (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class * * *" further regulating the assessment of property or subjects of taxation previously omitted from assessment and the payment of taxes thereon.

HOUSE BILL No. 1601.

An Act amending the "Second Class County Port Authority Act" aproved April 6, 1956 (P. L. 1414), authorizing the authority to provide group and party services.

HOUSE BILL No. 1606.

An Act amending the act of May 12, 1887 (P. L. 96), entitled "A supplement to an act entitled 'An act supplementary to an act relative to burial grounds and cemeteries situated in incorporated boroughs' * * * further empowering courts to direct removal of remains in boroughs cities and towns from burial grounds where interments have ceased or have become so neglected as to become a public nuisance or such remains interfere with the improvements extensions and interests of such cities boroughs or towns" extending the act to counties of the second class.

HOUSE BILL No. 1607.

An Act amending the "Second Class County Code" approved July 28, 1953 (P. L. 723), empowering the exercise of eminent domain for certain purposes in regard to graveyards and cemeteries.

HOUSE BILL No. 1746.

An Act constituting the Secretary of the Commonwealth as the agent for service of process on nonresident persons and foreign associations partnerships and corporations whose products are listed and sold by Pennsylvania Liquor Stores and who sell malt and brewed beverages to distributors and importing distributors licensed and doing business in this Commonwealth.

HOUSE BILL No. 1811.

An Act providing for the regulation of credit life insurance and credit accident and health insurance conferring powers and imposing duties on the Insurance Commissioner and prescribing penalties.

With the information that the Senate has passed the same without amendment.

ADJOURNMENT

Mr. McCANN. Mr. Speaker, I move that this House do now adjourn until Wednesday, August 30, 1961, at 10 a. m., e. s. t.

The motion was agreed to, and (at 7:12 p. m., e. s. t.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1961. 145th of the General Assembly.

Vol. 38. HARRISBURG, PA., WEDNESDAY, AUGUST 30, 1961. No. 96.

SENATE

WEDNESDAY, AUGUST 30, 1961.

The Senate met at 9:30 a.m., Eastern Standard Time.

The PRESIDING OFFICER (Joseph D. Ripp) in the Chair.

PRAYER

The Chaplain, Rev. JACK P. WISE, Assistant Pastor of Market Square Presbyterian Church, Harrisburg, offered the following prayer:

Let us pray.

Our living Lord, Thou from Whom all power and all authority is derived and to whom each of us must one day answer for our actions, we look to Thee at the opening of today's business for Thy guidance.

From among the many voices clamoring for our attention, may we hear the still small voice of God. Though many seek to influence our actions, may the greatest influence be that of Thy Spirit. If we must be "yes men" may we be "yes men" for our God.

May we be perceptive enough today to see where our God and our faith in Him bears on each piece of legislation we consider, and then may we act on behalf of our God.

We pray in the Name of the Christ, Amen.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WEINER and Mr. LANE, further reading was dispensed with, and the Journal was approved.

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBERS OF THE BOARD OF TRUSTEES OF HAZLETON STATE HOSPITAL

August 30, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as members of the Board of Trustees of Hazleton State Hospital, until the third Tuesday of January 1967, and until their successors are appointed and qualified:

Robert J. Brogan, 52½ South Wyoming Street, Hazleton, Luzerne County.

Joseph A. Zola, 873 North Church Street, Halzeton, Luzerne County.

DAVID L. LAWRENCE

MEMBER OF THE PHILADELPHIA COUNTY BOARD OF ASSISTANCE

August 29, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ralph E. Mitosky (Democrat), 1609 East Erie Avenue, Philadelphia 24, Philadelphia County, for appointment as a member of the Philadelphia County Board of Assistance, until December 31, 1963, and until his successor is duly appointed and qualified, vice Gustave J. Axelrod, Philadelphia, resigned.

DAVID L. LAWRENCE

MEMBER OF THE STATE PLANNING BOARD

August 29, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward Hopkinson, Jr., 8700 Montgomery Avenue, Philadelphia County, for reappointment as a member of the State Planning Board, until December 13, 1964, and until his successor is appointed and has qualified.

DAVID L. LAWRENCE

COMMITTEE OF CONFERENCE APPOINTED ON HB 1181

The PRESIDING OFFICER. The Chair now announces, on behalf of the President pro tempore, the appointment of Messrs. McMENAMIN, MURRAY and WAGNER as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to House Bill No. 1181.

Ordered, That the Clerk inform the House of Representatives accordingly.

MR. ALLEN DICK, OF STRASBOURG, FRANCE, PRESENTED TO SENATE

Mr. WADE. Mr. President, I would like to introduce

a guest we have with us today. He is Mr. Allen Dick, of Strasbourg, France.

Mr. Dick was associated with the American Consulate at that point in France. He is here visiting in America on his own, and he has favored us with his presence today.

The PRESIDING OFFICER. Thank you, Senator Wade.

The Chair is happy to present to the Senate Mr. Allen Dick, of France, who is visiting with us. Will Mr. Dick please rise?

We trust you will be with us for awhile this afternoon and that you will find your visit enjoyable.

RECESS

Mr. WEINER. Mr. President, I request a one-hour recess of the Senate for the purpose of holding a Democratic Caucus and a Republican Causus, to be held in the respective Caucus Rooms.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a one-hour recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO **HB 1277**, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 1277**, and has appointed Messrs. LAMB, YETTER and ZIMMERMAN as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO **HB 1335**, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 1335**, and has appointed Messrs. POLEN, McCANN and HELM as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBER OF THE BOARD OF TRUSTEES OF DIXMONT STATE HOSPITAL

August 30, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate David J. Strizzi, 209 Frazier Drive, New Castle, Lawrence County, for appointment as a member of the Board of Trustees of Dixmont State Hospital, until the third Tuesday of January 1965, and until his successor is appointed and qualified, vice Mrs. Minnie Greenberg, Coraopolis, whose term expired.

DAVID L. LAWRENCE

MEMBER OF THE LAWRENCE COUNTY BOARD OF ASSISTANCE

August 30, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas Crenney (Republican),314 East Maitlant Lane, New Castle, Lawrence County, for appointment as a member of the Lawrence County Board of Assistance, until December 31, 1961, and until his successor is duly appointed and qualified, vice Samuel Taylor, New Castle, whose term expired.

DAVID L. LAWRENCE

CALENDAR

HB 911 CALLED UP OUT OF ORDER

HB 911 (Pr. No. 2707)—Without objection, the bill was called up out of order, from page 5 of the Third Reading Calendar, by Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 911 (Pr. No. 2707)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. BELL. Mr. President, I desire to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. KELLER. Mr. President, I also desire to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman from Bucks will be so recorded.

Mr. CAMIEL. Mr. President, I desire to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. VAN SANT. Mr. President, I also wish to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman from Lehigh will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bell,	Kalman,	Pechan,	Stevenson,
Camiel,	Keller,	Ripp,	Stiefel,
Chapman,	Lane,	Rooney,	Stroup,

Confair,	Mahady,	Sarraf,	Taylor,
Devlin,	Mallery,	Scott,	Van Sant,
DiSilvestro,	McCreesh,	Sesler,	Wagner,
Ehrgood,	McGinnis,	Seyler,	Ware, III,
Flack,	McMenamin,	Shafer,	Weiner,
Fleming,	Miller,	Silvert,	Yatron,
Haluska,	Mullin,	Staisey,	Donolow,
Hays,	Murray,		Presiding Officer

NAYS—7

Berger,	Kessler,	Madigan,	Wade,
Hawbaker,	Kromer,	Propert,	

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

RECESS

Mr. SILVERT. Mr. President, I request a five minute recess of the Senate for the purpose of holding a meeting of the Committee on Finance, to be held in the office of the Committee on Appropriations.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a five minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

GUESTS OF SENATOR ZEHNDER H. CONFAIR PRESENTED TO SENATE

The PRESIDING OFFICER. The Chair would like to present to the Senate of Pennsylvania two beautiful and gracious ladies. One is the wife of a Senator, Mrs. Confair. The other is Senator Confair's niece, Arlyne Hoyt.

Will the ladies please rise and be properly welcomed?

REPORTS FROM COMMITTEES

Mr. SILVERT, by unanimous consent, from the Committee on Finance, reported, as committed, **HB 1513.**

Mr. HALUSKA, by unanimous consent, from the Committee on Highways, rereported, as committed, **HB 644.**

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS, RECALLED FROM THE GOVERNOR

HB 1273 (Pr. No. 2697)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 1273, recalled from the Governor.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 667 (Pr. No. 1275)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 667.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bell,	Keller,	Pechan,	Stevenson,
Berger,	Kessler,	Ripp,	Stiefel,
Chapman,	Kromer,	Rooney,	Stroup,
Confair,	Lane,	Sarraf,	Van Sant,
Devlin,	Madigan,	Scott,	Wagner,
DiSilvestro,	Mahady,	Sesler,	Ware, III,
Ehrgood,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Shafer,	Yatron,
Hays,	McGinnis,	Silvert,	Donolow,
Kalman,	Mullin,	Staisey,	Presiding Officer

NAYS—9

Camiel,	Hawbaker,	Murray,	Taylor,
Fleming,	McMenamin,	Propert,	Wade,
Haluska,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS OF COMMITTEES OF CONFERENCE

SB 99 (Pr. No. 1278)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 99, entitled:

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" regulating the issuance of operators' licenses to persons between sixteen and eighteen years of age restricting their driving privileges and providing penalties.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,
Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kessler,	Propert,	Taylor,
Confair,	Kromer,	Ripp,	Van Sant,
Devlin,	Lane,	Rooney,	Wade,
DiSilvestro,	Madigan,	Sarraf,	Wagner,
Ehrgood,	Mallery,	Scott,	Ware, III,
Flack,	McCreesh,	Sesler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron.
Hawbaker,	Miller,	Staisey,	Donolow,
			Presiding Officer

NAYS—2

Mahady,	Seyler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 601 (Pr. No. 1279)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 601, entitled:

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" permitting motor vehicles owned and used by certain persons engaged in collecting news to be equipped with a warning light.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Berger,	Keller,	McMenamin,	Silvert,
Camiel,	Kessler,	Miller,	Staisey,
Chapman,	Kromer,	Murray,	Stiefel,
Confair,	Lane,	Pechan,	Stroup,
Devlin,	Mahady,	Propert,	Van Sant,
DiSilvestro,	Mallery,	Ripp,	Ware, III,
Haluska,	McGinnis,	Rooney,	Weiner,
Kalman,			

NAYS—15

Bell,	Hays,	Seyler,	Wagner,
Ehrgood,	McCreesh,	Shafer,	Yatron,
Fleming,	Mullin,	Stevenson,	Donolow,
Hawbaker,	Sesler,	Wade,	Presiding Officer

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

THIRD READING CALENDAR

EDUCATION BILL ON THIRD READING AND FINAL PASSAGE

HB 350 (Pr. No. 380)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

EDUCATION BILLS OVER IN ORDER

SB 769, 819, 820 and **HB 1283**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

EDUCATION BILL ON THIRD READING AND FINAL PASSAGE

HB 1552 (Pr.No. 1935)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING AND FINAL PASSAGE

HB 65 (Pr. No. 2175)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING AMENDED

HB 337 (Pr. No. 2524)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WARE, by unanimous consent, offered the following amendments:

Amend Table of Contents, page 2, by inserting between fifth and sixth lines of Table of Contents: Section 8 Marketing Order Review

Amend Table of Contents, page 2, sixth line of Table of Contents by striking out "8" and inserting: 9

Amend Table of Contents, page 2, seventh line of Table of Contents by striking out "9" and inserting: 10

Amend Table of Contents, page 2, eighth line of Table of Contents by striking out "10" and inserting 11

Amend Table of Contents, page 2, ninth line of Table of Contents by striking out "11" and inserting: 12

Amend Table of Contents, page 2, tenth line of Table of Contents by striking out "12" and inserting: 13

Amend Table of Contents, page 2, eleventh line of Table of Contents by striking out "13" and inserting: 14

Amend Bill, page 10 by inserting between lines 17 and 18:

Section 8 Marketing Order Review—Every three years the Secretary of Agriculture shall call a referendum to determine whether or not a majority of the apple producers still desire a marketing order

Amend Sec. 8, page 10, line 18 by striking out "8" and inserting: 9

Amend Sec. 9, page 11, line 10 by striking out "9" and inserting: 10

Amend Sec. 10, page 12, line 17 by striking out "10" and inserting: 11

Amend Sec. 11, page 13, line 6 by striking out "11" and inserting: 12

Amend Sec. 12, page 13, line 15 by striking out "12" and inserting: 13

Amend Sec. 13, page 14, line 3 by striking out "13" and inserting: 14

On the question,

Will the Senate agree to the amendments?

Mr. HAWBAKER. Mr. President, the amendments which have been offered to House Bill No. 337 would simply specify that a marketing order, once having been approved by the apple growers, would be subject to a referendum every three years. This is the way the wheat referendums are handled. They are voted upon every year.

The bill, as it is presently drawn, would require ten per cent of the growers to sign a petition in order to request a referendum.

These amendments would make it mandatory that the Secretary submit the question to the growers involved every three years to determine whether or not they desire to continue the marketing order in effect.

And the question recurring,

Will the Senate agree to the amendments?

The yeas and nays were required by Mr. HAWBAKER, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

So the question was determined in the affirmative, and the amendments were adopted.

On the question,

Will the Senate agree to the bill on third reading, as amended?

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WARE.

BILL OVER IN ORDER

HB 382 (Pr. No. 2532)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. SEYLER. Mr. President, the bill we are considering, House Bill No. 382, is a repealer bill, which would repeal two sections of an Act, both of which were passed before the turn of the century in the days when the type of labor strike which was engaged in was much different than the strikes of today, and at a time when government was not loathe, occasionally, to take sides and usually against the side of the workers.

These sections have both outlived their usefulness. They are very discriminatory and are unnecessary in the light of modern labor practices.

For that reason, Mr. President, I think we should erase them from our law. I would ask my colleagues to vote "aye" on this bill.

Mr. WEINER. Mr. President, may we be at ease for a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. WEINER. Mr. President, I request that House Bill No. 382 go over in its order on final passage.

The PRESIDING OFFICER. There being no objection, the bill will go over in its order on final passage.

BILLS ON THIRD READING AND FINAL PASSAGE

SB 418 (Pr. No. 450)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kromer,	Propert,	Stroup,
Chapman,	Lane,	Ripp,	Taylor,
Confair,	Madigan,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
DiSilvestro,	Mallery,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Shafer,	Wolfe,
Haluska,	Miller,	Silvert,	Yatron,
Hawbaker,	Mullin,	Staisey,	Donolow,
Hays,			Presiding Officer

NAYS—1

Kessler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 661 (Pr. No. 763)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

HB 669 (Pr. No. 1916)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yatron,
Hawbaker,	Miller,	Staisey,	Donolow,
Hays,	Mullin,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1001 (Pr. No. 2407)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bell,	Kalman,	Mullin,	Stevenson,
Berger,	Keller,	Murray,	Stiefel,
Camiel,	Kromer,	Pechan,	Stroup,
Chapman,	Lane,	Ripp,	Taylor,
Confair,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wagner,
Ehrgood,	Mallery,	Scott,	Ware, III,
Flack,	McCreesh,	Sesler,	Weiner,
Fleming,	McGinnis,	Seyler,	Wolfe,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,	Miller,	Silvert,	Donolow,
Hays,			Presiding Officer

NAYS—5

Devlin,	Propert,	Staisey,	Wade,
Kessler,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 1010 (Pr. No. 1112)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow,
Lane,			Presiding Officer

NAYS—24

Bell,	Fleming,	Mallery,	Stroup,
Berger,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILL OVER IN ORDER

HB 1028—Without objection, the bill was passed over in its order at the request of Mr. LANE.

BILLS ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 1317 (Pr. No. 1537)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,

Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow,
Lane,			Presiding Officer

NAYS—24

Bell,	Fleming,	Mallery,	Stroup,
Berger,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

HB 1318 (Pr. No. 1538)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. WEINER. Mr. President, the Senate has just defeated the previous bill, House Bill No. 1317. This bill is a companion measure to it. I did not think it was necessary for me to say anything on House Bill No. 1317, because I think the principle of workmen's compensation is almost fundamental in this State.

Having taken the position which they have, I would like to bring to the attention of the Members of the Senate House Bill No. 1318, so that some of them may reconsider their action and help bring the other bill back. House Bill No. 1318 would do the same thing in the occupational disease field that House Bill No. 1317 would have done in the workmen's compensation area.

For instance, where a worker who is receiving occupational disease benefits dies from a cause unrelated to the cause of compensation, the widow and the survivors receive the balance of what he would have been entitled to. This actually provides for the burial expense. There is some question about whether certain diseases are related to some act or some area. For example, there have been many papers written in regard to persons who received a blow on their arm, their chest, or some other place, and cancer has resulted. Whether this has been the result, or whether this has caused cancer, has been a subject for conjecture for many, many years. In view of the fact that doctors are not sure, I, or any other lay person, would have some difficulty determining this.

Actually, what you are leaving here is the opportunity for the widow and the survivors to get some of this money because this man has been unemployed for a long period. It will aid in paying his burial expenses.

Mr. BERGER. Mr. President, the explanation of the Majority Leader is all right as far as it goes. However, he put his finger on the fault of these bills when he stated that when the person who had been receiving compensation dies from causes not related to the injury or employment, he is able to continue to have the payments made to the survivors, which is completely contrary to the concept of workmen's compensation or occupational disease compensation.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow,
Lane,			Presiding Officer

NAYS—24

Bell,	Fleming,	Mallery,	Stroup,
Berger,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1487 (Pr. No. 2712)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Keller,	Murray,	Stevenson,
Berger,	Kessler,	Pechan,	Stiefel,
Camiel,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Wolfe,
Hawbaker,	Miller,	Silvert,	Yatron,
Hays,	Mullin,	Staisey,	Donolow,
Kalman,			Presiding Officer

NAYS—1

Chapman,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL ON THIRD READING AMENDED

HB 1539 (Pr. No. 2716)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. MULLIN, by unanimous consent, offered the following amendments:

Amend Title, page 1, fifth line of Title by inserting after "improvement": changing notice provisions and

Amend Sec. 1 (Sec. 3), page 4, line 9 by inserting a bracket before and after "the last of".

Amend Sec. 1 (Sec. 4), page 5, line 1 by inserting a bracket before and after "ninety (90)" and inserting immediately thereafter: forty-five (45)

Amend Sec. 1 (Sec. 4), page 5, line 3 by inserting a bracket before and after "the last of".

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. MULLIN.

BILLS OVER IN ORDER

HB 1622, 1638 and **1678**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILL ON THIRD READING AMENDED

HB 1707 (Pr. No. 2709)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendments:

Amend Section 103, page 27, line 2, by inserting after "county": except for any outstanding construction or reconstruction obligations and liabilities in effect at the time of such transfer

Amend Section 103, page 27, line 5, by inserting after "otherwise":

With respect to those highways bridges tunnels viaducts and approaches thereto designated in Section 101 which are located in cities of the second class and third class this article is not intended and shall not be construed

(1) to place upon the Commonwealth any duty to regulate traffic upon or police such highways bridges tunnels viaducts and approaches

(2) to place upon the Commonwealth any obligation for maintenance construction reconstruction or resurfacing other than the base or surface courses The maintenance authorized by this article shall not include snow removal or street cleaning and shall be limited to the portions between existing curb lines available to vehicular traffic

(3) to place upon the Commonwealth any obligation under any franchise or franchises heretofore granted to any public utility company

(4) to place upon the Department of Highways any authority to regulate traffic parking or the general use by the traveling public of such highways bridges tunnels viaducts and approaches provided however that the Department of Highways shall be authorized to close to traffic all of such highways bridges tunnels viaducts and approaches during such time as improvements are being made thereon and in such case the political subdivision in which the same is located shall establish and maintain a suitable detour

The rights powers duties obligations and responsibilities set forth in this section which are not placed upon or transferred to the Commonwealth and which will or would be placed upon or transferred to cities of the second and third class by existing law shall become and/or remain the rights powers duties obligations and responsibilities of said cities provided however that said cities may contract with counties of the second class for an assumption by said counties of any or all said duties obligations and responsibilities

Amend Section 302, page 54, line 4, by striking out "in the vicinity of 14th".

Amend Section 302, page 54, line 5, by striking out "Street and" and inserting: along

Amend Section 302, page 54, line 9, by striking out "in the".

Amend Section 302, page 54, line 10, by striking out "vicinity of" and inserting: along

Amend Section 402, page 121, by inserting after line 17: Route 64285 Road designated as Township Road 845 extending from Legislative Route 64236 in the village of Loyalhanna 3.5 miles in a northerly direction to Legislative Route 64039 in the village of New Derry Derry Township Westmoreland County

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

BILL OVER IN ORDER TEMPORARILY

HB 1789—Without objection, the bill was passed over in its order temporarily at the request of Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1827 (Pr. No. 2548)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	**Kalman,**	**Mullin,**	**Stalsey,**
Berger,	**Keller,**	**Murray,**	**Stevenson,**
Camiel,	**Kessler,**	**Pechan,**	**Stiefel,**
Chapman,	**Kromer,**	**Propert,**	**Stroup,**
Confair,	**Lane,**	**Ripp,**	**Taylor,**
Devlin,	**Madigan,**	**Rooney,**	**Van Sant,**
DiSilvestro,	**Mahady,**	**Sarraf,**	**Wade,**
Ehrgood,	**Mallery,**	**Scott,**	**Wagner,**
Flack,	**McCreesh,**	**Sesler,**	**Ware, III,**
Fleming,	**McGinnis,**	**Seyler,**	**Weiner,**
Haluska,	**McMenamin,**	**Shafer,**	**Yatron,**
Hawbaker,	**Miller,**	**Silvert,**	**Donolow,**
Hays,			**Presiding Officer**

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 1829 (Pr. No. 2490)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. LANE. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. LANE. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. CAMIEL. Mr. President, I also desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman from Philadelphia will be so recorded.

Mr. MULLIN. Mr. President, I wish to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—22

Devlin,	**McCreesh,**	**Rooney,**	**Stalsey,**
DiSilvestro,	**McGinnis,**	**Sarraf,**	**Stiefel,**

Haluska,	McMenamin,	Sesler,	Weiner,
Hays,	Miller,	Seyler,	Yatron,
Kalman,	Murray,	Silvert,	Donolow,
Mahady,	Ripp,		Presiding Officer

NAYS—27

Bell,	Fleming,	Mallery,	Stroup,
Berger,	Hawbaker,	Mullin,	Taylor,
Camiel,	Keller,	Pechan,	Van Sant,
Chapman,	Kessler,	Propert,	Wade,
Confair,	Kromer,	Scott,	Wagner,
Ehrgood,	Lane,	Shafer,	Ware, III,
Flack,	Madigan,	Stevenson,	

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

RECESS

Mr. WEINER. Mr. President, I request a five minute recess of the Senate for the purpose of holding a meeting of the Committee on Corporations, to be held in the office of the Committee on Appropriations.

The PRESIDING OFFICER. Hearing no objection, the Chair declares a five minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 556** and **1816**, which were referred to the Committee on Education.

He also presented for concurrence **HB 1575**, which was referred to the Committee on Appropriations.

He also presented for concurrence **HB 1849** and **1850**, which were referred to the Committee on Local Government.

He also presented for concurrence **HB 1854**, which was referred to the Committee on Military Affairs and Aeronautics.

REPORT FROM COMMITTEE

Mr. RIPP, by unanimous consent, from the Committee on Corporations, reported, as committed, **HB 1802.**

RECESS

Mr. SESLER. Mr. President, I request a five minute recess of the Senate for the purpose of holding a meeting of the Committee on Military Affairs and Aeronautics, to be held in the office of the Committee on Appropriations.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a five minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. HALUSKA, by unanimous consent, from the Committee on Local Government, reported, as committed, **HB 1849** and **1850.**

Mr. SESLER, by unanimous consent, from the Committee on Military Affairs and Aeronautics, reported, as committed, **HB 1854.**

PERMISSION TO ADDRESS SENATE

Mr. WADE asked and obtained unanimous consent to address the Senate.

Mr. WADE. Mr. President, soon after August 22nd of this year, I received a communication from the Borough of Lewistown, Pennsylvania, which, to me, raises a very vital point of interest I think to every Member of the Legislature. With the permission of the Chair and the Members, I shall read the contents of this letter, dated August 22, 1961, from the Borough of Lewistown:

> "Our Borough has, from time to time, done work cleaning up the banks of the Juniata River and Kishacoquillas Creek in an effort to make Lewistown a healthier and more attractive community.
>
> "Earlier this year, we were faced with several major problems.
>
> "The past winter increased our costs substantially for snow removal and street repair. At the same time, many of our citizens were out of work, or working part time, and our Council did not feel that it would be wise to increase taxes. Due to the economic situation, our revenues that were dependent on commercial activity decreased.
>
> "Our Council was aware that there were many citizens of the Borough who were on Public Assistance, some of them receiving more than they could have earned at any work for which they were qualified. It seemed logical to the Council that the persons on Public Assistance could be used on the stream bank project, thereby returning some benefit to the community for the public funds being expended.
>
> "After making a request to the Mifflin County Board, they were amazed to find that there were only 19 men from the Borough who could be used on the project, and only for a limited time each week, so that the total time available was equivalent to only two and one-half full time workers.
>
> "Miss Charlotte Steinbach, the capable executive director for the Board, explained that this was because those persons receiving aid from Federal funds cannot be used on projects such as we planned, and the only way they could be used would be if they received aid from State funds, and then only in proportion to the amount of State-aid.
>
> "Our Council was very much perturbed with this situation, since our people who are working are helping to pay the Federal taxes that furnish the money to keep these people. Council feels that it is especially serious, since they have found that we have in our community a third generation of some families living on public assistance who are resistant to any efforts to get them to work at any occupation.
>
> "At their regular meeting, held on August 14, 1961, Council directed me to write to you, asking that you, as the elected representative of this municipality, do all in your power to correct this condition, which, like a cancer, is helping to destroy the initiative and sense of responsibility of many Americans."
>
> /s/ "Bernard F. Smith,
> "Borough Manager"

Now, Mr. President, I think this presents a problem that is of vital interest, as I said before, to every Member of this Senate; as a matter of fact, to every Member of the Legislature, both in the House and Senate.

Therefore, with your kind permission, I wish to present this resolution and ask for its immediate consideration.

SENATE RESOLUTION

REQUESTING THE SECRETARY OF PUBLIC WELFARE TO INVESTIGATE THE PROHIBITION OF USING PERSONS ON PUBLIC ASSISTANCE TO WORK ON PUBLIC WORKS PROJECTS

Mr. WADE, by unanimous consent, offered the following resolution **(Serial No. 8a)**, which was read as follows:

In the Senate, August 30, 1961.

There are many able-bodied unemployed persons within our Commonwealth presently receiving public assistance who could perform much of the urgent work which the overburdened local taxpayer is unable to finance. It is in the public interest to keep such unemployed persons from as much idleness as possible, and also to make full use of the capable services they are in many instances able to render.

Many of these unfortunate persons would be happy, indeed, to contribute their time and efforts in the furtherance of worthwhile projects. There are others, of course, who are reluctant to do any work unless sanctions of one type or another are brought to bear.

The Act of June 27, 1939 (P. L. 1184) was enacted with this goal in mind. This act requires all employable persons receiving public assistance, with certain exceptions, to perform certain work when called upon to do so, or be refused further assistance. It now appears, however, that said Act and the rules and regulations of the Department of Public Welfare are not adequately carrying out their intended purpose.

As a prime example, the Borough of Lewistown, in Mifflin County, recently attempted to utilize the services of persons on public assistance on a project to clean up the banks of the Juniata River and Kishacoquillas Creek in an effort to make Lewistown a healthier and more attractive community. Upon requesting the local board of assistance to assign men to the project, it was determined that only a few men could be so assigned and then only for a limited time each week, the reason being that persons receiving aid from Federal funds could not be used on such projects, and if they received State-aid they could be used only in proportion to the amount of such State-aid. As a result of said determination, this praiseworthy project, which would have made possible a considerable financial saving to the municipality involved, could not be carried out as planned.

This is but one specific example of a condition which exists throughout our Commonwealth, a condition the continuance of which should not be tolerated; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania hereby requests the Honorable Ruth Horting, Secretary of Public Welfare, to immediately investigate this problem, and to give a full explanation of why a situation such as this should exist in Pennsylvania, with a view toward changing the pertinent laws, rules and regulations so that the services of persons who are being supported by public funds may be used for public improvements and other worth-while projects; and be it further

RESOLVED, That Secretary Horting is hereby requested to make a report of her findings, together with such recommendations as she may deem necessary for legislation to correct the subject situation, to this body as soon as possible, but not later than the commencement of the 1963 Session of the General Assembly; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Honorable Ruth Gregg Horting, Secretary of Public Welfare.

Mr. LANE. Mr. President, after hearing the resolution, I have no objection to it being acted upon. However, I would like to inform the Members of the Senate that we have a number of types of assistance programs here in Pennsylvania. We have, of course, the Old Age Assistance, as you know, the Aid to Dependent Children, the General Assistance, and the Blind Pensions, which are a part of that set up.

I have been informed that the Department of Public Welfare is now in the process of requesting the Federal Government to permit those who are receiving Federal funds to participate in work projects. As most of you probably know, the officials of your political subdivisions, such as boroughs, townships and cities, have the right at the present time to inaugurate public works programs, and those who now receive General Assistance have the right to participate in those work projects. In most cases, they work out their relief and, therefore, they are not subject to the bonding feature.

Senator Wade made several points here. It is surprising to me that in this Borough of Lewistown, there are only nineteen persons who are eligible to work on this project. It seems to me, Mr. President, that it is not too unfair. I say that in all probability what has happened there is that quite a number of persons were on Old Age Assistance. That being the case, they were not eligible for these projects.

Mr. President, Senator Wade, of course, has a right to make his comments with reference to this resolution. I might also say that there is nothing extraordinary about this because, the economic conditions being what they are today, it seems to me that we have a very good Public Assistance Program. I feel that the Office of Public Assistance is doing a marvelous job at this particular time.

Mr. SEYLER. Mr. President, I believe this is a matter which deserves consideration by one of the properly appointed committees. It also deserves some discussion before we vote on it. Therefore, Mr. President, I object to the immediate consideration of this resolution.

Mr. WADE. Mr. President, I was very encouraged when I heard Senator Lane say that he would have no objection to considering this resolution at the moment. We all know that we hope we are in the last few days of the Session.

I do not think this is a political matter at all. I do not think it has any political implications or any reflection on either political party. I think it is a problem in which Senator Lane, Senator Seyler and every Member of this Body should be vitally interested.

I am informed there is no aid from the Federal Government on General Assistance. These other categories of assistance, as Senator Lane so ably expressed, are subsidized by Federal funds.

I think that every Member of this Body should want to know—and does want to know—just what we can do in the way of constructive work with these folks. When I am talking about that , I mean many of the folks, themselves, would much rather work at some public project, something for the benefit of their community, and do something that would occupy their time than just to be handed their relief checks.

Mr. HALUSKA. Mr. President, I am sorry to learn that my good friend from York objects to this resolution being given immediate consideration.

I have throughout these many, many years fought for the underdog, so to speak. I certainly concur in toto with the resolution presented by my friend from Cumberland County. It is not political.

We do have people who are entitled to relief. We also have people who, because they are on relief, would turn down a day's work. This has happened time in and time

out, and they could be utilized in local projects. However, unfortunately, many of them go to a doctor and get a letter, stating they are unfit and unable to work. These things should all be scrutinized carefully.

I believe now is the hour—not tomorrow—to pass this resolution. I would like to have action on it before 1963. In 1962, let us have a report to see what can be done about this most important issue. We have thousands upon thousands on the relief rolls. The list is growing every day, and some people just think we owe them a living.

I trust that Senator Seyler will withdraw his objection so that we can pass this resolution right now.

Mr. SEYLER. Mr. President, in reply to Senator Wade, I have at no time indicated that I have a lack of interest in the matter.

In reply to Senator Haluska, I have at no time indicated that I object to the matter. I simply have said that I believe this is a matter which deserves the consideration of a committee and some discussion by the Members before it is voted on. For that reason, I renew my objection.

I would like to say this: I did not hear Senator Wade say at any time that he referred the matter to Secretary Horting. I think it is quite probable that if he did, he would receive cooperation.

I realize that since the Newburg matter, in New York, this sort of matter is likely to draw newspaper attention and, perhaps, publicity of a sort for anyone who takes the initiative. However, it seems to me that a less dramatic and more effective way might be to simply call upon the Secretary, tell her about the situation, and let her take action to do something about it.

Mr. SESLER. Mr. President, I was conferring yesterday, or the day before, with Commissioner Tollen. I have some figures here that might be of interest since we are currently discussing this subject.

The last complete report, made in March 1961, indicated that at that time there were 425,000 people in the Commonwealth of Pennsylvania on Public Assistance or receiving A.D.C.—Aid to Dependent Children. Of these, it was determined that 43,282 people were employable. Those employable break down into two categories; those who are partially handicapped and those who have no physical disability. It was estimated that the nonhandicapped at that time were 25,377. As you can see, the large bulk of the people on public assistance, first of all, are people who are not employable, such as the blind, dependent mothers, children, and so forth.

Some of you may not be aware of the fact that the Pierson Act of 1939 requires that all able-bodied persons on public assistance are to be placed at work on public projects. These projects are the kind that are started by a municipality, municipal authority, or nonprofit organizations, such as a library. At the present time, or as of June 1961, there are 293 relief projects.

The biggest problem we have on the utilization of people on relief projects in Pennsylvania at this time appears to be the fact that there are only a few employables in any one county, and it is difficult to get the municipalities to enter into these projects. Take Fayette County, for example, which has as many people on public assistance I think as any county in the Commonwealth. In June 1951, they had 20 projects underway in that county, utilizing, however, only 57 people.

Let me illustrate one of these cases. To someone who is on public assistance, we could say that he should go to work in a library and be a janitor or something like that. However, the people who hire him have to provide workmen's compensation, et cetera. They also feel it is temporary. As a result, people have been reluctant to utilize such persons for these projects.

Therefore, it would seem to appear, Mr. President, that we have two approaches. The first is to encourage people to use these persons on these projects, through the counties, because there are many areas where the number of employable people is not very great. The second thing is that we may have to implement larger projects, which would require appropriations. So, we should study this to determine whether or not we can utilize them in a mass group.

Another problem is going to be the approach that we are taking on one of the bills today which is on our Calendar. This is the amendment to the U.C. Law. This, for example, provides that when a person is on unemployment compensation and while he is receiving his compensation, he can undergo rehabilitation and training, if necessary. This does not cost anything because he is going to receive his U.C. anyway. If we find a necessity for retraining, then we will be able to utilize his skills.

This same thing can be done with P.A. If we utilize this, together with the Clark program, I think we can make a concerted study. However, the problem is not simple and it is going to require effort. We ought to recognize the fact that we are attempting to utilize these people right now with these 293 projects we have underway in the State at the present time.

Mr. WEINER. Mr. President, this problem, as presented by Senator Wade, is not a new one nor is it a problem that we can solve during this Session or within the next year or so.

One of the basic problems which has always come up is that when you are giving somebody money, they ought to do something for it. The moment you employ these people and put them to work, you have lost the democratic system and it becomes a form of slavery—subsidizing people who are unable to take care of themselves. The first thing you know, you have people who are interested in the free enterprise system saying that you are using slave labor when you could be using the free enterprise system.

Then they go on to the next attack; that this puts people out of work and that there is not enough work for the able-bodied men who are willing and able to do a job. This used to be true, if you remember, when they used prison labor to make furniture, costumes and clothing for people who worked for the State. This became such a harsh problem that we passed legislation, through this Body, prohibiting prison-made goods and prison-made furniture to be used by the State when it could be bought in the common market.

We are back to that again. I ask Senator Wade if he would like us to order these people to do this kind of work. Would he want us to order human beings, who are unable because of some unfortunate circumstances, to do this kind of work or do that kind of work? I am not so sure that is the solution to the problem.

The people he is speaking about are mentally sick. Any human being who does not want to work, does not

want to earn a living, or does not want to take care of himself certainly is not well. I think that something ought to be done about them, but not in the range of forcing them to do a job or turning them out to be hungry. The other alternative is this: These people then became part of your prison population, which is the next step, and we only go on supporting them at a much higher cost than what it costs to keep them under the Department of Public Assistance.

I admit there are abuses. There are always abuses in every kind of thing. However, when you look at the fractional amount that its costs to keep these people—as opposed to keeping them in a mental institution or keeping them in an institution where you have to keep them locked up and feed them regularly, and where they do not perform any kind of useful work—I think this is the lesser of the two evils.

It is to be hoped there is some way whereby some of the people who deal with our mental institutions or with outpatient treatment can take up with these people and try to help them. I do not think that a resolution or any harsh approach to the problem would solve it.

I respectfully suggest to the Senator that an approach along the lines of a psychiatric approach to these people, or perhaps a sociological approach, would certainly be a better approach to this problem than to just harshly cut them off and say, "Go out and starve."

Mr. LANE. Mr. President, in view of the objection, I suggest that the resolution be referred to the Committee on Rules.

However, I must say this to Senator Wade and to the Members of the Senate. In reviewing his statement that there were only 19 able-bodied people who could work on this project in Lewistown, it appears to me there are not too many people on public assistance in that particular area. With reference to Old Age Assistance, of course, that is in a different category altogether, along with aid to the blind and Aid to Dependent Children.

It is not a question of peonage, in my opinion. I would say that in southwestern Pennsylvania, they have a number of projects whereby certain people who receive public assistance are able to work. They work on the streets, or paint and clean up the borough buildings, or sometimes they work in the school districts. That has been going on for years.

Of course, there is the argument, from a large segment of the population, that those people now on public assistance who are working on these projects are displacing people who could possibly earn a living. In a great number of cases, some of our coal miners who are on General Assistance, due to circumstances beyond their control, would rather do work for the borough or the school district in order to eliminate any bond feature against their real estate.

Therefore, Mr. President, in view of what Mr. Lourie told me just a few moments ago with reference to an inquiry with the Federal Government as to the possibility of permitting those receiving Federal assistance to work on these projects, I believe that sort of brings about a proper conclusion to the whole problem.

Mr. WADE. Mr. President, certainly, under our rules when an objection is raised, I would have no objection to the resolution being referred to a proper committee. I am only sorry—for the benefit of myself and all of the other Members of the Senate—that this communication did not reach me earlier, because I think it is proper and right that we look into a matter of this kind, which comes from a public body, the Borough of Lewistown.

I liked the statements made earlier by Senator Lane, who I think follows much the same philosophy in this connection that I do.

However, I do take issue with some of the statements made by the Majority Leader, Senator Weiner, who I do not believe read the resolution very carefully. He is now on the telephone. I hope—as Senator Taylor has said so many times—It may be with the Governor's Office and the Junior Cabinet."

However, Senator Weiner got into entirely different areas, such as those who are mentally deficient. As a matter of fact, he got close to the entire mental program of the Commonwealth of Pennsylvania. That is not what we are talking about.

This problem, I do not raise for myself. It has been brought to me by the borough of Lewistown, the official governing body of that municipality. When they raise a question of this kind, Mr. President, I say that it is the duty of every Member of this Senate to look into the matter in order to improve our State and local governments.

Mr. BERGER. Mr. President, this discussion on this matter has lasted far too long, because the resolution is going to be referred to committee. However, I cannot let pass the words of the Majority Leader, which seem to express the thinking of a large segment, apparently, of our population and, particularly, of officials in that every time somebody commits a crime or gets into difficulty, the poor fellow is mentally ill or he is sick.

I wonder if any of the Members happened to turn on television this morning and hear the psychiatrist, who has been retained by the Kefauver Committee, discussing the theft of a very valuable painting. The interviewer asked: "Do you suppose that whomever might have taken it was mentally deficient or mentally ill because he took it, or was he obsessed by something?" The psychiatrist said: "No, there is too much of that. The man was simply a thief."

Mr. WEINER. Mr. President, I want to point out to the Senator from Cumberland, Senator Wade, that although I was on the phone while he was speaking, I did pay attention. I have also read his resolution. I also want to say that the remark which he attributed to Senator Taylor, I am under the impression was complimentary and was meant in that vein.

I want to point out to him that although the conversation I was having did not particularly concern any legislation at the moment, it was bringing me up-to-date on how legislation was moving in the House. In order for us to keep moving, that is the only way I can keep informed. However, I listened very carefully to the gentleman's words of wisdom, as I usually do.

I also would like to point out to the Minority Leader, Senator Berger, that anybody who is simply a thief, certainly does not have a well mind at work. There are many people, whom you and I know, that do not do these things, and they certainly are people we know are well-adjusted or adjusted in most areas, and they just do not do these things.

I think it is a sick mind at work when somebody

wants to steal something that does not belong to him, or possess something that belongs to somebody else, or wants to hurt or maim somebody. I agree that perhaps some of those people do belong out of society and should be taken out of society.

However, to simply give them the classification of being a thief, and say that solves the problem, I am afraid is too easy an answer to a complex problem.

At one time, we used to cut off the hands of people who were pickpockets. We do not do that any longer because we are somewhat enlightened. We also found that this does not stop people from committing the crime of picking pockets. One of the things that has come down through the years, which is well known to everyone in this room, is that at the hanging of thieves or robbers, the greatest amount of pocket-picking took place when the crowds gathered. Actually, it was not a deterrent on that basis. The sick mind was still at work.

Mr. CONFAIR. Mr. President, I was interested in the contents of the letter that Senator Wade read, which said there were some people in the third generation on public assistance.

I attended a public assistance meeting in Danville, Pennsylvania, and was told of a case where a young boy had just been graduated from high school. His grandfather and grandmother had been on public assistance. His mother and father had also been on public assistance. He graduated with honors from high school, he was married and the day after he was married, he went down to get his public assistance. I would say there are a lot of capable and intelligent people on public assistance who would like to have a job and earn their money on public assistance if they were given the opportunity.

Mr. LANE. Mr. President, we were discussing the problem of persons who are on public assistance due to circumstances beyond their control. I dislike very much to hear the word "thief" allocated to such a debate, because those people cannot help themselves. It is a social problem. We have it; it is here with us.

We have a number of very fine people in southwestern Pennsylvania who today are unemployed and who would like nothing more than the opportunity to earn a decent livelihood, but they are now receiving General Assistance. I will guarantee you, Mr. President, they are not thieves. They are good citizens, and they are ready to work.

The PRESIDING OFFICER. There being objection to the immediate consideration of this resolution, it is referred to the Committee on Rules.

HOUSE CONCURRENT RESOLUTION TAKEN FROM THE TABLE

Mr. MULLIN. Mr. President, I call from the table the House Concurrent Resolution which was reported from the Committee on State Government yesterday and laid on the table at that time.

The PRESIDING OFFICER. There being no objection, the Clerk will read the title of the resolution.

The title of the resolution was then read by the Clerk as follows:

Commending the Attorney General and the Philadelphia Inquirer in Bringing to a Successful Conclusion Their Campaign in Causing the Gallery of the Barnes Foundation to be Open to the Public.

On the question,

Will the Senate concur in the resolution?

SENATE CONCURS IN HOUSE CONCURRENT RESOLUTION

Mr. MULLIN. Mr. President, I move that the Senate do concur in this resolution.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to and the resolution was concurred in.

Ordered, That the Clerk inform the House of Representatives accordingly.

Mr. BELL. Mr. President, would it be in order for the present Presiding Offier to hand-carry a copy of this resolution to the former Attorney General?

The PRESIDING OFFICER. The present occupant of the Chair is going to hold the Bible on the day of the swearing-in. The Chair thinks that is sufficient.

THIRD READING CALENDAR

HB 1789 CALLED UP

HB 1789 (Pr. No. 2666)-Without objection, the bill, which previously went over in its order temporarily, was called up from page 8 of the Third Reading Calendar by Mr. WEINER.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 1789 (Pr. No. 2666)- Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. WADE. Mr. President, we are now considering House Bill No. 1789. This is perhaps the most vicious tax measure that the Members of this Body have ever been requested to vote upon.

The PRESIDING OFFICER. Senator Wade, will you excuse the Chair for a moment?

Will the Senate be in order? This is a very important bill we are going to debate. The Chair asks for order on the floor. Will the guests please stop entering into conferences? Will the Sergeant-at-Arms clear the floor in the rear near the door?

The Gentleman from Cumberland will please proceed.

Mr. WADE. I repeat, Mr. President, widows and retired persons, who are dependent on a few dividends for their essentials of life—I mean bread and butter—are particularly fearful of the effect of this tax, especially as new figures from the Federal Government show that the cost-of-living index has gone up again for the second month in a row, and increasing inflationary pressures are evident on every side as a result of the Kennedy Administration policies.

It has not been demonstrated to the satisfaction of the citizens of the Commonwealth, I believe, that this new tax is necessary. When it is remembered that under two Democratic State Administrations, the number of permanent salaried State employees has been increased by 15,000 in a seven-year period, we can point out that if only one-third of these additional jobs were abolished, an average of $5,000 each per year, per employed, would be saved, and there would be sufficient money— $25,000,000—to meet any really essential needs of education

Furthermore, if only two per cent of the proposed expenditures of Governor Lawrence from the General Fund in the current fiscal period were not made, there would be $20,000,000 available for education or other needed purposes.

Mr. President, I do not think it is necessary for me to quote from the editorial in The Philadelphia Inquire of August 25th, which presented the case I think very ably and made some excellent points. I, personally, have received almost a dozen copies of this from folks living in my Senatorial District.

With your permission, Mr. President, let me read an excerpt from a letter received from deputy of one of the largest departments of State Government. He was not a deputy a long time ago, but was a deputy through the Leader Administration. I quote from the letter as follows:

> "There has been no effort to institute savings or to economize anywhere in the operation of State Government. Rather, the emphasis has been on greater spending.
>
> "The appellation of 'unearned income' is a decided misnomer as far as the majority of people affected by such a tax are concerned In most cases, funds set aside for earned income are the result of economies in living and of money saved the hard way. Many have done without many little things to build up some capital, the income from which would help to meet continued rising costs and inflation. The income thus received is decidedly 'earned', as unquestionably it is in the case of a majority of the people who would be affected by this proposed tax bill."

Mr. President, the bill, in effect, would impose a selective income tax. By reason of the amendments placed in it, it is even more selective than when it was originally proposed in the House. Very obviously, the bill would impose a tax upon the income of some individuals, and not on the income of others. It would also tax some part of the income of some individuals, but not the remainder of their income.

Since the tax was intended to raise money for educational purposes, its imposition upon only a segment of the Commonwealth's citizens is distinctly unfair. Educational purposes concerned all of the people, and that should be provided for on the basis of a broader tax

The tax, as originally introduced, was of questionable constitutionality because it did not uniformly tax all income. As amended, this possibility of unconstitutionality is greatly enhanced. The taxation of capital gains, which the bill would impose, is particularly inequitable and unfair. The bill taxes capital gains returned to and ascertained by the Federal Government. This means that the State is attempting to tax gains which may have accumulated from as far back as 1913, or almost entirely accumulated before the effective date of this bill.

I know, Mr. President, that any Member of this body could rise and talk for hours against this bill. Let me conclude by quoting a letter received from my District this morning, dated August 26th. It is from Mr. Lewis T. Scoch, Newburg, Route 1, Pennsylvania, and reads as follows:

> ". . . as my wife and self are soley dependent upon the dividends of our stock, which under present conditions is insufficient for our livelihood. We are both over seventy years of age, and we must depend on a couple of small savings investments.
>
> "We feel this tax is unjust and most discriminatory against such old people in our circumstances."

Mr. President, he encloses, as many others have, the editorial of August 25th from The Philadelphia Inquirer.

Because of this and many other things that I could say, and I presume others wish to say, I am going to conclude my statement regarding this tax. I repeat, Mr. President, that I believe this is one of the most vicious tax measures ever presented to the Senate of Pennsylvania.

Mr. WEINER. Mr. President, I desire to interrogate the gentleman from Cumberland, Senator Wade.

The PRESIDING OFFICER. Will the gentleman from Cumberland, Mr. Wade, permit himself to be interrogated?

Mr. WADE. I will, Mr. President.

Mr. WEINER. Mr. President, what would the gentleman say that a stock bears as a dividend percentage-wise, and I am talking about a first-class stock like American T. and T? What would this bring?

Mr. WADE. Mr. President, the current dividend, I understand, is 3.99 or around four per cent.

Mr. WEINER. Four per cent; all right, let us use that. That is an easy figure, is it not?

Now how much stock would you have to own in order to get a decent dividend on which to live?

Mr. WADE. Mr. President, I do not know that I understand the gentleman's question.

Mr. WEINER. Mr. President, I will rephrase the question. It is my fault.

How much of a capital investment would you have to make in order to get a four per cent dividend that would give you what you would need to live on? Let us use the basis of $5,000. How much of an investment would you have to make in order to get $5,000 a year?

Mr. WADE. Mr. President, if the gentleman is referring to what would be required for myself and my family to live on, that might be one thing. However, there are those, like the Senator from Philadelphia, who live on a much higher level or scale. Therefore, it would require more money.

Mr. WEINER. Mr. President, if the gentleman wants me to get into his personal income, I will be glad to do that. However, we do not want to get into that today. Let us just stick to the example I gave you.

Suppose a man received $5,000 a year—that is a little less than $100 a week—in dividends. How much of a capital outlay or investment would he have in order to get that kind of a return?

Mr. WADE. Mr. President, I think the gentleman can calculate that for himself.

I know it is not a good practice to extend into a long answer. I think the gentleman is entitled to a short, concise answer. However, I am afraid—and I am extending this answer too much—that he is acquainted with those who have much higher incomes than are enjoyed in my District, where we have many people with limited incomes and many retired people who try hard to live on a few savings which they have built up over the productive years of their lives.

Mr. WEINER. Mr. President, if the gentleman will stop crying for just one moment and try to answer the question, maybe we can got on.

Would it not be about $125,000 that a man would have to invest in order to get approximately a $5,000 return?

Mr. BERGER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Potter, Mr. Berger, will state it.

Mr. BERGER. Mr. President, when an inquiry is made of a Senator, the person making the inquiry has no right to interrupt the answer, and the answer may be extended as far as the person to whom the inquiry is made cares to extend it.

Mr. WEINER. Mr. President, I do not intend to get off into these side issues. All I ask is that the gentleman respond to the questions asked.

The PRESIDING OFFICER. Will Senator Weiner repeat the question to Senator Wade? Senator Wade, if he wishes, may answer it.

Mr. WEINER. Senator, being a man who is learned in actuarial tables,—I understand you are an expert in that field—suppose I invested $125,000 in stock and I got a four per cent return. How much would that bring me?

Mr. WADE. That would bring in the neighborhood of $5,000, Mr. President.

Mr. WEINER. Now, Senator, under this tax,—and let us take it on the basis of a short term capital gain, for the sake of this discussion—if the tax were two per cent, how much money would that man have to pay?

Mr. WADE. Two per cent of $5,000 is $200, Mr. President.

Mr. WEINER. Mr. President, would the gentleman do a recalculation?

Mr. WADE. Mr. President, that is a demonstration that the gentleman's interrogation is out of order when he referred to me as being acquainted with actuarial tables. That proves that I am not.

Mr. WEINER. Mr. President, this is only one of the areas that we are probing at the moment in which the gentleman may be not well informed.

You would say then that the person would have to return $100 to the State. Is that correct?

Mr. WADE. That is right, Mr. President.

Mr. WEINER. These people about whom you are quite concerned and for whom you were demonstrating so visibly just a moment ago, what do they get in dividends on which they have to live?

Mr. WADE. Mr. President, I would say that the average retired folks in my District—and I think this applies to the rural districts much more than the cities—have homes for which they paid perhaps $2,000 or $3,000. Maybe they paid even less or even a little more, but they have those homes paid for. They have also stored up a little income from which they get their bread and butter, their bare living expenses, as the days go by. They do not have much leeway in that income against their living expenses. What little leeway they may have is being constantly eaten up by inflation or higher living costs, as enumerated by the Federal Government.

Mr. WEINER. Mr. President, would the gentleman please try to answer my question? Then I will be glad to answer his questions.

How much of this income of the people, about whom you are so concerned who are being harassed, comes from invested capital which is the subject of this tax?

Mr. WADE. Mr. President, it is impossible to answer a question of that kind. In order to do so, a complete interrogation would have to be made over the entire District.

However, I would like to say to the gentleman that I am not only interested in the folks who live in my District. I am interested in the elderly folks, the retired folks, and the folks of limited income all over the State of Pennsylvania.

Mr. WEINER. Mr. President, would the gentleman then answer that he does not correctly know the income of these people, or whether they are going to be harassed or whether they are going to suffer at all? Is that correct, sir?

Mr. WADE. It is correct, Mr. President, to this extent. The large number of letters I have received—and I think this applies to almost every Member of this Body—indicate that this is a vicious tax. This hits in a most vital spot, which is the income of these folks who have been frugal in the past and have laid up a little bit of something that they hope to enjoy in their declining years.

Mr. WEINER. Mr. President, if the gentleman repeats that one more time, I am sure he will have himself convinced.

Will the gentleman please advise us if he has ever voted against a measure on which he has received a great deal of mail, or voted for a measure on which he has received a great deal of mail which did not favor the measure?

Mr. WADE. Mr. President, the answer to that question would be "yes," I believe, because over a period of twenty-four or twenty-five years in this Body and the House of Representatives, we have all—I, personally, and everyone else—received a lot of mail. However, never to my knowledge have I received mail of such a distressing tone as I have received on this legislation.

Mr. WEINER. Mr. President, I would like to go back in the record. I could read the same speech the gentleman just made and the very remarks he has just made the day we passed the sales tax here. I can read the same remarks that he has made on other occasions when we have had other tax measures before us.

Does the gentleman wish to advise us if there is any tax measure we ever had to pass in the General Assembly on which everyone wrote favoring such legislation?

Would the gentleman please advise us if he ever voted on a tax on which anyone wrote him and asked him to favor?

Mr. WADE. Mr. President, the question is rather long. Early in his interrogation, the gentleman stated that he could read speeches similar to the one I am now making. May I ask him to do so?

Mr. WEINER. Mr. President, if the gentleman will allow me, I will send down for the Journals of past Sessions when we have had the very same situation and where the same people that the Senator is now being concerned about were involved, and he came forth and said almost the identical things.

Mr. WADE. I would be very happy, Mr. President,—since he is so willing to do that—to have him do it.

Mr. WEINER. Mr. President, will the gentleman please be responsive to my question?

The people about whom we are talking in your District and about whom you are concerned, do they have $3,000 a year in income from dividends or capital gains?

Mr. WADE. Mr. President, the gentleman did ask me that question before. I think I have answered it as best I can.

I cannot go from house to house and make a poll of all of the folks. I can only decide by the amount of distressing mail that I have received. I think the mere fact that many of the State-wide newspapers have written editorials against this vicious tax, and much other comment has been made, is an indication of the kind of tax it is; a tax that we should not even be considering, let alone debating.

Mr. WEINER. Mr. President, it is not true that the bulk of the income of the people about whom the gentleman is so concerned either comes from Social Security, pension programs, or fringe benefits they had when they were employed? Is that not correct?

Mr. WADE. No, Mr. President, that is not true because, as the gentleman well knows, I represent a very rural area and many, many of those folks do not have Social Security. The only possible regular income many of them would have is from savings, an annuity contract, or something of that kind which pays them in that manner. Many of them do not have Social Security because they were not in employment that was covered by Social Security.

Mr. WEINER. Mr. President, will the gentleman please advise then whether or not it is correct that if these people do not get $5,000 net income from this area, then they do not even have to pay $100 because from the example that we took here, they would have to pay $100 and anybody earning less than that would pay less than $100?

Mr. WADE. Mr. President, I think that is correct. There are few people in the area that I am privileged to represent who would have an income of that kind from investments.

I am not talking about the folks who have a large income. It is the people who have an income of $5,000 or less who are going to be hurt the most by this legislation.

Mr. WEINER. Mr. President, would the gentleman further advise us if he thinks it would be a hardship for people who receive $3,000 from investment capital, as a dividend, to pay sixty dollars a year to the State?

Mr. WADE. Yes, Mr. President, I fully and firmly believe that is a hardship, since $3,000 is their entire cash income for the year and there are two of them, perhaps, to live on that income. I think that is a real hardship.

Mr. WEINER. Mr. President, I want to thank the gentleman.

Mr. President, I have received a great deal of mail from the usual professional people who oppose any tax measure, especially in this area. When they start bleeding and crying for the poor, little man, I am immediately moved to suspect their motives.

The little man is not hurt here at all. The man who really bears the brunt of this tax is the one who is best able to pay it.

Mr. President, this discussion that we are having here today on this bill and the purpose for which it is indicated —for education—is mumbo-jumbo. I think we ought to bring it out in the open and be very candid with each other as to exactly what we are talking about.

Not too long ago, Mr. President, a gentleman who does not reside in this Country, and who represents another Country, stated publicly that he would bury us. He also stated that in 1970, his Country would surpass us. Not only has he stated this, but they have already had a man circle the earth in space, and we have not even begun to do any of these things.

Might I point out, Mr. President, to the gentlemen and the other people sitting here today that in Russia, they subsidize scholars and they subsidize students not only for tuition, but for their living costs and for their families. What is this doing? What is it doing to this country? We are talking about what we are going to take away from this little man, or that little man, or stocks and bonds. However, no one here has mentioned the children, who are really the people involved. What is going to happen to the people who go on to higher learning and higher education if we keep burying our heads in the sand and saying that this does not exist, we do not have to do this, and we are against this? Where are we going? What is going to happen? What good will these stocks and bonds do any of us if we are not able to keep up or compete or, at least, maintain our own position in the world today? Where are we headed?

Here we are, one of the largest States in the Nation, quibbling over dollars and cents for education. What are we talking about? We are talking about $22,000,000. Who is going to bear the brunt of this thing? The answer is people with invested capital.

If a man invests $125,000, and he gets back $5,000 and has to pay the State $100, is that not a tremendous sum to pay towards education? Is it proper that we should be out here fighting this and doing everything we can to beat down this horrible tax?

How silly can we get? How nonsensical can our reasoning be that we follow this line? What are we talking about? We are we crying about? We are talking about people who have $250,000 invested and $1,000,000 invested. Are they the people we are concerned about? They are well able to take care of themselves, and we are asking a mere pittance from them.

What do the people in this Country spend for cigarettes and for liquor? What do they spend for swimming pools? We have become so rich in this Country that we are able to have two homes, not just one home. This is par for the course, and I do not want to see that changed. However, by the same token, I do not want to shortchange some of the people who are going to come up and carry on the buden and carry on the democracy we know in this Country.

We are sitting here today quibbling, fooling around, and worrying about putting a two per cent tax—in many cases, one per cent—on somebody who has invested a sizeable amount of capital.

What good is this all going to do you? We are talking about building bomb shelters. There were bills on this Calendar which would exempt people who built bomb shelters. Are we going to cover these bomb shelters with American T. and T. stock certificates? Is that going to help us? Is it going to help us to educate people who have intelligence and brains, and to further husband this kind of a resource which we can use?

We worried here during this Session about strip mining. There were more headlines in the newspapers about that than the matter even needed. It was blown out of all proportion. Here we are facing a task that concerns the very basic resources of our Commonwealth and its people, because without its people, we are not going anywhere. We are not concerned about whether we put a tax on this piece of paper or that piece of paper, or some other thing. We are not going after little people. We are not going after people who have put away their savings. That is nonsense, and you know that it is nonsense. It is even silly. I think it is an insult to our intelligence even to mention that, because if a person can invest $125,000, get back $5,000 a year and give $100 a year toward the educa-

tion of the people in this Commonwealth, it is really nothing. We are talking about peanuts.

Mr. BERGER. Mr. President, I desire to interrogate the Majority Leader.

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Mr. Weiner, permit himself to be interrogated?

Mr. WEINER. I will, Mr. President.

Mr. BERGER. Mr. President, I would like to have the Majority Leader inform us whether or not this tax is imposed upon the earnings received from an ordinary partnership.

Mr. WEINER. Mr. President, I would say that it is not imposed on the ordinary partnership, unless that reflects itself as a dividend.

Mr. BERGER. Mr. President, on page 11, line 19, I read from the bill:

> "Taxable Return of Partner (a) Distributive Share The taxable return of a partner shall include his distributive share of the taxable return of the partnership whether distributed or not . . ."

Mr. President, if I read that correctly, I find nothing in the bill which says that the ordinary partnership is exempt.

The definition of a partnership in this bill reads as follows:

> "A syndicate group pool joint venture or other unincorporated organization through or by means of which any business financial operation or venture is carried on for profit by two or more individuals and which is not within the meaning of this act a trust or estate . . ."

Mr. President, if I read that correctly, a person engaged in a business partnership with his brother, or in partnership with anybody else, operating a retail store, a candy store or anything else, is liable for the tax upon the amount of money he makes in that partnership.

Will the gentleman inform us whether or not I am incorrect?

Mr. WEINER. Mr. President, the gentleman is correct as far as he goes. However, he did not go far enough.

If you will look on page 11, it reads as follows:

> "Partners Subject to Tax A partnership as such shall not be subject to the tax imposed by this act Persons carrying on business as partners shall be liable for the tax only in their separate or individual capacities . . ."

Mr. BERGER. Very well, What does that mean?

Mr. WEINER. Mr. President, it means they would be the same as any other person or any other corporation.

As you well know, Senator, many people have gotten around the tax laws by operating as a partnership, either as a limited partnership or a partnership for some purpose. The general course of that is that they form a partnership to acquire land. The partnership then may sell the land to the corporation. These same people may exist in both of these areas. Many people have used the partnership. This is one of the reasons why the Internal Revenue Service has been trying to close this loophole which has existed for quite some time. The partnership is used as a means of escaping the tax.

Under the partnership, the person will be able to get all of the benefits they get under a corporation. In other words, you cannot say that because a person happens to belong to a partnership, they would not be subject to any dividends that this might pay. In many cases, the partnership will declare a dividend, but not call it a dividend. In this event, this tax covers this area.

Might I point out one other thing? I would be remiss in my duty if I did not point this out. House Bill No. 1789 is patterned after the Federal law and the Federal tax. As a matter of fact, you make this out the same as your regular Federal Tax Return. The reason this was put in is because it is also in the Internal Revenue Code.

Mr. BERGER. Mr. President, the gentleman is eminently correct. That is right. A partnership files a return under the Internal Revenue Code, and the partners are taxed for their distributive share, whether or not it is distributed

However, I may be incorrect on this, and I certainly hope I am. Under this bill, anybody operating a small partnership is going to have to pay two per cent on his entire income from it.

Mr. SILVERT. Mr. President, the bill is clear that the tax is imposed upon income from dividends, royalties and capital gains. There may be a partnership where stock is owned in partnership, and this partnership may realize $10,000 a year from the dividends. They may also have other business. However, the only thing to be taxed will be the one-half share—assuming they are equal partners—that is received from dividends, royalties or capital gains. Any other business is not taxed under this bill.

Mr. BERGER. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Silvert.

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Mr. Silvert, permit himself to be interrogated?

Mr. SILVERT. I will, Mr. President.

Mr. BERGER. Mr. President, will the gentleman point out in the bill where that is stated?

Mr. SILVERT. Mr. President, in the first place, the title of the bill states that this Act imposes a two per cent tax on dividends and capital gains from investment capital. That is the title.

Certainly, there is nothing in the title which would indicate this to be a tax on a mercantile business. There is no question about that.

Mr. BERGER. That is right. I do not wish to interrogate the gentleman further. However, Mr. President, I do wish to continue with a very brief remark concerning this tax.

Mr. President, that appears to be one of the things which is quite dangerous in this ball.

There is no use repeating the argument that Senator Wade made that this is an unjust imposition upon the persons who receive supplementary income—possibly to their Social Security and so forth—from a small amount of investments, but which income is very important in eking out a necessary living.

However, Mr. President, this is a selective income tax. Call it what you will otherwise, it is an income tax. It is a flat tax upon income received from royalties and dividends. Dividends, of course, are well understood, but I am not so clear on what type of royalties it might be payable. Certainly, there is no allowance for depletion or shrinkage of the subject matter of the royalty from which the tax must be paid. However, Mr. President, call it what you will, it is still an income tax.

I am going to make a statement which probably you

will be surprised to hear. I feel that at some time in the not too distant future, there will have to be an income tax—a broad base tax—in Pennsylvania. I do not know why the Administration was reluctant to impose a tax of that character upon all income in Pennsylvania. It would be a very minor percentage but, nevertheless, I believe that sometime we are going to have to come to it.

This, however, Mr. President, is not the way; by picking out a couple of items. They started out with interest and they started out with rents, and included royalties and dividends.

Mr. President, no matter how many isolated subjects of taxation might be named, it is still a selective income tax—a tax upon particular types of income—on the people of Pennsylvania. As such, in my opinion, it is a vicious tax, a bad tax, and a tax which ought not to be imposed upon any class of people, no matter how laudable the purpose as stated for the use of the money which is to be derived from that tax.

Mr. SILVERT. Mr. President, we all know that more than a year ago, the Governor appointed a Committee on Education which came through with their report in April of this year, indicating that Pennsylvania is behind in education, and indicating the need for a real program to bring this State up and give an opportunity to the children of the State of Pennsylvania to receive a decent education.

Now in the beginning, it was the Administration's idea that education and the problems of education are neither a Democratic problem nor a Republican problem, but they are problems of this Legislature. Therefore, the idea was suggested of creating a Select Committee on Education, both in the House and Senate. This Select Committee was purposely arranged to have equal representation. In the Senate, there were three Members from the Democratic side and three Members from the Republican side. In the House, there were four Members from each side.

The purpose of this so-called Select Committee was to try to arrive at an agreement as to what should be done. However, particularly, its real purpose was to see whether this Select Committee—composed equally of Republicans and Democrats—could come through with an agreement for taxes for this coming year.

The Democrats suggested two forms of taxation. One was a personal property tax, and this was voted down by the committee. The other tax suggested by the Democratic Members was this two per cent tax on income from dividends, royalties and capital gains. The theory behind this tax, of course, was to tax those areas where it would be paid by people who are able to pay. This tax was voted unanimously by all Members of the Committee.

I will concede that the Members of the Committee agreed that while they were agreed to this tax, it was not binding on the respective Caucuses in the House and Senate. We also had the understanding that if this tax was not acceptable to the Republican Caucuses in the House and Senate, they were free to suggest their own tax and offer a bill. Rather than see education swept under the rug, we might agree to a tax suggested by them. However, no tax of any kind was introduced in the House to show that the Republicans really wanted this education program or that they wanted a different type of tax.

At this stage, two days before adjournment, to come up and say we are not satisfied with this tax, without any other tax being available at this time, cannot be interpreted as anything other than a desire to kill—and all it will do is kill it—this present program for education for the next year.

There is a whole lot more I could say. However, I do not want to take too much time just now. I say that we feel this tax is selective, and it is true. There are only ten or twelve per cent of the people in the United States—and proportionately in Pennsylvania—who receive dividends, royalties or have capital gains. However, that ten or twelve per cent, generally speaking, are the richest ten or twelve per cent in the Commonwealth.

When you talk about widows with incomes of $1,000, $1,500 or $3,000, we must also remember this. Of the $22,600,000 that will be raised by this tax, I would safely say that eighty-five to eighty-eight per cent of the tax will be paid by people of means.

If you people had a better tax to suggest, you should have done so.

Mr. FLEMING. Mr. President, I rise, certainly, to oppose this tax. I listened with a great deal of interest to some of the remarks by the previous speakers.

I recall in the 1955-1956 Session when former Governor Leader proposed his classified income tax,—and at that time, I believe dividends were to be taxed at the rate of about four per cent—we did considerable research into this field. The best available figures then were that the average return to persons securing dividends was around $1,400. That is the average, Mr. President. I am ready to accept that this has gone up some in the last five or six years. I would be willing, for the sake of argument, to say that it has gone up fifteen per cent, which would bring that average up to possibly $1,500 to $1,600.

However, I would like to accentuate, and I would like to emphasize, the point made by Senator Wade that many people on fixed incomes are dependent on the extra money they secure from dividends which they have coming in. They are people who are on retirement and people who have this $1,400, $1,500 and $1,600 a year coming in from dividends from money they have invested over the years. They have no way of recovering, they cannot get an increase in the dividend, they cannot get an increase in pay, and they cannot get an increase in their pensions. They are definitely on fixed incomes.

Yet, here we are in the Legislature today, saying to that group of people—and there are many, many of them; retired couples, widows and widowers, who have no chance of recouping in any way at all—that you, as a group, are being singled out to pay this tax and to supply this money.

I would say, on the basis of fairness, this is one of the worst taxes that we could impose. I would certainly say it is an attempt to open up the door that was so successfully closed in 1955 and 1956 to the classified income tax, because if this goes through today, make no mistake, gentlemen of the Senate, there will be an effort made in the next Session to open up the other avenues that Governor Leader had proposed in his classified income tax.

So much for that. I would submit to the Membership of this Senate that this tax is not needed. I would submit to the Membership of this Senate that just in the last several weeks when we passed the amended version of House Bill No. 1663, we have supplied to the Governor

of Pennsylvania in his accelerated collection of taxes some $30,000,000. Then we reached in and took away from the merchants of Pennsylvania the two per cent that they were permitted to have for the collection of the sales tax, and took away something in excess of $6,000,000 from them. It was estimated to be $8,000,000, but certainly they had gotten it for several months of the year and that figure would have to go down to something in excess of $6,000,000.

I would suggest to the Senate, and I would suggest to the people of Pennsylvania, that there is ample money now to take care of any phase of the educational program that will be passed, and I am hoping that we do pass the raise in subsidy from $5,800 to $6,200. I would suggest that we have the money now. I would further suggest that if we give this extra $22,000,000 or $23,000,000 to this Administration, it will go into—I do not know exactly what to call it; I do not know if "slush fund" would be a good expression or not—a fund which will permit this Administration to put on thousands and thousands of extra employees in the election year next year. That will be done, and that I charge.

We do not—

Mr. WEINER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Philadelphia, Mr. Weiner, will state it.

Mr. WEINER. Mr. President, I believe that we should at least speak on the bill and the aspects that are germane to it. I believe the gentleman has departed from that area.

The PRESIDING OFFICER. Senator Fleming will continue. Speak on the bill only, please.

Mr. FLEMING. Mr. President, I would submit that if a tax is necessary, we will again be in Session—a fiscal Session—in January 1962 when we can raise taxes, if necessary, and when we can appropriate more money. I think probably we would be well off, and the people of Pennsylvania would be well off, if for the remainder of this year, at least, we go on the premise that the accelerated taxes which have now been passed and given to the Governor in the amount of $30,000,000 and the other $6,000,000—or $36,000,000—can amply pay for any program that we will pass between now and Friday of this week.

I would certainly earnestly request and urge all of the Members of this Senate to vote down this attempt to open up the door to a classified income tax, which certainly was repudiated by the 1955-1956 Session of the General Assembly, and which I believe would be repudiated completely by the people of Pennsylvania if they had the opportunity to vote on it.

Mr. LANE. Mr. President, I desire to interrogate the Chairman of the Finance Committee, Senator Silvert.

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Mr. Silvert, permit himself to be interrogated?

Mr. SILVERT. I will, Mr. President.

Mr. LANE. Senator Silvert, with reference to this tax we are discussing here today in House Bill No. 1789, I would like to ask you this question. Are these taxes deductible from your Federal income tax?

Mr. SILVERT. Mr. President, I would say that any State tax paid by an individual or corporation is deductible. The deduction, of course, would be anywhere from ninety per cent of the tax paid, which is the maximum Federal income tax, down to twenty per cent. In other words, a person paying $100—it would depend upon what bracket they are in Federally—could save twenty per cent, which is the lowest figure, and they could save as much as ninety per cent.

Mr. LANE. Senator Silvert, do you agree that probably those people who are in the lower income brackets, and are depending upon investments for their livelihood, would have the advantage there and in most cases would receive the ninety per cent deduction? Is that correct?

Mr. SILVERT. No, I would say that it would depend on their entire income. You see, someone may obtain, say, $2,000 in dividends, but may have $18,000 from rents, which are exempt under this bill. He may have a total income of $20,000. That person might be in the forty per cent or fifty per cent bracket. If they received $2,000, the tax would be $100, and if they are in the fifty per cent bracket, it would mean they would have a deduction for fifty dollars out of the $100.

Mr. LANE. Mr. President, I would like to repeat my question. I said those that are in the lower income brackets.

Mr. SILVERT. Mr. President, lower income brackets would be limited to twenty per cent.

Mr. LANE. All right. I would like to ask you one other question.

Should capital gains from real estate be derived by the individual, is this taxable under the provisions of this Act?

Mr. SILVERT. I would say, Mr. President, that the answer to this is on page 3. It may not have been intended. However, on page 3, line 5, the definition of "Investment Capital" is as follows:

" 'Investment Capital' All intangible personal property . . ."

Since real estate is tangible, I would say that under this bill, capital gains on real estate are not subject to the tax, nor are cows, horses, or any personal property that is tangible.

I would say that under the bill, dividends, royalties, capital gains from the sale of stock and capital gains from bonds are intangible personal property. Some of you people may think there cannot be capital gains from bonds because they fluctuate very narrowly. I say to you there are some convertible bonds that have doubled and tripled in value in the past two or three years. I would say they would be subject to the tax under capital gains.

Mr. LANE. Mr. President, coming back to the original question, Senator, your statement makes it specifically clear that any capital gains under real estate would not be included in this Act.

Mr. SILVERT. That is correct.

Mr. BELL. Mr. President, when I first entered this Chamber in the spring, I was rather interested as to why we were adopting a budget and why we were furnished revenue estimates at the very beginning of the Session. Being naive, I did not think to ask.

Since then, I have been wondering what the Democrats were up to. I have in front of me the History of the House, which shows that the first round on taxes took place in February. I will not go into detail. However, new taxes were levied in a number of fields and, ap-

parently, it was to balance the budget. Well, that was in February and March.

I am not going to embarrass my very fine friend, the Chairman of the Finance Committee, by asking him questions. However, I am going to make this as a statement. To my knowledge, since February, the Finance Committee of the Senate of Pennsylvania has not made any interim studies of the revenue coming to the State of Pennsylvania. We have been acting in this Senate as if we were puppets on a string. We have been fed figures by the front office, and we have had to digest them.

That is not the job of a separate, deliberative Body. We should be constantly analyzing what are the revenue possibilities of this Commonwealth.

Two weeks ago today, on this floor, when the Majority Party took away the two cents the merchants take on the sales tax, I stated that the revenue forecasts we are using—I said it then and I will say it again today—are as phony as a three dollar bill. These revenue forecasts are being fed to this Body by the front office, and are what they want us to believe. I have not had furnished to me any revenue forecasts for the revenue of the State of Pennsylvania which have been gathered together on a date later than July 25, 1961. I think that is a very important date, because that is the date when President Kennedy declared a state of limited national emergency. The minute this Country embarked into a different type of national budget and were buying the sinews of war, this had a profound effect on the economy of Pennsylvania.

Yet, we are here today, hearing people cry that we need money to educate our pupils when we, as the Senators of Pennsylvania, do not know whether we need the money or not. I say, until such time as this Body is fed accurate and current estimates of revenue forecasts, for us to vote a new tax on the people of Pennsylvania is to commit a fraud on the people of our Commonwealth.

I am not impressed with this business of the people only paying $100, because if you take $23,000,000 and divide it by $100, it means there will be 230,000 taxpayers in this Commonwealth who have dividends and interest income of $5,000 a year. I think that argument is also phony.

This tax is going on the people, and it is a broad base tax. It is going to tax the person who has $100 on deposit in a savings account in the bank as much as it is going to tax the millionaire.

Gentlemen, if you think this tax is only going to sock the rich, you are not thinking the way I think. That is my speech, and I can sum it up in case the Majority Leader did not hear me.

Again, Mr. Majority Leader, you have presented a problem here today in demanding additional taxes, based on phony revenue figures.

Mr. WEINER. Mr. President, I would like to correct the gentleman on one of the pleas that he made, which I think is incorrect. If he will peruse the bill for a moment, he may find that he may have overlooked it when he was looking at the bill. Interest is not included in this tax. If you have a savings account and you get interest, you are not included in this tax at all. We are not going into that area at all.

I am sorry that Senator Fleming stepped out of the Chamber, because I would like to ask him a question or two. When he is present, I wonder if he would allow himself to be interrogated.

The PRESIDING OFFICER. I believe the gentleman from Allegheny, Senator Fleming, has just returned. Will the Senator permit himself to be interrogated?

Mr. FLEMING. I will, Mr. President.

Mr. WEINER. Mr. President, I believe I understood the gentleman, when he was speaking, to say that the people he is concerned about are the people who get about $1,400 a year in dividends. Is that correct, Senator?

Mr. FLEMING. That would be correct, Mr. President.

Mr. WEINER. Now that would mean that they get about twenty-eight dollars a week or approximately that figure. Is that correct?

Mr. FLEMING. That would be correct, Mr. President.

Mr. WEINER. Mr. President, let us take that figure for a moment. How much tax would they have to pay a year on $1,400?

Mr. FLEMING. Twenty-eight dollars, Mr. President.

Mr. WEINER. That is correct, for the total year. How much would that amount to per day? Is that about eight cents a day? Would you say that is correct?

Mr. FLEMING. I would accept your figure.

Mr. WEINER. All right, sir, if you say eight cents is correct. How much do we spend for a pack of cigarettes a day?

Mr. FLEMING. Twenty-eight cents.

Mr. WEINER. Therefore, we are asking somebody to give eight cents a day for education as opposed to twenty-eight cents a day for a pack of cigarettes. Most cigarette smokers—I do not happen to be one myself—usually smoke a pack or a pack and a half a day. Is that correct, sir?

Mr. FLEMING. That is correct, Mr. President.

Mr. WEINER. Senator, in your opinion, is that a great deal to expend for education per student?

Mr. FLEMING. Mr. President, I would say that is not a great deal to pay. However, I would suggest to the Senator that all of those people about whom I am concerned are already paying the other taxes which all of us are paying to carry on not only education, but all of the costs of government. Then we have turned around with this bill and singled them out as a separate class to pay this additional $23,000,000—a most unfair thing to do. Is should be spread, if it is necessary, and, again, Senator, I do not think it is necessary. However, if it is necessary, then it should be spread out on all of us, and not just this small group of people.

Mr. WEINER. Mr. President, I want to thank the gentleman. I also want to report to him and to the Members of the Senate that if this tax measure does not pass—someone suggested here that we ought to have a separate staff. However, you will note, every Member has on his desk a budget that comes to him. He also has a run-down of what is happening each month in the budget, he also has the expenditures, and also has somewhat of the estimated revenues. I do not know how many of you read these very carefully or go through them. In any event, I think you will have an opportunity to be concerned about them if you will look through them and, at least, use them as a basis for either being for or against this measure.

To just say there is money in the budget or there will be money in the budget, without giving us any facts or

figures, I think, as all of you might well imagine, is just a lot of foolishness. Unless you can substantiate this, I think what you are doing is saying, "This is the reason that I am against this because I think there is something better," without knowing if there is or not.

I want to apprise you of one other factor so that no one can say that I did not say it. The position of the gentlemen on this side is that if this tax bill fails, we will drop from the Calendar House Bill No. 1807,—now on Second Reading—which is the reimbursement of $18.6 million to the schools and which raises the subsidy from $5,800 to $6,200. We will drop House Bill No. 1817, which is the Faculty increase of $620,000 for the State Colleges. We will drop House Bill No. 1702, which is the Community College Bill and which has $400,000 in it. We will drop House Bill No. 1773, which has one and one-half million dollars in it for increasing Penn State salaries. We will drop the other measures that go with it, such as raising the ceiling on elementary schools from $1,100 to $1,200 and the ceiling on secondary schools from $1,700 to $1,800. That is how serious we are about this tax measure and what it implies.

I can assure you that these measures will be dropped from the Calendar. If by some freak accident they should get through this Body, I can also assure you that the Governor will not sign them. They will not become law.

I think when you are faced with that kind of a proposition, you can pretty well understand what our concern is in the field of education. You can also pretty well understand what our concern is about not paying the bills at a time when there is no money to do the job.

You can add these sums I have given you and look at what this will do in your particular areas. I will go through some of the areas and tell you what the increase would be if we passed House Bill No. 1807.

Take, for example, Armstrong County. There would be a gain there of $214,751. Take, for example, Blair County where the increase would be $333,729. Take the area of Butler County, where the increase would be $260,475. Take the area of Chester County, where $376,251 would be the gain. In Crawford County, the increase would be $208,540. In Cumberland County, the increase would be $293,385 if we pass House Bill No. 1807.

I can go through all of the counties, but there is not a county represented by the other side or this side which does not stand to gain by the increase in subsidy. However, if you do not need this increase in your county or you do not want it or it is not necessary to your school district, we will have to agree with you and also help to vote this measure down. If the rural areas do not need this increase, it is perfectly all right with us. As a matter of fact, I have stated here on the floor on many occasions that if you left the area of Philadelphia alone, speaking from a very selfish point of view, the Philadelphia school district could take care of its own problems in many other ways without any difficulty at all.

A great deal of the money now comes from one-fifth of the people who live under the formula or formulae established here. You will find that the large areas, the urban areas, come out on the short end of it. If you think it is all right for the large areas to go down the drain under your formula which has been keyed to the way you set these things up, it is perfectly all right with us. However, just do not vote for this measure, and we will drop the other measures from the Calendar without anybody voting. I do not have to advise you that this is not a threat, but I want to tell you that it is a solemn promise that we will take care of this situation in that fashion.

Mr. WADE. Mr. President, I certainly do not want to prolong the discussion, but I would like to interrogate the gentleman from Philadelphia, Senator Weiner.

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Senator Weiner, permit himself to be interrogated?

Mr. WEINER. I will, Mr. President.

Mr. WADE. Mr. President, among the different items the gentleman proposes to drop from the Calendar,—and I tried to listen very carefully—I believe he mentioned the sum of $233,000 in Cumberland County. I earlier made a suggestion—

Mr. WEINER. Mr. President, the amount was $293,385 in Cumberland County.

Mr. WADE. Mr. President, I thank the gentleman for correcting me.

I earlier made the suggestion of dropping one-third of the 15,000 permanent employee-increase during this and the previous Administration. Does the gentleman propose to recommend to the Governor that he drop these extra 5,000 employees?

Mr. WEINER. Mr. President, I hardly see how firing people out of their jobs would help the school situation. However, if the Senator wants to present that here and will give me the names of the persons whom he wants fired, and will include some members of his own Party who still happen to be on the State payroll, I will be happy to join in asking that these people be fired.

Mr. WADE. Mr. President, I take it that the gentleman is not in accord with dropping these employees, from his rather lengthy answer, and I am not trying to put words in his mouth.

I received permission to interrogate the gentleman and I assure you that this will be all. I wonder if the gentleman has recovered the speech I am supposed to have made several years ago and is ready to now read it into the record?

Mr. WEINER. Mr. President, we are going to come back here this evening and I will be delighted to read it. He might be shocked to find that he is still reading the same old speeches.

Mr. WADE. Mr. President, I will be satisfied.

Mr. HAWBAKER. Mr. President, when I came here in January of this year, being a newcomer to the field of politics, one of the early discussions that we became involved with in this Chamber was a matter which dealt with the field of discrimination. I must say that I was very much impressed by the attitude of the Majority Party in this Chamber with regard to this particular subject. Needless to say, my impression since that time has been considerably shattered.

Up until now, we have had come before us numerous tax measures, totaling some $105,000,000, and every single tax bill which came before this Chamber in this Session has been highly discriminatory; that is to say, they applied to only certain individual groups of people, and this one tops them all.

As has already been indicated, this tax will affect a mere ten per cent of the population of this Commonwealth. Now

$22,000,000, Mr. President, is certainly not a lot of money, and I will be the first to admit that the cause for which this money is proposed is a very worthy one. However, I suggest to you, Mr. President, that this $22,000,000 represents only two dollars for every man, woman and child in the Commonwealth of Pennsylvania. I also suggest that every man, woman and child in the Commonwealth of Pennsylvania is entitled to pay his two dollars and we have no right or reason to expect only ten per cent of the people to shoulder this responsibility.

Now another phase of this tax which I find very, very tough to swallow, as far as I am concerned, is that this tax—in spite of what the Majority Leader said with regard to the people who have a $125,000 investment—is one which will be imposed on the segment of our population which is least able to pay. There is no way of getting around that fact. The vast majority of the people in this Country who own stocks and bonds and have invested income, as we all know, are the women and they are, for the most part, widows. As a matter of fact, the only people who have any unearned income—or a substantial portion of their income is unearned—are the people who no longer have earned income or earnings. These people are elderly and retired, and they have already been robbed of half of their savings through the process of inflation. I think it is highly unfair that we should ask them once again to be the goose and call upon them to support public education in Pennsylvania.

It is becoming increasingly clear, Mr. President, that this is the policy of the master politicians behind this scheme to tax the elderly people, many of whom no longer are physically able to get out and vote. This is a scheme to tax the people who are too young or too old to vote. This, I submit, is a master plan in politics and this is why the Administration does not have the courage to tax 11,000,000 people in this Commonwealth but simply picks out those, for one reason or another, who are not likely to vote them out of office. This, I submit to you, is reaching a new low in political maneuverings.

Yesterday, I was made sick on my stomack when we were discussing the General State Authority Bill. The gentlemen on the other side, one after another, gloated over the fact that they now have the political pork barrel in their possession and, gentlemen, they were going to make the most of it, giving no consideration at all to the tremendous burden this thing was going to impose upon the defenseless people who are still too young to vote, and many of whom are unborn. You are on safe ground politically because they certainly are not going to retaliate at the next election.

Now, Mr. President, if I were to vote for this tax bill, my conscience would not let me sleep at night. I am a man of forty-five, in the prime of life, living in a period of prosperity, and perhaps at the peak of my earnings, representing the people of the Thirty-third Senatorial District of Pennsylvania. If I were to vote for this bill, I would be voting for a bill which would not cost me one red cent. On the other hand, my father, who must depend on unearned income for every nickel he has to live on, will be taxed on every penny of his income. Now, Mr. President, as I have already indicated, if I endorse this kind of a proposal, my conscience would not let me sleep at night.

My father, as is the case with most of our fathers, had pretty tough going. My father, and the fathers of a great many of us, lived through three wars and two major depressions. My father and the fathers of many of us have already paid the bill for our education. They have already sustained the schools when we were children in school. I am proud to say that they did not pass on to us a legacy of debts.

When I was a boy in the eighth grade, I was graduated from a one-room country school to a brand-new consolidated school building in 1928, and it was modern in every detail. Ten years later, that building was completely paid for. I would remind you that this was during the worst depression this Country has ever known. Our fathers paid their bills as they went. They did not impose taxes on their fathers or pass debts along to their children. Yet, for some reason, we discover this sort of technique is a tremendous political expedient and we are using it more and more. I think it is absolutely preposterous that we, in this enlightened generation, permit this sort of thing to happen.

I would remind you, Mr. President, that while my father was paying for that school building, his average daily earnings were one dollar a day, and yesterday we were arguing about paying people one dollar an hour. My father, fifty years ago, taught school for forty dollars a month. Here we are today, insisting that out of the meager savings my father and mother were able to accumulate, we are now going to impose on them a tax to pay the salaries of school administrators and bureaucrats, if you please, in the Department of Public Instruction, whose income today amounts to as much in one day as my father earned in a month.

Can this be described as in any way fair? Here again we have used this term very loosely in this Session of the Legislature. Just about every bill that comes along has something fair attached to the title. However, this, I submit to you, is the most unfair thing that has ever come across this Chamber. There is nothing about it that can, in any way, be considered fair or proper. I think we are certainly on weak ground just because this Administration does not have the courage to go to 11,000,000 people and say: "Give us two dollars for badly needed education." Instead of that they are going to the people, who are defenseless at the polls, and saying: "You pay the bill instead."

The Majority Leader pointed out a little while ago that the people who have this vast horde of invested capital are quite able to pay $100. I would like to point out to him that the thing which is actually happening, of which he is probably blissfully unaware, is that these people are now trying to live—the vast majority of them in my District—on what little income they receive from investments and this does not reach. They are praying that they will not outlive their savings because they are constantly whittling away at them. Not only are they living on their income from savings, but they are chopping away at the principal and they are just hoping their life expectancy will not catch up with their savings.

I would like the Majority Leader, or anyone else, to explain to me how I could go back to my District, after having voted for this monstrosity, and say to my people that I have been fair to all concerned. Admittedly, educationally, we do need improvements. I would like to say, as has already been pointed out here, that all we

need do in order to get the money to sustain our schools is to simply fire the parasites from the public payroll.

Mr. WEINER. Mr. President, the gentleman who just spoke was of interest to me because only a few weeks ago with respect to some of the people he was quite concerned about and who could not defend themselves at the polls, he was perfectly willing to overlook and he voted against a measure which would have given them a decent living place other than to live in box cars. If he went home to his nice, warm house and nice, clean bed and was not concerned about that and could let these people sleep on straw, I do not see how his conscience can bother him on this measure.

I think also that the gentleman is misinformed on a number of counts. I venture to say that the cost of the suits the gentleman buys is equal to what his father earned during that month referred to when he taught school. I know that things have changed in fifty years. We do not sit in this room with big fans going. We have air-conditioning. We do not sit here with gas light. We have electric light. You do not walk or ride a horse and buggy to get to Harirsburg. You ride in a nice, big, brand-new car.

These are the things that have changed in fifty years, and I think that you, along with the rest of us, ought to recognize that change and be willing to live in these times, not back fifty years ago.

One of the other important things, which I think you are not aware of, is that in American T. and T., there are over a million stockholders, and these are not all people of great wealth. Wealth has been diffused in this Country. Many, many people are stockholders today. It might come as a shock to you that one-half of the people who are sixty-five years or older—these are statistics that have been put out by the Department of Commerce —earn less than $2,000 a year.

I did not realize that these people were defenseless at the polls. You do not lose your right of citizenship or the right to vote just because you happen to be sixty-five years or older.

These are the people who are not being touched by this because most of them live from a pension program, which I am sure that you were opposed to when they first talked about such programs because you probably thought this was socialistic. There are also people living from the fringe benefits they got as working people, which I am sure that you would oppose. These are the people who are not bothered by this tax and not covered by it.

However, the people that you are so concerned about and so worried about pay so little under this tax that they are not even concerned. I think you have not really stated who you want to protect and around whom you are building a fence. If you are very candid with us, you will tell us that.

The only people who are really concerned about this tax and who will get a big whack out of it are people who earn $20,000, $30,000 or $40,000 a year from dividends. These are the people who really get whacked by this thing. What is the whack that we are taking at them? It amounts to $400 or $500. It varies also depending on whether it is a short-term or long-term capital gain, and whether it is net to them as a gain, as opposed to a long-term or a short-term gain. These are the people you are concerned about. When you get into that class or that bracket, we are talking about people who have millions invested in capital, or at least three-quarters of a million dollars invested in capital, because we are talking about people who have blue chips investments.

If those are the people you are concerned about or worried about, I do not think they will ever find themselves on old age assistance. I think they can always apply for Social Security if their situation gets very bad, because the only group not now covered by Social Security is the medical profession, and that is by choice on their part.

I think those people also vote and they can make themselves heard at the polls, not only in the way of voting but I think they are affluent enough to make themselves heard in your Party circles. They have been heard.

I would suggest to you, sir, that you give this problem a long, hard look as to what this will do to your county and not to the people about whom you continue to talk, who really are not the mass of people, but the people who have children who cannot afford to send them to school, who cannot afford scholarship help for them, and who must turn them out to do some other kind of work and waste the brain power they have, any one of whom might provide a solution to many of our problems.

There was a poor young man, who lived in this community, who profited by going to school in our community, and who helped find the way to cure polio. This was a young mind that somebody husbanded, somebody looked over, and somebody provided for. This man is not a rich man. This man is a poor man and remains a poor man until this day.

If we had followed the precepts as you set them down, this man would have been lost by the wayside and we would not have this type of thing. This is only one case of which I am well aware because it is in modern times. However, this has been repeated thousands and thousands and thousands of times over.

Just because a person does not use wisdom in choosing his parents and he happens to choose poor parents, you are not going to continue to punish him for the rest of his life. You must give him some help. Our society has become so complex and many of the university fees, because of the cost-of-living, have become so high that unless we do something to help these people, we are going to lose one of the greatest natural resources we have in this Commonwealth.

Mr. SILVERT. Mr. President, I desire to interrogate the gentleman from Franklin, Senator Hawbaker.

The PRESIDING OFFICER. Will the gentleman from Franklin, Mr. Hawbaker, permit himself to be interrogated?

Mr. HAWBAKER. I will, Mr. President.

Mr. SILVERT. Senator Hawbaker, you made the statement that this two per cent on dividends, capital gains and royalties hits the people least able to pay. Am I correct in that?

Mr. HAWBAKER. I did, sir.

Mr. SILVERT. Senator Hawbaker, would you say that people on relief and people on public assistance, of whom there are 500,000 in the State of Pennsylvania, are people who are least able to pay?

Mr. HAWBAKER. Mr. President, in reply to that question, I would simply like to state that we have untold

thousands of people today on public assistance whose incomes far exceed that of my father and mother.

Mr. SILVERT. Of course, I cannot agree with you. However, did you not, Senator Hawbaker, vote for a four per cent sales tax, which people on public assistance are paying today?

Mr. HAWBAKER. Please repeat that question, Senator.

Mr. SILVERT. Did you not vote for a four per cent sales tax in the 1959 Session? I do not recall whether you were here.

Mr. HAWBAKER. Mr. President, I never voted for any sales tax. I was not here.

Mr. SILVERT. I beg your pardon, Senator.

I make the statement, Mr. President, that the Republican side and the Democrats voted for a four per cent sales tax that falls upon people on public assistance, who are really the people who are least able to pay, and you cannot compare the people on public assistance with the people who receive dividends and capital gains.

Mr. HAWBAKER. Mr. President, I cannot accept the gentleman's statement that people on public assistance are least able to pay because, as I have already indicated, we have untold thousands of people who are forced, for no other reason perhaps than their own personal pride, to live on their savings, and their total realized income—thousands of them—is much less than the amount paid under public assistance.

Mr. LANE. Mr. President, I realize the hour is getting late and all of us are getting hungry. However, I would like to make an observation or two, if I may.

As I understand it, Mr. President, the tax we are discussing today is one that was selected by the Select Committee on Education. The sum involved, Mr. President, of $22,000,000 or $23,000,000 is the figure that was given to us. Therefore, here we are and we are either going to vote for or against this tax.

Mr. President, there was a bipartisan committee set up I believe to take care of this particular problem. We, in both Caucuses, I believe, have been guided by their recommendations. Therefore, Mr. President, it seems to me that we have to do one thing; either vote for these taxes or disapprove them.

Mr. President, I want to inform the Members on the other side that I served here under the Leader Administration when the Republic Majority made guinea pigs out of the Members of the House when it came to taxes, because all revenues must originate in the House of Representatives.

I am not happy about this tax. If I could, I would exempt those in the lower inome brackets from the provisions of this bill. That, of course, is unconstitutional. Therefore, we must proceed along this line.

I want the Majority Party to know this. I have decided to vote for this tax because of the recommendations of the Select Committee on Education, and because I feel that we must follow through with the recommendations of the Governor's Committee on Higher Education as well.

Should this tax fail, I want the Membership on both sides to know that I am not going to vote for any other taxes—any other form of taxes—at this Session of the Legislature.

Mr. BERGER. Mr. President, this is certainly my last word on this subject. It has been debated thoroughly and vigorously.

Mr. President, I cannot let pass the remarks made by the Majority Leader in reciting the bills which they intend to drop from the Calendar if this tax measure is not passed. There has been more than a strong suspicion that this Administration is not too concerned about education in any event.

Mr. President, it has been stated, and well stated, that this Administration should not find it necessary—and I am of the same opinion—to impose an additional tax in order to produce the money which might be required during the period until we come back into Session again to take care of the increased subsidies to our school districts.

I want to say this, Mr. President. The recital of what they intend to do with these bills if this tax does not pass has no effect whatsoever, because I want to state publicly that we will not be blackmailed, and we cannot be bought by this threat.

Mr. President, passing now to another technical aspect of this bill, I have already pointed out what I believe is the fundamental weakness in the bill or an oppressive section of it. I want to say that I will not interrogate on this subject. However, I want to say that as the bill is written, it will tax the income from all of the charitable foundations and the investments of charitable societies in Pennsylvania. Unless the Majority Leader can explain that one away, it is sufficient reason for me to vote against this bill.

Mr. WEINER. Mr. President, I desire to interrogate the gentleman from Potter, Senator Berger.

The PRESIDING OFFICER. Will the gentleman from Potter, Mr. Berger, permit himself to be interrogated?

Mr. BERGER. I will, Mr. President.

Mr. WEINER. Mr. President, will the gentleman advise me how he feels charitable organizations will be taxed by this measure?

Mr. BERGER. Mr. President, on page 8 of the bill, Section 206, relating to investment income, it is described and defined as that which is: ". . . 'returned to and ascertained by the Federal Government' . . ."

> ". . . The term 'returned to and ascertained by the Federal Government' means (a) submitted to the Federal Government on the applicable form of tax return or schedule thereof for the taxable year . . ."

Of course, charities are excluded. They do not have to file. However, the bill continues as follows:

> ". . . (b) which would have been submitted to the Federal Government on the applicable form of tax return or schedule thereof if the individual had made a return to the Federal Government for the taxable year . . ."

Mr. WEINER. Mr. President, I do not believe this covers the very same area about which the gentleman was speaking. I do not want to go into that technical part of the bill at the moment.

However, I would like to point out to the gentleman that we are not only concerned about education. If he wants to test our sincerity, all he has to do is to vote for this bill, and he will see how quickly we will pass all of these other bills that follow that I have indicated and which are money measures.

Our only reason for not carrying these bills through,

or voting on them or passing on them, is based on the fact that there is no money to do it. We just are not going to pass measures that expend additional revenue. This measure would bring in $22,600,000, and the bills I have indicated come out to about $22,600,000. We just are not going to do that.

If the gentleman wants to find out how sincere we are about education, all he has to do is look at our record on the reorganization bill, for which we voted almost solidly, and look at our record on these bills, after we pass this tax bill providing the money for them.

Mr. BERGER. Mr. President, once again the gentleman wants me to be a sort of seer, because I cannot peer into a record which they have not made yet.

However, Mr. President, if there is sincerity in the matter of assisting the school districts of Pennsylvania, it has been stated, and can be repeated again, that the subsidy bill and the increased relief to the various school districts can be passed because, Mr. President, I have a letter written by one of the rather prominent members of the Administration, stating that they could not provide any increased money for school districts because the Republicans had not produced a single vote for House Bill No. 95, but if they could get that money, of course, they could take care of whatever needs the school districts might have.

Mr. President, they have that money. Now I say, let them perform with it.

Mr. MULLIN. Mr. President, I heard the Minority Leader say that charitable foundations would be subject to this tax. As I read the bill, the tax is only on a natural person.

I do not think a foundation is a natural person. Page 5 of the bill, Section 201, line 12, states: "Tax on Residents"—every resident. On the opposite page, page 4, the bill also states:

> "'Resident' (a) A natural person domiciled in the Commonwealth . . ."

The same thing applies to nonresidents; every natural person not a resident. Therefore, I do not think that objection is well taken.

Mr. STROUP. Mr. President, I will take just a moment.

First, I would like to correct a statement that has been made. There never was any tax—particularly this tax—which was recommended by the Select Committee on Education.

Certainly, the tax came up for consideration, and the tax was voted upon by the Membership and, as such, came out for consideration. However, there was no recommendation on this tax. I want to be sure that the Senate understands that particular point.

Mr. President, there is a feature in this bill which disturbs me. As I look at it,—I made some notes here—a fiduciary is defined as a trustee or any person, whether individual or corporate, acting in any fiduciary capacity for any person or trust.

Then "person" is defined on page 4 as every natural person or corporation. When we look at Section 301, we find that it provides that the taxable investment return of any kind of property held in trust shall include, and I will quote from the bill:

> "Investment return which is to be distributed currently by the fiduciary to the beneficiaries . . ."

Under these definitions,—and I hope the Majority Leader will pay attention to this—it seems to me that colleges and universities could be held to be taxable on income from trust funds held by them for their own benefits, whether such income is retained in trust or distributable to the college to be used for current purposes. It seems to me also that the same thing would be true of churches, of hospitals, and of similar organizations, which act as trustees of funds for their own benefit.

This is just one of the errors in the bill. There are others to be pointed out I think on close inspection, and I think the Minority Leader has called attention to some. The bill needs more careful perusal than it has been given, and more careful preparation. It is, of course, an inequitable classified tax, imposed upon a small segment of our people.

Mr. HAYS. Mr. President and Members of the Senate, as a Member of the Select Committee, I would like to say that it is my remembrance and my impression—and I think the records of the committee might show it—that the committee first considered a number of taxes. We first considered a personal property tax on stocks and bonds of one per cent. This was voted down by the Select Committee. Then we considered the tax that is now under consideration, and recommended it for the consideration of the General Assembly. Then we considered a third tax, a tax on trade-ins, and this was recommended for the consideration of the General Assembly.

I believe, however, regarding the tax on trade-ins which was recommended for consideration, there was never a bill presented in the lower house to carry out this recommendation.

Mr. STROUP. Mr. President, I regret that I must take issue with my good friend and colleague, Senator Hays, for whom I have the highest regard. I know he speaks what he thinks is correct. I take issue with him because such is not our understanding at all.

It is our understanding that when this particular tax came up for consideration, we voted upon it, and by a certain vote it came out for consideraton of the various Caucuses, and for consideration, ultimately, as it is here, if such would be the determination.

We did not recommend and we did not put a stamp of approval on this tax. I want to be certain this is understood.

Mr. HAYS. Mr. President, I think the record will show that I stated three minutes ago that we recommended these two taxes for the consideration of the General Assembly.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. WEINER. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. LANE. Mr. President, I wish to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman from Washington will be so recorded.

Mr. SILVERT. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—22

Camiel,	Mahady,	Murray,	Seyler,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Yatron,
Hays,	Miller,	Sesler,	Donolow,
Kalman,	Mullin,		Presiding Officer

NAYS—27

Bell,	Hawbaker,	Pechan,	Taylor,
Berger,	Keller,	Propert,	Van Sant,
Chapman,	Kessler,	Scott,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Ehrgood,	Lane,	Silvert,	Ware, III,
Flack,	Madigan,	Stevenson,	Weiner,
Fleming,	Mallery,	Stroup,	

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

REPORTS FROM COMMITTEES

Mr. STAISEY, by unanimous consent, from the Committee on Forests and Waters, Game and Fish, reported, as committed, **HB 812, 816, 819** and **1109**; as amended, **HB 814.**

Mr. McGINNIS, by unanimous consent, from the Committee on Appropriations, reported, as committed, **HB 1824.**

Mr. HALUSKA, by unanimous consent, from the Committee on Local Government, reported, as committed, **HB 1642,** and rereported, as committed, **HB 156.**

REPORTS OF COMMITTEES OF CONFERENCE SUBMITTED

Mr. MURRAY submitted the Report of Committee of Conference on **HB 869,** which was laid on the table.

Mr. LANE submitted the Report of Committee of Conference on **HB 1277,** which was laid on the table.

Mr. McMENAMIN submitted the Report of Committee of Conference on **HB 67,** which was laid on the table.

RECESS

Mr. WEINER. Mr. President, I request a recess of the Senate until 7:30 p.m., Eastern Standard Time.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 7:30 p.m.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives being introduced, returned to the Senate, **SB 354, 413, 644, 750, 843, 869, 871** and **876,** with the information that the House has passed the same without amendments.

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO **HB 775,** AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 775,** and has appointed Messrs. POLEN, HAMILTON and WOOD as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO **HB 781,** AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 781,** and has appointed Messrs. POLEN, HAMILTON and WOOD as a Committee of Conference to confer with a similary committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO **HB 785,** AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 785,** and has appointed Messrs. POLEN, HAMILTON and WOOD as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO **HB 787,** AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 787,** and has appointed Messrs. POLEN, HAMILTON and WOOD as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO **HB 795,** AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 795,** and has appointed Messrs. POLEN, MAXWELL and WOOD as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO **HB 1181,** AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 1181,** and has appointed Messrs. MUSTO, WARGO and BROWN as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

SECOND READING CALENDAR

EDUCATION BILLS ON SECOND READING

HB 610 (Pr. No. 663) and **HB 1560 (Pr. No. 1943)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

EDUCATION BILLS OVER IN ORDER

HB 1702, 1807 and **1817**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILLS ON SECOND READING

HB 56 (Pr. No. 2682), HB 112 (Pr. No. 2434), HB 260 (Pr. No. 285), HB 386 (Pr. No. 2320) and **HB 400 (Pr. No. 437)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

SB 473—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILLS ON SECOND READING

HB 527 (Pr. No. 2354) and **HB 626 (Pr. No. 679)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

SB 668 (Pr. No. 778)—Upon motion of Mr. WEINER, seconded by Mr. LANE, and agreed to, the bill was recommitted to the Committee on Agriculture.

BILLS ON SECOND READING

HB 670 (Pr. No. 2484) and **HB 749 (Pr. No. 2713)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING AMENDED

SB 761 (Pr. No. 1217)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. BERGER. Mr. President, I request that this bill go over in order.

Mr. WEINER. Mr. President, I object to Senate Bill No. 761, Printer's No. 1217, going over in its order. I think it ought to go up to Third Reading and we ought to vote on it one way or another tomorrow.

I am well aware of the fact that this bill cannot pass. However, I think we ought to at least get a vote on this measure. If we do not do anything on it during this Session, it may be possible before the year is out, or early next year, to act on it, and we will have this as a guide line.

The PRESIDING OFFICER. Objection has been raised to the bill going over in its order.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. BELL offered the following amendment:

> Amend Sec. 1, page 3, lines 5 to 10 by striking out "Aldon Brook—" in line 5, all of lines 6 to 10, and inserting: Brookhaven Chester Heights Eddystone Marcus Hook Media Morton Parkside Prospect Park Ridley Park Rose Valley Rutlegde Swarthmore Trainer and Upland and the townships of Aston Bethel Birmingham Chester Concord Edgemont Lower Chichester Middletown Mether Providence Newtown Ridley Springfield Thornbury Tinicum Upper Chichester and Upper Providence in the county of Delaware

On the question,

Will the Senate agree to the amendment?

Mr. WEINER. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Bell.

The PRESIDING OFFICER. Will the gentleman from Delaware, Mr. Bell, permit himself to be interrogated?

Mr. BELL. Oh, absolutely, Mr. President.

Mr. WEINER. Mr. President, will the gentleman please advise me if we include the different areas that he has listed here,—approximately thirty-five boroughs which he is adding now to his District—what would be left for the other Senator from Delaware County?

It says: "the residue." What residue would be left other than the railroad track?

Mr. BELL. Twenty-three boroughs and townships, Mr. President.

Mr. WEINER. Mr. President, will the gentleman please advise what the population of the residue would be?

Mr. BELL. Mr. President, perhaps to expedite the matter, I could give a statement as to what this amendment does.

Mr. WEINER. I would appreciate it, Mr. President.

Mr. BELL. Mr. President, Senate Bill No. 761—

The PRESIDING OFFICER. May we have order on the floor? We cannot hear what is going on.

Mr. BELL. Let us all vote "aye," then.

The PRESIDING OFFICER. Senator Bell has words of wisdom. Please continue, Senator.

Mr. BELL. Mr. President, the original Senate reapportionment bill, as submitted by Senator Seyler, from York County, cut up Delaware County into two Districts. The way he cut it up, of course, is not acceptable to my Party and, according to the newspapers in Delaware County, it is not acceptable to the Democratic Party. Therefore, that means it is only acceptable to Mr. Seyler. I understand there are some other Districts that feel the same way.

The District that he sets up—the Ninth District, which I represent—on the map looks like Santa Claus in a sleigh,—it actually does—with the runners of the sleigh running up and down the Delaware River. This is not a proper distribution of our county.

I have studied this county, being its Senator and for six years as one of its Representatives, and having lived there all of my life. I believe this plan divides the county into two groups, one of which is what is known as suburbia Philadelphia. Senator Weiner is well aware of that group because they are the people who do not want to be annexed into Congressman Green's Congressional District. They are the people who do not like the wage tax, and they are the people—

Mr. WEINER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Philadelphia, Mr. Weiner, will state it.

Mr. WEINER. Mr. President, I believe we should confine our discussion to this bill. I would like to point out that the gentleman does not know his geography. Congressman Green is nowhere near Delaware County.

The PRESIDING OFFICER. The point of order is well taken. We will not discuss the wage tax of Philadelphia.

Mr. BELL. Mr. President, I think Congressman Green is trying awfully hard to get out there.

Seriously, I will say what Senator Weiner wants to say: "What are you up to?" What I am up to is to divide the county into two areas with common interests. This is a proper division of the county.

Mr. WEINER. Mr. President, the way the bill is set up now, the total number of people living in Delaware County is 553,154. Senator Seyler, in his bill, has divided the county into two Districts of 274,220 and 278,962, which is about as even as you can possibly get them and still maintain the borough and township complex.

To divide it the way the Senator has in his amendment, which I am going to ask my colleagues to oppose, is to upset that completely, and leave the residue—the way the other District is set up—with very few people left. If the Senator feels there should not be two Senators,—and we have been using 250,000 or close to 250,000 people as a ceiling or a point of departure for picking out a District—I would like him to advise the Members of the Senate why this should be so in this area when we divided everybody else on the basis of 250,000 people.

Mr. BELL. Mr. President, I am very happy to answer the Majority Leader, who has a very clear question.

Senator Seyler is playing the old numbers game again. This divides the county into two Districts. I do not have my figures here, but they are districts with a variance of around 30,000 or 40,000 in size. However, Delaware County is having tremendous growth in the outlying townships. Within a few years, these two Districts will be equal in population.

For Senator Weiner's information, this is a fair distribution of our 553,000, and I do not have that odd-number which he has in his book. However, we have probably today close to 560,000 people.

Mr. WEINER. Mr. President, I do not know how the gentleman knows what the surplus will be—

Mr. BELL. We have a birth rate.

The PRESIDING OFFICER. You are out of order, Senator Bell. Senator Weiner has the floor.

Mr. WEINER.—or the addition that has taken place. Unfortunately, it depends on what we are talking about. When we talk about other types of reapportionment, Philadelphia is immediately losing all of these people. We are dwindling down to nothing. When we talk about surburbia, it is immediately rising up and they are having a tremendous birth explosion in these counties so that within a very short time,—within a year of the census—they have gone up by 7,000.

Be that as it may, Senator, I still think that unless you can show us that this distribution is more equitable than what we have here, I am going to have to ask my colleagues to reject this amendment.

Mr. BELL. Mr. President, that is a fair request. Therefore, I request a roll call on this amendment.

Mr. SEYLER. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Bell.

The PRESIDING OFFICER. Will the gentleman from Delaware, Mr. Bell, permit himself to be interrogated?

Mr. BELL. I will, Mr. President.

Mr. SEYLER. Mr. President, will the gentleman tell us what the size of the Ninth District would be under the plan he has presented?

Mr. BELL. Mr. President, I do not have the exact figures here. The Ninth District, as this plan would set it up, would have approximately 40,000 people less than the new District that Senator Seyler has carved out of central Pennsylvania.

Mr. SEYLER. Mr. President, can the gentleman give us a figure?

Mr. BELL. Mr. President, not to the exact 100. However, I will be glad to give him the figures tomorrow. I do not think the gentleman needs them to 100 or 1,000 tonight. I have given him approximate figures, and I think that is accurate enough right now.

Mr. SEYLER. Mr. President, can the gentleman give us the population figure of the Twentieth District, which he has proposed?

Mr. BELL. Mr. President, the Twentieth District will be approximately 40,000 greater than the Ninth District.

Mr. SEYLER. Mr. President, is the gentleman able to give us the size of the district?

Mr. BELL. Mr. President, approximately 40,000 larger than the Ninth District.

Mr. SEYLER. Mr. President, I would say to the gentleman that we are engaged in an enterprise here, and we are proposing a reapportionment bill which would, so far as possible, give equal representation to the people of Pennsylvania, including the people of Delaware County.

Now the gentleman asks us to vote tonight on a proposition concerning which he is unable even to give us the size of the districts. He offers to give us the figures. In that case, I respectfully suggest to the gentleman that he hold the amendment, which he will still be able to present tomorrow, until such time as he is able to give us adequate information. I think in asking the Members of the Senate to vote on a proposal on which he is unable to give us the information as to the representation these people will have is asking us to do an unreasonable thing.

The tone of the gentleman's presentation is that he has these figures but, for some reason, is unable to give them. I suggest, therefore, that he get the figures and, when he has the figures, present them to us so that we can estimate the value of this and proceed to vote according to the merits of this proposal.

And the question recurring,

Will the Senate agree to the amendment?

(During the calling of the roll, the following occurred:)

Mr. LANE. Mr. President, I desire to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. McMENAMIN. Mr. President, I also desire to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. ROONEY. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. ROONEY. Mr. President, I wish to be recorded a voting "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were required by Mr. BELL and were as follows, viz:

YEAS—27

Bell,	Hawbaker,	McMenamin,	Taylor,
Berger,	Keller,	Pechan,	Van Sant,
Chapman,	Kessler,	Propert,	Wade,
Confair,	Kromer,	Scott,	Wagner,
Ehrgood,	Lane,	Shafer,	Ware, III,
Flack,	Madigan,	Stevenson,	Wolfe,
Fleming,	Mallery,	Stroup,	

NAYS—23

Camiel,	Mahady,	Ripp,	Staisey,
Devlin,	McCreesh,	Rooney,	Stiefel,
DiSilvestro,	McGinnis,	Sarraf,	Weiner,
Haluska,	Miller,	Sesler,	Yatron,
Hays,	Mullin,	Seyler,	Donolow,
Kalman,	Murray,	Silvert,	Presiding Officer

So the question was determined in the affirmative, and the amendment was adopted.

On the question,

Will the Senate agree to the bill on second reading, as amended?

Mr. EHRGOOD. Mr. President, I request that Senate Bill No. 761 go over in its order, as amended. I would also like to make a very brief statement then about a point of order.

The PRESIDING OFFICER. Is there objection?

Mr. WEINER. Mr. Preident, I object to the bill going over in its order, as amended. I ask that it be moved up to Third Reading by being read for the second time, as amended.

Mr. FLEMING. Mr. President, on a bill as important as this and since this amendment has been adopted, I think, in all fairness, the Majority Leader should permit us to look the bill over very carefully. There are a few adjustments that I think might be necessary in Allegheny County. I would like very definitely to look into Senator Sarraf's District. He is not here tonight. I have a high regard for him, and I would like to look his District over tomorrow.

Mr. WEINER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Philadelphia, Mr. Weiner, will state it.

Mr. WEINER. Mr. President, Senator Sarraf is here. If the gentleman is concerned about him, I will have him in here in about two seconds.

Mr. FLEMING. Mr. President, Senator Sarraf is very modest. He does not like to speak for himself, and I merely wanted to speak for him.

Mr. WEINER. Mr. President, my objection is that this bill cannot possibly pass. The genelemen on both sides of the aisle know that. I think it should come before us and a vote should be taken on it.

We may be back here working on reapportionment early next January, or maybe sooner. I do not know. However, I think we ought to have the bentfit of having this measure before us, having debate on it, and having a recorded vote.

We have not had a reapportionment bill in this Senate for many, many years. In approximately forty-one years, the Senate has not been reapportioned. I think at least we ought to take a look-see at it. I think these gentlemen should not take the view of being concerned about it. We ought to have it out. The bill cannot possibly get out of this Senate in time to be passed by the House, even if it passes here.

Mr. BERGER. Mr. President, if what the Majority Leader says is correct and the bill cannot pass, then, Mr. President, it might better remain where it is on the Calendar, or he might make a motion to have it dropped if he knows that the printing of it and the repetition of it on the Calendar is simply a useless gesture.

Mr. WEINER. Mr. President, I would like whoever succeeds us here and those who come back to have the benefit of some debate and some discussion on this matter.

As I stated, for forty-one years there has never been a reapportionment bill on the Calendar of the Senate. I think that the Senate, being a body that is independent, should be the type of a body that will discuss this matter and get it on the record despite the fact that it cannot pass.

If the gentlemen on the other side are so concerned about this measure and do not want to vote for it, I would ask that a roll call be held to determine if this bill will go up to Third Reading. If that be the case, I think a vote for this bill or against it on this roll call will indicate whether you are in favor of reapportionment or not.

I am not asking anybody to vote for this bill. All I am asking that they do is move this bill up for Third Reading so that a vote can be taken. If anybody sees fit to vote against it, they can do so. At least, we ought to have the benefit of discussing this among ourselves. I think the public ought to have the benefit of getting an opportunity to look at this measure and the opportunity for the reaction that will result from it to be presented to the Members of this Body.

Mr. EHRGOOD. Mr. President, I have a great deal of information on my desk and on my chair concerning this whole subject. I would be hopeful, for example, that the Administration would get some photographers over here so that it would be proved to my constituents that I know something about this subject and that I have a great deal of information available on it. It is right here, as everyone can well see. I would not want to read it all, very frankly, because it might take a lot of the time of my friends in the Senate, and I am sure they have many more important things to do concerning this subject.

Senator Taylor wants to give me some more information, and I appreciate that.

Thank you very much, Mr. President. It has been a pleasure to be with you tonight and bid you all this invitation.

Mr. SESLER Mr. President, I do not like to chastise my good friends on the other side of the aisle. However, this is a serious issue. I would like to second the thoughts and the words of the Majority Leader in talking about reapportionment.

This spring, I had the opportunity and the pleasure to be on a seminar on political science at Thiel College with my good friend from Crawford County, Senator Shafer. In the course of this seminar, I had a chance to study some of the reapportionment problems, not only in Pennsylvania but in other States.

First of all, I would like to say, in regard to Pennsylvania, that unfortunately the Senate of this great State has consistently—and perhaps just as equally jocularly as it has tonight—disregarded the basic problem of reapportionment. I would say that since 1906, there have

been a number of reapportionment bills. However, there has been no basic reapportionment of the Senate of Pennsylvania since 1906. This is in flagrant disregard of the constitutional provisions.

It is more than just a question of preserving seats. Reapportionment is a tremendously political question. Everybody jumps into the act. Everybody wants to save his own seat and his own skin. However, malapportionment is bad government. Malapportionment brings about many evils. Malapportionment, for example, creates representatives who are unreasponsive to the interest of the people. Malapportionment makes our people cynical. It makes them become disgusted with government.

I could talk for two hours on what malapportionment does. I say, for one, that I am new in politics. However, if my seat were coming up for reapportionment, I would vote for a fair bill, and Harry Seyler has prepared a fair bill. This is a bill which attempted equally to divide this Senate.

At the present time, for example, we have malapportionment, and this malapportionment obiously favors the gentlemen on the other side of the aisle. We have 25 to 25. Yet, out of 11,000,000 in this State, we represent over 6,000,000 and they represent slightly over 5,000,000 people. I do not say this because I am a Democrat, but if it turned the other way, I am willing to stand here and say it should be the other way around.

In the South, malapportionment has favored the Democrats. In the North, basically, malapportionment has favored the Republicans, if you study it carefully.

I know, for example, how serious malapportionment can be. In California, before they redistricted, one State Senator represented 4,500,000 in the county of Los Angeles. Another Senator, from one of the mountain districts in the Sierras, represented 18,000 people. This man who represented 18,000 people had as much to say about the development of the freeway in Los Angeles County as did that man who represented 4,500,000 people. Obviously, his lack of concern was extreme, he cared little about this. Yet, this was a basic problem which affected millions of people.

I could give many examples on this subject. Tomorrow, I would like to talk about it, and at least bring to your attention the failure and the disinterest of the Senators in this Commonwealth to consider what I think is one of the most serious problems you have in government.

Mr. MULLIN. Mr. President, I think everybody here takes seriously the oath of office which they took when they were elected to the Senate. One of the requirements is to support the Constitution of the Commonwealth of Pennsylvania. The Constitution of Pennsylvania provides that this Body shall be reapportioned after each decennial census. The Constitution also is very serious about that oath, because it prescribes certain sanctions.

I think we should be a little bit serious about reapportionment; serious because it is provided for in the Constitution of Pennsylvania, the document which we here are sworn to uphold. I think every proposition to reapportion the Senate of Pennsylvania should be taken seriously by the Members of the Senate.

I did not particularly like the present bill which was drawn up by Senator Seyler, although I must say that numerically it is a fair document. Maybe I would like a different way of arriving at that fairness. However, it is the only bill that was introduced here and it is the only bill that was brought up here.

I introduced, on several occassions, some bills to reapportion Pennsylvania. I introduced a bill that was drawn up by the Committee of Seventy in Philadelphia, and I think Senator Silvert introduced a bill at the last Session. However, I do not think we are doing the right thing by ignoring the question completely. I do think the bill should be given the consideration of proper parliamentary procedure and it should come to a final vote, even though the bill does not favor me particularly.

I do live in a District something like Senator Bell's District. I represent 523,000 people. Senator Bell has 533,000 people whom he represents. Certainly, they are entitled to another Senator. Under this bill, nearly half of my District would go into other Districts.

I do think we ought to bring this bill up for a vote and see who wants reapportionment and who does not want it. If you do not want this bill, come up with another bill, bring in another bill, or provide a committee to go into a study of this question.

I know you have to hammer out Districts. It takes a lot of hard work and a lot of effort to bring forth a satisfactory bill that can pass. However, I think that can be done, and I think we should take steps to do it. We can either do it ourselves or let the Joint State Government Commission undertake it for us. I do think it should be done. Also, I think we should take a fair way of disposing of this bill so that the people know where we stand on reapportionment.

Mr. LANE. Mr. President and Members of the Senate, I have no objection to this bill going up to Third Reading. It is no secret, and everyone knows, that I am opposed to this reapportionment bill.

Mr. President, I have had the honor for the past sixteen years to represent the good people of Washington County and Greene County. I like the people of Greene County and I like the people of Washington County. I rather think that they like me, too.

I do not want my District split up. Washington County and Greene County have been one Senatorial District for almost four decades. I had a sneaking idea, when I was told they were going to split up my District, that probably someone had the idea they were going to get Bill Lane Politically.

I want you to know this, Mr. President. I will go down fighting in opposition to this reapportionment bill. My District is not too small. My District is too large, but I like it that way. I am going to support and work with the people of Washington County and Greene County, and I will fight to the last before they split up my District, regardless. Everyone knows my position. It is no secret. The Democratic Caucus knew it; everyone else knew it. I am not changing my mind.

Mr. BELL. Mr. President, I do not think the remarks of some of the Members were well-founded, to the effect that we consider senatorial reapportionment other than something that is very serious. I do not think there is a man in this Chamber, Republican or Democrat, who does not realize that at some time we have to reapportion Pennsylvania on a senatorial basis.

I object to this method. I think that when we reapportion this State, as far as the Senators are concerned, there

ought to be public hearings and there ought to be studies. It should not be done by one man putting his ideas into a committee of which he is chairman, bringing the bill to the floor for a vote, and saying this is true reapportionment.

The people of Pennsylvania have not had a chance to be heard on this. The Chairman of the Committee has had plenty of time. We are in the latter part of the eighth month of this Session, and here at the eleventh hour, we are told this is it. I do not think that is the true Democratic process.

Mr. SILVERT. Mr. President, I also live in a District with 450,000 people. As Senator Mullin stated, I introduced a bill for reapportionment in the last Session.

Unlike Senator Lane, I do not mind having part of my District taken away. Under this bill, the Twenty-second Ward and the Thirty-eighth Ward are taken away and given to Senator Stiefel. I say, more power to him. Let us have the opportunity to vote on reapportionment. I want that opportunity.

Mr. STIEFEL. Mr. President, of all of the incongruities in this bill, I am the beneficiary of one because I will have to fight a battle with a Napoleon—none other than the Presiding Officer.

This bill takes the Twentieth Ward in the city of Philadelphia, which I have represented for almost the last three decades, and gives it to Senator Donolow. In other words, he becomes my Senator.

However, I have long ago learned that reapportionment bills cannot be perfect. In 1937, when I came to the Senate of Pennsylvania, all kinds of silly jobs were given to me as a junior Senator. For instance, they made me Chairman of the Committee on Judiciary Reapportionment. For ninety years, there had been no judiciary reapportionment of Pennsylvania. So, I became the Admiral of the Swiss Navy.

The next job was to assist a Senator from Allegheny County by the name of Rodgers. Senator Rodgers was Chairman of the Committee on Reapportionment. A separate room, on the third floor of the State Capitol, was given to him. This room contained all kinds of maps, and this man was all engrossed in maps. He was playing with maps, cutting them and putting them together. Finally, he came up and said: "Yes, I have the perfect district." The man came from Allegheny County but, sure enough, he forgot to put the township of Sewickley in the reapportionment bill and the entire thing tumbled.

Therefore, you can never expect a perfect bill. This is in answer to my good colleague from Lebanon County, Senator Ehrgood. He said he has some massive information, and I believe he wants to display to his constituents his mastery of the geography of Pennsylvania. I want to tell him to bear in mind the sad experience of Senator Rodgers. The more he studied this, the more it baffled him.

Let us get a bill. My friend, Senator Seyler, in his anxiety to do a good job, simply took the rule of thumb, divided by population, and here I have to fight it out with Senator Donolow, the man with the finest stentorian voice in Pennsylvania, and I have to cope with this menace.

Mr. SEYLER. Mr. President, I think it is obvious from the remarks of my colleagues on this side of the aisle that I did not play political favoritism in arriving at the conclusions in this bill.

Replying to the gentleman from Delaware, I would like to tell him that when the bill was first introduced in this Senate,—which was relatively early in the career of the Senate and not at the twelfth hour, as he said—each Member received a map showing what the bill would do, in addition, of course, to having access to a copy of the bill outlining what the Districts were.

At that time, I suggested that I would like to receive from the Members criticisms and suggestions. I would like to say, Mr. President, that to this date and until he presented a plan on the floor, I had not received any communication from the Senator from Delaware which indicated that he had another plan which was fair and which he felt would better represent the people of Delaware County.

In working on this plan, I used the resources of the Department of Internal Affairs, which supplied me with census data and with detailed maps. An effort was made to make a plan which was as equal as could be possibly made under our Constitution, and also as compact and contiguous as could be made. I think Senator Bell will have to admit that the map, in so far as it is related to Delaware County, in those respects was a good map. It may not have suited him as to which political enemies were represented in his District, and the District of the person who would have been his colleague, had this passed. However, at any rate, it was fair from the standpoint of representation, of compactness, and of contiguity.

It is really a difficult problem, of course, to make a fair reapportionment plan and satisfy every incumbent Senator, because it is obvious that in order to be fair, changes must be made which will dislocate somewhat existing Districts. If you did not do that, there would be no point in making a plan. If the only purpose was to perpetuate existing inequalities, then, obviously, there would be no task at all.

I do think that the people of Pennsylvania are alert to this problem. I think there are many people in this Commonwealth who realize that this Senate has not performed a function assigned to not only the Senate, but the Senate and the House, and they have not performed the function assigned to them by the Constitution since the early part of this century. It is inevitable that in that time gross inequalities have grown up. The people of this Commonwealth are not being represented fairly. I think this is a serious thing.

If there were any questions about the bill I offered, certainly the committee would have welcomed other bills, would have studied them, or would have taken any suggestions with regard to this bill. These I did not receive.

Now as to why this bill is brought up so late, it has been on the Calendar for quite a while, and it has consistently been put over in order by the Majority Party. They have, day after day, requested that this bill go over in its order. I do not complain about this. However, I do complain a bit about Senator Bell standing up and making the implication that he is asked, at the last minute, to vote on a bill without any opportunity to do anything about it because that is just not the case.

I think the people of Pennsylvania will be interested to know that there have been several proposals for reapportionment presented, an effort was made to bring them to a vote in this Senate, and we have not been able to get to that vote because of the resistance of the Minority Party in putting the bill over in its order consistently.

Therefore, I would say that at least we might be serious tonight and at any time when we consider this bill, and not make it a matter of levity and not make it a matter of joking, because I think this is out of tune with the dignity of this Senate and with the concept of this Senate which the people of Pennsylvania have of it.

Mr. WEINER. Mr. President, I believe when Senator Seyler said "Majority Party," he meant the Members on the other side of the aisle. He meant the Members who are opposing this measure going to Third Reading, which does not happen to be the Majority Party.

I might report to the Members of the Senate that this bill was referred to the Reapportionment Committee on June 13th. There was quite a lengthy discussion on it at that time, so that everybody was aware that this bill was being introduced. It was reported from committee, as amended, on August 15th, and had its first reading on August 15th. Therefore, this bill did not come here just ten minutes ago.

I would also like to respectfully present to the Members of the Senate the fact that you can see from the expression of opinions on both sides of the aisle that this must be a pretty good bill because nobody is happy with it. I think Senator Seyler proceeded to take fifty Members and he took 11,000,000 people. He arrived at a number which he thought was a fair number that each District ought to contain, and divided them out over this type of an area. I think that is equitable reapportionment.

I am not happy with the District I end up with, as are many people. However, I think at least we ought to bring this bill to a head, have an expression of opinion on it, and give it a run here in the Senate. To do otherwise is not facing up to the problem. On our part, it is not acting as mature lawmakers who have to deal with the problem of reapportioning ourselves.

Mr. BERGER. Mr. President, oddly enough, I have no apprehensions about senatorial reapportionment. I do not believe that many of the Senators in this room have any such thing. However, there is one fundamental thing that ought to be considered in the discussion of senatorial representation in the Commonwealth of Pennsylvania.

For instance, Mr. President, you talk about disproportionate representation in the Senate on the basis of population. One of the fundamental safeguards of the United States Constitution is that each State shall have two United States Senators. The State of Montana has just as many as the State of California. The State of Rhode Island has just as many as the State of New York or Pennsylvania.

There is some consideration that must be given to territory and area. Now I know of a Senatorial District in Philadelphia which, I believe, encompasses not very many city blocks. My own District represents about 150 miles from end to end.

Mr. President, somewhere along the line consideration must be given to these factors. Those people are entitled to representation in this Senate, and they cannot get it as handily in a District that has so many square miles and so much territory to traverse as they can with one Senator and a great many more people in a District encompassing just a few city blocks. That has to be taken into consideration.

Mr. President, inasmuch as mention has been made of the contitutional obligation, our courts are charged with, and have discharged, the duty of interpreting that Constitution. They have decided that the Legislature is its own arbiter in this matter, and that the constitutional provision is not necessarily obligatory.

Nevertheless, Mr. President, as I said at the beginning, I do not believe there is anybody in this room who fears or apprehends senatorial reapportionment excepting on the basis of equity, both in population and in area.

Mr. SEYLER. Mr. President, without any desire to unduly prolong this discussion, I wish to reply to several remarks of the gentleman which I think are erroneous.

In the first place, he has correctly quoted the Constitution of the United States in assigning two Senators. Also, he has not correctly quoted or interpreted the Senate of Pennsylvania if he believes this is a correct analogy with the Constitution of Pennsylvania, because the Constitution of Pennsylvania says that these Districts shall be as even as may be.

Secondly, I do not believe it is correct—from my research—to say that the courts have decided that we need not reapportion. The courts have merely decided that Senators and Representatives cannot be held individually accountable for a failure to reapportion. According to my knowledge, it has never been said that this constitutional provision requiring that we should reapportion after each census, does not need to be carried out by the Senate, but simply that suits against individual Members can have no validity.

Mr. BERGER. Mr. President, I am familiar with the case that the gentleman has in mind. That was a fairly recent case and not the one in which the court stated that the provisions as to reapportionment following each census is not obligatory. The one I believe the Senator refers to is the one in which he has served with a summons by the Federal Court the same as I was.

Mr. FLEMING. Mr. President, I believe there has been a request that the bill go over in its order, as amended.

The PRESIDING OFFICER. That is correct, but the request has been objected to by Senator Weiner. Therefore, we will proceed with consideration of the bill on second reading, as amended.

Mr. FLEMING. Mr. President, I now move that Senate Bill No. 761 go over in its order, as amended.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WEINER. Mr. President, I oppose the motion that this bill go over in order.

And the question recurring,

Will the Senate agree to the motion?

(During the calling of the roll, the following occurred:)

Mr. LANE. Mr. President, I desire to change my vote from "aye" to "no" so that the bill may proceed to Third Reading. I will vote against the bill tomorrow, but I am in favor of it passing Second Reading, as amended, at this time.

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. EHRGOOD. Mr. President, I desire to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman from Lebanon will be so recorded.

Mr. McGINNIS. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

The roll was called and resulted as follows:

YEAS—24

Bell,	Fleming,	Mallery,	Stroup,
Berger,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Corbett,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,

NAYS—24

Camiel,	Lane,	Murray,	Silvert,
Devlin,	Mahady,	Ripp,	Staisey,
DiSilvestro,	McCreesh,	Rooney,	Stiefel,
Haluska,	McGinnis,	Sarraf,	Weiner,
Hays,	McMenamin,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow, Presiding Officer

Less than a majority of the Senators having voted "aye," the question was determined in the negative and the motion was defeated.

And the question recurring,

Will the Senate agree to the bill on second reading, as amended?

A voice vote having been taken, the question was determined in the affirmative and the bill on second reading, as amended, was agreed to.

Ordered, To be transcribed for a third reading.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Mr. McMENAMIN submitted the Report of Committee of Conference on **HB 1181,** which was laid on the table.

The PRESIDENT pro tempore (Anthony J. DiSilvestro) in the Chair.

BILLS SIGNED

The President pro tempore (Anthony J. DiSilvestro) in the presence of the Senate signed the following bills:

SB 96, 225, 238, 247, 351, 354, 361, 413, 603, 644, 750, 811, 843, 867, 869, 871, 876, HB 161, 298, 301, 944, 1139, 1178, 1219, 1221, 1275, 1276, 1278, 1306, 1339, 1373, 1385, 1421, 1438, 1452, 1453, 1454, 1455, 1457, 1469, 1473, 1484, 1506, 1531, 1564, 1572, 1601, 1604, 1606, 1607, 1619, 1709, 1746, 1774 and **1811.**

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

PERMISSION TO ADDRESS SENATE

Mr. MULLIN asked and obtained unanimous consent to address the Senate.

Mr. MULLIN. Mr. President, it is obvious to me that the Republicans do not intend to take seriously any reapportionment bill during this Session.

In order to avoid any argument about needing a sufficient study on this matter, I have prepared and am submitting herewith a resolution which requests that the Joint State Government Commission conduct a study and investigation of reapportioning the Senate, and to submit to the 1963 Session of the General Assembly its findings and recommendations, with a draft of legislation necessary to carry the recommendations into effect.

I do believe that since the Joint State Government Commisison is made up of all the Members of the Senate and the House of Representatives, they may call in each and every Member and discuss with him his District and hammer out legislation which is necessary, because the Constitution requires it.

SENATE CONCURRENT RESOLUTION

DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO STUDY THE SUBJECT OF REAPPORTIONMENT

Mr. MULLIN, by unanimous consent, offered the following resolution **(Serial No. 131),** which was read and referred to the Committee on Reapportionment:

In the Senate, August 30, 1961.

RESOLVED (the House of Representatives concurring), That the Joint State Government Commission be directed to study and investigate the subject of reapportioning this Commonwealth with respect to representation in the Senate of Pennsylvania, and be it further

RESOLVED, That the Joint State Government Commission report to the 1963 Session of the General Assembly its findings and recommendations, with a draft of legislation necessary to carry the recommendations into effect.

SECOND READING CALENDAR

HB 773—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILLS ON SECOND READING

SB (Pr. No. 1258), SB 890 (Pr. No. 1149), SB 899 (Pr. No. 1177, SB 900 (Pr. No. 1178), SB 903 (Pr. No. 1181), SB 907 (Pr. No. 1189), SB 929 (Pr. No. 1246) and **HB 942 (Pr. No. 1784)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING AMENDED

HB 1008 (Pr. No. 2424)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. MAHADY offered the following amendments:

Amend Sec. 1 (Sec. 410), page 3, line 2, by striking out "HEAD" and inserting: Secretary
Amend Sec. 1 (Sec. 410), page 3, line 3, by inserting after "PARTMENT": of Public Welfare
Amend Sec. 1 (Sec. 410), page 3, line 3, by inserting after "EMERGENCY": in public assistance
Amend Bill, page 4, by inserting after line 4: Section 2 This act shall take effect immediately

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

Mr. BERGER. Mr. President, I request that House Bill No. 1008 go over in its order, as amended.

Mr. MAHADY. Mr. President, I would like to suggest, since the amendments have been adopted, that the bill be read for the second time. I object to it going over in order, as amended.

Mr. BERGER. Mr. President, I now move that House Bill No. 1008 go over in its order.

Mr. SHAFER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. MAHADY. Mr. President, I will withdraw my objection to the bill going over in its order, as amended.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the bill on second reading, as amended, was passed over in order.

BILLS ON SECOND READING

HB 1030 (Pr. No. 2687), HB 1048 (Pr. No. 1640), HB 1059 (Pr. No. 1176), HB 1080 (Pr. No. 1197), HB 1340 (Pr. No. 2715), HB 1463 (Pr. No. 1796), HB 1522 (Pr. No. 1878), and **HB 1528 (Pr. No. 1894)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RESOLUTIONS REPORTED FROM COMMITTEE

Mr. WEINER, by unanimous consent, from the Committee on Rules reported, without amendment, Senate Concurrent Resolution, **Serial No. 130,** entitled:

Creating the General Assembly Advisory Council.

Mr. WEINER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION, **SERIAL No. 130, ADOPTED**

Mr. WEINER. Mr. President, I now move that the Senate do adopt this resolution.

Mr. BERGER. Mr. President, I second the motion.

The motion was agreed to and the resolution was adopted.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

SECOND READING CALENDAR

BILLS ON SECOND READING

HB 1541 (Pr. No. 2717)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. BERGER. Mr. President, I request that this bill go over in its order.

Mr. WEINER. Mr. President, I object to House Bill No. 1541 going over in order.

This is an important measure and a great deal of time has been spent in amending it. I think we ought to move it up for a vote and really act on it.

The PRESIDING OFFICER. Objection has been raised to the bill going over in its order.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

Ordered, To be transcribed for a third reading.

HB 1597 (Pr. No. 2426)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING AMENDED

HB 1598 (Pr. No. 2718)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. SHAFER offered the following amendment:

Amend Sec. 6, page 20, line 10, by striking out "MAY" and inserting: shall

On the question,

Will the Senate agree to the amendment?

Mr. DiSILVESTRO. Mr. President, I would like to ask the Members of the Senate if they have any more amendments to the pharmacy bill to submit them tonight. Be charitable enough to give us a chance to see this bill live or die. It is just too bad when people do not know anything about a profession like pharmacy.

I mean this sincerely. I have no interest in this bill other than an interest in the public welfare. If there are any more amendments, let us be men and put them in now and not wait until the last minute of the Session.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

It was agreed to.

Ordered, To be transcribed for a third reading.

BILL REREFERRED

HB 1625 (Pr. No. 2699)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. BERGER. Mr. President, I request that House Bill No. 1625 go over in its order.

Mr. WEINER. Mr. President, I do not want to interrogate the Minority Leader. I want to interrogate his associate, the gentleman whose District would benefit by having an extra judge. Will he allow himself to be interrogated?

The PRESIDING OFFICER. Will the gentleman whose District will benefit—Senator Pechan—permit himself to be interrogated?

Mr. PECHAN. I will, Mr. President.

Mr. WEINER. Senator, would you advise the Members of the Senate why you feel this is not a good measure or why you do not want it to move up so that we can vote on it tomorrow?

Mr. Pechan. It is a House Bill, Mr. President, and I would like to have the bill go over in its order. If it does not go over, I would like to have it put over on the Postponed Calendar for the 1963 Session.

Mr. WEINER. Mr. President, I believe the gentleman is very clear in his intention on this bill. Will the gentleman advise us why he feels they do not need another judge in his area?

Mr. PECHAN. I do not know as we need one, Mr. President. May I give you the entire story on House Bill No. 1625?

The PRESIDING OFFICER. If it is the answer to Senator Weiner's question, you may.

Mr. PECHAN. Mr. President, some time ago, some representatives of the Bar Association of Butler County came to my office. Representatives of both Parties came as a committee to talk about the feasibility and the advisability of a second judge in Butler County. We discussed it, and we suggested at that time that the bill read exactly as it is presently written.

If we pass this bill, you know we have no bill anyhow

because according to the provisions of the bill, the question of the election of the additional judge is to be on the ballot in November of 1961. The appointment would have been made for the judge to serve until January of 1962. The bill, as it is presently written, if we passed it would be unconstitutional. It would not be worth the paper it is written on, because it says that the judge shall be elected in November of 1961. If that were possible, I certainly would be willing to allow this bill to go up to Third Reading. However, it is impossible because August 7th was the deadline for having a nominee for the office of Judge appear on the November 1961 ballot.

As I say, we had an agreement that the bill should be presented as it is presently. However, it seems that over in the House they shuffled around until it was too late for the judge to be on the November 1961 ballot. Therefore, it would mean, if we did pass this bill in an amended version,—and we would have to amend it—that the appointment would have to be until 1964. We just do not want it.

Is that answer good enough for the gentleman across the aisle?

The PRESIDING OFFICER. Does that answer your question, Senator Weiner?

Mr. WEINER. It does not, Mr. President. It does not answer it sufficiently because the gentleman, who happens to be in one of the professions himself, not too long ago on the floor of this Senate gave us a professional opinion about what a certain school needed, and he took it from a professional point of view.

If the gentleman will allow me, I will give him the professional point of view for his county in regard to this matter.

The Bar Association has written to the Governor, asking that there be another judge. One of the gentlemen who is a sponsor of this bill is not a Member of the same Party as I am. Therefore, there cannot be any politics involved. The only politics I can think of at the moment is that there might possibly be a Democrat appointed as a judge during the interim before there is an election. If that is what offends you, I think you ought to say that rather than anything else.

I think the Bar Association is in a somewhat better position to judge whether or not they need another judge down there, as compared to someone else. If it had something to do with dentistry or the field of medicine, I would listen to your advice on that because you probably would know that better than anyone else. However, I think in this area, you are in complete conflict with the Bar Association. If you tell me that they are wrong or in error, I will be glad to listen to your advice on that portion of it.

Mr. PECHAN. Mr. President, is the gentleman still interrogating me or may I—

Mr. WEINER. No, sir. I am not interrogating you at all, sir.

The PRESIDING OFFICER. Senator Pechan, you have been released from interrogation.

Mr. PECHAN. Mr. President, I would like to have the gentleman know, and my colleagues know, that I have fulfilled my part of the bargain.

After these gentlemen left my office, if there were any politics played, they were not played by myself or the sponsors of this bill. They were played in the front office when they shuffled and allowed this bill to die.

Mind you, this bill was introduced I think in May. We would have had plenty of time to act on it. When the gentlemen spoke to me, one of them said we should introduce such a bill.

May I have the Majority Leader's ear, please, Mr. Shafer?

I would like to also say this. One of the sponsors of the bill wanted to introduce a bill stating that the Governor shall not appoint anyone, and that we would just have an election. I said: "No, even if I were the Governor or you were the Governor, it is his prerogative and he should name anyone he likes."

I think the gentleman who was in my office was probably the most likely Democratic candidate. He agreed that it was giving him an advantage, and he is certainly entitled to it. However, we do not think he is entitled to two and one-half years. If they would have kept their side of the bargain, the bill would have gone through.

I think we can get along without another judge. When and if you fellows appoint another Governor—

Mr. WEINER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Philadelphia, Mr. Weiner, may state it.

Mr. WEINER. Mr. President, I believe in this Commonwealth, we still elect Governors. We do not appoint them.

Mr. PECHAN. Mr. President, my rooting section says maybe Congressman Green might. I do not know.

Mr. McMENAMIN. Mr. President, I desire to interrogate the gentleman from Armstrong, Senator Pechan.

The PRESIDING OFFICER. Will the gentleman from Armstrong, Mr. Pechan, permit himself to be interrogated?

Mr. PECHAN. I will, Mr. President.

Mr. McMENAMIN. Senator, I am curious as to the peregrinations of this bill through the Legislature. It came to my attention in this debate for the first time.

I notice from the History which we have available to us that the last recorded action in the House History is that the bill passed Second Reading in the House on July 26th. As far as I know, in this Session of the Legislature, bills creating additional judgeships have come through the Judiciary General Committee. We had a meeting yesterday morning, and this bill did not appear there.

I am wondering, Doctor Pechan, if you can tell me where this bill came from?

Mr. PECHAN. Mr. President, I do not know, but I would like to know.

I will tell you. I was minding my own business here yesterday when, out of a clear sky, House Bill No. 1625 was read as just coming over from the House. Ten minutes later, it was reported on the floor. I do not know how many Members were there who helped to report this bill from committee.

I recognized the number yesterday because I had been alerted to it. Today, I found it on the Calendar. I have a big mark on here—if you will look at my Calendar—indicating that I did want to make some remarks about it.

Mr. McMENAMIN. Doctor Pechan, you made a suggestion that this be put over until the 1963 Session of the Legislature. I notice the bill carries an appropriation.

Perhaps we could consider it in the 1962 Session of the Legislature, which is limited, of course, to fiscal matters. This, having an appropriation, might be appropriate then.

Mr. PECHAN. I think you have a good suggestion. Let us do that in 1962, and have the judge in 1963. We will then be in business.

Mr. President, with that help, I would like to now move that we rerefer this bill to the Committee on Judiciary General. I do not know whether or not it was there yesterday. If it was not, let us put it where it rightly belongs.

Mr. BELL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WEINER. Mr. President, this bill came over from the House and went to the Appropriations Committee. The reason for doing so was to save some time.

I would like to point out to the good Senator from Armstrong that the sponsors of this bill are all Republicans. Two of them happen to be right from your own county, Senator Pechan. They were in favor of this measure. They had spoken to a number of people here about moving it, because they were interested in it. Somebody stated that you would take a position against this bill, unless you could name the gentleman who is going to be the judge. I do not know if there is any truth in that rumor or not. I took it merely as a rumor.

Mr. President, I oppose the motion to rerefer this bill to any committee.

If the gentleman does not have the courage of his convictions to vote against this bill, instead of evading the issue by sending it back to committee, that is up to him. However, I certainly think the people in his county—and, more particularly, the Members of the Bar who look to him to provide extra judges—ought to be aware of this fact.

Mr. PECHAN. Mr. President, to clarify a misunderstanding, I would like to inform Senator Weiner that two of the gentlemen who sponsored this bill voted against it in the House yesterday, and asked me to do likewise in the Senate today. They did not vote for the bill. They are against it and so voted yesterday.

The PRESIDING OFFICER. May the Chair make a ruling that a motion to rerefer is debatable? However, the bill, itself, is not debatable.

Mr. WEINER. Mr. President, would the gentleman from Armstrong, Senator Pechan, please advise the Members of the Senate—and he can answer this question if he sees fit—as to who forced these gentlemen to sign their names to the bill and to introduce it?

Mr. BELL. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Delaware, Mr. Bell, will state it.

Mr. BELL. Mr. President, the point of order is that the Majority Leader's remarks are improper.

The PRESIDING OFFICER. The Chair does not believe they are improper. The Majority Leader asked Senator Pechan whether he would permit himself to be interrogated and then be asked the question.

Will the gentleman from Armstrong, Mr. Pechan, permit himself to be interrogated?

Mr. PECHAN. No, Mr. President.

Mr. BERGER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Potter, Mr. Berger, will state it.

Mr. BERGER. Mr. President, the Majority Leader is discussing the bill and not the motion.

Mr. WEINER. Mr. President, I am not discussing the bill at all. I am merely discussing how the bill came into being. Since Senator Pechan said these people are not in favor of it and are against it, I want to know why they signed the bill, and how it got introduced. Now that is not discussing the bill at all. I did not go into the merits of the bill.

The PRESIDING OFFICER. We will only debate the motion to rerefer the bill.

Mr. BERGER. Very well, Mr. President.

Mr. BELL. Mr. President, I would like to request a roll call on this motion.

Mr. BERGER. Mr. President, on the motion—and very pertinent to the motion—the Majority Leader has stated that the people who were concerned with the professional aspects of this particular subject ought to be the ones to discuss it and advise upon it. There could be no better committee for that purpose than the Judiciary General Committee, which has all bills of this type, and which discusses and passes upon all bills of this type.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. BELL and were as follows, viz:

YEAS—25

Bell,	Fleming,	Mallery,	Stevenson,
Berger,	Hawbaker,	McMenamin,	Stroup,
Chapman,	Keller,	Pechan,	Taylor,
Confair,	Kessler,	Propert,	Van Sant,
Ehrgood,	Kromer,	Scott,	Wade,
Flack,	Madigan,	Shafer,	Wagner,
			Ware, III,

NAYS—23

Camiel,	Lane,	Murray,	Staisey,
Devlin,	Mahady,	Ripp,	Stiefel,
DiSilvestro,	McCreesh,	Rooney,	Weiner,
Haluska,	McGinnis,	Sesler,	Yatron,
Hays,	Miller,	Seyler,	Donolow,
Kalman,	Mullin.	Silvert,	Presiding Officer

So the question was determined in the affirmative, and the bill was rereferred.

BILLS ON SECOND READING

HB 1781 (Pr. No. 2335)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HB 1818 (Pr. No. 2679)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. KESSLER. Mr. President, I desire to offer amendments to House Bill No. 1818.

The PRESIDING OFFICER. The gentleman may proceed.

Mr. LANE. Mr. President, after Senator Kessler offers his amendments, I request that we be at ease so that we can examine the amendments.

Mr. KESSLER. Mr. President, I would like to make a statement to explain the amendments after the period of being at ease.

The PRESIDING OFFICER. The Clerk will read the amendments.

The amendments were read by the Clerk as follows:

Amend Title, page 2, eighth and ninth lines of Title, by striking out all of eighth lines, and "FAMILY ENTERPRISE AS WAGES" in ninth line, and inserting: redefining "base year" and "State"

Amend Title, page 2, next to last line of Title, by inserting after "separated": or when separated from a family enterprise requiring additional reports by employers further regulating payment of compensation and the charging of employers' accounts for such payments further regulating qualifications required to secure compensation and the rate and amount of compensation

Amend Sec. 1, page 2, line 1, by striking out "Subsection" and inserting: Subsections (a) and

Amend Sec. 1, page 2, line 3, by striking out "is" and inserting: are

Amend Sec. 1 (Sec. 4), page 3, by inserting between lines 2 and 3:

(a) "Base Year" means the [first four of the last five completed calendar quarters] first fifty-two of the last fifty-four completed calendar weeks immediately preceeding the first day of an individual's benefit year provided that with respect to an individual who on the effective date of this subsection is in a current benefit year his next suceeding base year shall be the first four of the last five completed calendar quarters immediately preceding the first day of such individual's next succeeding benefit year which begins within ninety days after the end of the current benefit year.

Amend Sec. 2, page 3, lines 9 to 12, by striking out all of said lines, and inserting: of the act, amended December 17 1959 (P L 1893) is amended to read

Amend Sec. 2 (Sec. 4), page 5, lines 5 to 18; page 6, lines 1 to 3, by striking out all of said lines.

Amend Bill, page 6, lines 4 to 6, by striking out all of said lines and inserting:

Section 3 Section 206 of the act amended May 23 1949 (P L 1738) is amended to read

Section 206 Records of and Reports by Employers—Each employer (whether or not liable for the payment of contributions under this act) shall keep accurate employment records containing such information as may be prescribed by the rules and regulations adopted by the department Such records shall be open to inspection by the department and its agents at any reasonable time and as often as may be deemed necessary but employers need not retain such records more than four (4) years after contributions relating to such records have been paid The department may require from such employers such reports as it deems necessary which shall be sworn to if required by the department

Information thus obtained shall not be made public or be open to public inspection other than to the members of the board the officers and employes of the department and other public employes in the performance of their public duties but any employe or employer at a hearing on an appeal shall upon request be supplied with information from such records to the extent necessary for the proper presentation and consideration of the appeal

Any officer or employe of the department of the board or any other public employe who shall violate any of the provisions of this section shall upon conviction thereof in a summary proceeding be setenced to pay a fine of not less than twenty nor more than two hundred dollars and in default of the payment of such fine and cost of prosecution shall be sentenced to imprisonment for not longer than thirty days

Each employer who has been determined by the department to be subject to the reporting provisions of this act shall furnish among other reports wage and separation information upon request of the secretary Such request shall be made upon a form prescribed by the department Every employer receiving such request shall furnish all information required on the form and mail or deliver it to the department within seven days from the date on which such request was made If any employers fails to furnish the information requested within the seven day period the secretary or his deputy may make a determination of the claimant's benefit rights based upon all available information and shall use the claimant's certified statement as to his wages and reason of separation as to the employment not reported

Any employer who has been determined by the department to be subject to the reporting provisions of this act and has been so notified and who neglects or refuses to file or to complete in such manner as the department may prescribe [either] the periodic report required by the department to establish the amount of such contributing [or the periodic report required by the department showing the amount of wages paid to each employe or both] on or before the date such reports are required to be filed shall pay a penalty of one hundred (100) per centum of the total amount of contributions paid or payable by the employer for the period: Provided That such penalty shall be not less than one dollar ($1.00) or more than five dollars ($5.00) Such penalty shall apply to the reports for each period with respect to which such reports are required to be filed: Provided That such penalty shall not apply to reports for any period with respect to which the last day for filing such reports is prior to a date on which the department has notified the employer that he has been determined an employer subject to the reporting provisions of this act unless the reports for such prior periods are not filed within thirty days after the employer has been so notified The penalties provided by this section shall be in addition to all other penalties provided for in this act

Section 4 Subsection (f) of section 302 of the act amended September 3 1955 (P L 556) is amended to read

Section 302 Establishment and Maintenance of Employer's Reserve Accounts—The department shall establish and maintain for each employer a separate employer's reserve account in the following manner

* * *

(f) [Subsequent to June thirtieth one thousand nine hundred forty-nine] With respect to benefit years commencing prior to January 1, 1962, such account shall be charged with all compensation by even dollars paid to each individual who received from such employer wage credits constituting the base of such compensation in the proportion that such wage credits with such employer bears to the total wage credits received by such individual from all employers With respect to compensation paid for benefit years beginning on and after January 1 1962 such compensation shall be charged to the account of the base year employers of such individual as follows The account or accounts of the employer or employers who provided the last day of employment to such individual during his base year shall be charged with all compensation paid to him until the total of such compensation paid equals but does not exceed fifty per centum of the base year wages paid by such employer or employers Any additional compensation paid shall be charged in the same manner and to the same extent to the remaining base year employer or employers in the inverse of the chronological order in which such individual's employment occured Provided That if the department finds that such individual was separated from his most recent work for such em-

ployer due to being discharged for [willful misconduct connected with] misconduct affecting such work or due to his leaving such work without good cause attributable to his employment [or if the department finds that such individual's unemployment exists because of his loss of work with such employer due directly to a disaster by reason of which the Governor has declared a state of emergency] thereafter no compensation paid to such individual with respect to any week of unemployment occurring subsequent to such separation [or due to such disaster as the case may be] which is based upon wages paid by such employer with respect to employment prior to such separation [or loss of work] shall be charged to such employer's account under the provisions of this subsection (f) provided such employer has filed a notice with the department in accordance with its rules and regulations and within the time limits prescribed therein The findings and determinations of the department under this subsection (f) shall be subject to appeal in the manner provided in this act for appeals from determinations of compensation [The provisions of this subsection (f) as hereby amended shall become effective with respect to charges arising out of any benefit year which commences after the thirtieth day of September one thousand nine hundred fifty-one]

The department shall remove from the account of each employer all charges based upon benefits for which the department has been or will be reimbursed by the Federal Government

* * *

Section 5 Subsections (a) (d) and (f) of section 401 and subsection (b) of section 402 of the act amended December 17 1959 (P L 1893) are amended to read

Amend Sec. 3 (Sec. 401), page 6, by inserting between lines 9 and 10:

(a) Has, within his base year, been paid wages for employment equal to not less than [thirty (30)] forty (40) times his weekly benefit rate. Provided however That (1) an employe whose base year wages are less than six hundred dollars ($600.00) shall not be eligible under the provisions of this subsection unless such wages were earned during eighteen (18) different weeks within such base year which weeks need not be consecutive or more than fifty per centum (50%) of such wages were earned while engaged in a full-time occupation in a full-time industry or enterprise while attached to the labor market for permanent full-time employment and (2) wages earned by a full-time day student in temporary employment during holidays or periods of vacation or in employment which is an integrated part of a cooperative educational curriculum shall not be considered base year wages within the meaning of this subsection and section four hundred four of this act

The secretary shall define, by rule and regulation full-time occupation full-time industry and permanent full-time employment for the purposes of this subsection Such rule and regulation shall include inter alia provisions excluding casual workers persons who at their own option, work less than full-time and persons who at their own option work irregularly rather than in permanent employment

Amend Bill, page 7, by inserting between lines 3 and 4:

(f) Has subsequent to his separation from work under circumstances which are disqualifying under the provisions of subsection 402 (b) [and] 402 (e) and 402 (i) of this act been paid remuneration for services in an amount equal to or in excess of eight (8) times his weekly benefit rate irrespective of whether or not such services were in "employment" as defined in this act The provisions of this subsection shall not apply (1) to a suspension of work by an individual pursuant to a leave of absence granted by his last employer provided such individual has made a reasonable effort to return to work with such employer upon the expiration of his leave of absence or (2) to an individual disqualified under the provisions of subsection 402 (f) of this act

Section 402 Ineligibility for Compensation—An employe shall be ineligible for compensation for any week—

* * *

(b) (1) In which his unemployment is due to voluntarily leaving work without cause of a necessitous and compelling nature irrespective of whether or not such work is in "employment" as defined in this act Provided That a [voluntary] leaving work [because of pregnancy whether or not the employer is able to provide] because the employer did not provide requested other work shall be deemed not a cause of a necessitous and compelling nature And provided further That no employe shall be deemed to be ineligible under this subsection where as a condition of continuing in employment such employe would be required to join or remain a member of a company union or to resign from or refrain from joining any bona fide labor organization or to accept wages hours or conditions of employment not desired by a majority of the employes in the establishment or the occupation or would be denied the right of collective bargaining under generally prevailing conditions and that in determining whether or not an employe has left his work voluntarily without cause of a necessitous and compelling nature the department shall give consideration to the same factors insofar as they are applicable provided with respect to the determination of suitable work under section four (t) And provided further That the provisions of this subsection shall not apply in the event of a stoppage of work which exists because of a labor dispute within the meaning of subsection (d)

(2) In which his or her unemployment is due to leaving work (I) to accompany or to join his or her spouse in a new locality or (II) because of a marital filial or other domestic obligation or circumstance whether or not such work is in "employment" as defined in this act Provided however That the provisions of this subsection (2) shall not be applicable if the employe during a substantial part of the six months either prior to such leaving or the time of filing either an application or claim for benefits was the sole or major support of his or her family and such work is not within a reasonable commuting distance from the new locality to which the employe has moved

* * *

Section 6 Section 402 of the act is amended by adding a new subsection to read

Section 402 Ineligibility for Compensation—An employe shall be ineligible for compensation for any week—

* * *

(i) In which his unemployment is due to termination of service with a corporation partnership association or other business entity of which fifty per centum (50%) or more of the proprietary interest is owned by such individual his spouse father mother son daughter brother sister or any combination of such persons

Section 7 Section 404 of the act amended May 14 1949 (P L 1355) September 29 1951 (P L 1580) March 30 1955 (P L 6) and December 17 1959 (P L 1893) is amended to read

Section 404 Rate and Amount of Compensation —Compensation shall be paid to each eligible employe in accordance with the following provisions of this section except that compensation payable with respect to weeks ending in benefit years which begin prior to the first day of [January one thousand nine hundred sixty] October one thousand nine hundred sixty-one shall be paid on the

basis of the provisions of this section in effect at the beginning of such benefit years [Provided however That with respect to benefit years which begin on or after the first day of January one thousand nine hundred sixty and prior to the first day of July one thousand nine hundred sixty the maximum weekly benefit rate of compensation shall not be in excess of thirty-eight dollars ($38.00), nor the maximum amount of compensation payable with respect to such year in excess of eleven hundred forty dollars ($1140.00)]

(a) The employe's weekly [benefit] compensation rate shall be [computed as (1) one twenty-fifth of his "highest quarterly wage" in accordance with Part A of the Table Specified for the Determination of Rate and Amount of Benefits or (2) fifty per centum (50%) of his full-time weekly wage, whichever is greater or if his base year wages are insufficient to qualify him for compensation by either of these methods his weekly benefit rate shall be determined as (3) that rate appearing in Part B of the table on the line on which in Part C appears the amount of qualifying wages which most nearly approximates but does not exceed his base year wages] that rate which appears in Part B of the table set forth in subsection (e) hereof and which is on the same horizontal line in Part A as the interval which includes his highest quarterly wage

(b) The "highest quarterly wages" of an employe shall be the total wages (computed to the nearest dollar) which were paid to such employe in that calendar quarter in which such total wages were highest during the base year

(c) Any otherwise eligible employe shall be entitled during his benefit year to [the amount appearing in Part D of the Table Specified for the Determination of Rate and Amount of Benefits on the line on which in Part B appears his weekly benefit rate Provided That he has sufficient qualifying wages in Part C and provided further That an employe whose weekly benefit rate has been determined under clause (3) of subsection (a) of this section shall be entitled to compensation only if his base year wages are at least thirty times the weekly benefit rate as computed under clause (1) of subsection (a)] an amount equal to his weekly benefit rate multiplied by the number which appears on the table set forth in subsection (e) hereof at the top of a column under Part C of such table to be ascertained by locating on the same horizontal line in which his weekly benefit rate appears the maximum amount which does not exceed the total wages paid to him during his base year Provided That an individual who has received a reduction in compensation for one or more weeks of unemployment because of eligibility for a private or public pension or pensions as provided in subsection (d) hereof shall have such benefit year entitlement debited in the amount by which such compensation payment or payments were reduced in addition to the amount of compensation actually paid

(d) Notwithstanding any other provisions of this section each eligible [employe] individual who is unemployed with respect to any week ending subsequent to the [first] thirtieth day of [January one thousand nine hundred sixty] September one thousand nine hundred sixty-one shall be paid with respect to such week compensation in an amount equal to his weekly benefit rate less the total of (1) that part of the remuneration if any paid or payable to him with respect to such week which is in excess of his partial benefit credit, and [also (2) that part] (2) the amount of a retirement pension or annuity if any [received by him] which he has received is receiving is entitled to receive or upon application is eligible to receive with respect to such week under a private pension plan to which [a base-year] an employer of such employe has contributed [which is in excess of the maximum weekly benefit rate provided for in this act] and (3) the amount of the retirement pension or annuity which he has received is receiving is entitled to receive or upon application is eligible to receive with respect to such week under the provisions of either or both of the Federal Old Age Survivors and Disability Insurance Act and the Federal Railroad Retirement Act If such retirement pension or annuity payments deductible under the provisions of this subsection are received on other than a weekly basis the amount thereof shall be allocated and pro-rated in accordance with the rules and regulations of the department [Retirement pension or annuity payments received by the employe under the Federal OASI program the Federal Railroad Retirement program or under any private retirement plan to which the employe was the sole contributor shall not be considered a deductible retirement pension or annuity payment for the purposes of this subsection Such compensation if not a multiple of one dollar ($1.00) shall be computed to the next higher multiple of one dollar ($1.00)

[(e) Table Specified for the Determination of Rate and Amount of Benefits

Part A Highest Quarterly Wage	Part B Rate of Compensation	Part C Qualifying Wages	Part D Amount of Compensation
$120-262	$10	$320	$300
263-287	11	333	330
288-312	12	367	360
313-337	13	402	390
338-362	14	439	420
363-387	15	476	450
388-412	16	514	480
413-437	17	553	510
438-462	18	592	540
463-487	19	633	570
488-512	20	675	600
513-537	21	718	630
538-562	22	763	660
563-587	23	808	690
588-612	24	855	720
613-637	25	903	750
638-662	26	952	780
663-687	27	1003	810
688-712	28	1055	840
713-737	29	1109	870
738-762	30	1164	900
763-787	31	1221	930
788-812	32	1280	960
813-837	33	1341	990
838-862	34	1403	1020
863-887	35	1468	1050
888-912	36	1534	1080
913-937	37	1603	1110
938-962	38	1675	1140
963-987	39	1748	1170
988 or more	40	1825	1200]

(e) Table Specified for the Determination of Rate and Amount of Compensation

Part A Highest Quarterly Wages	Part B Weekly Compensation Rate	Part C Minimum Base Year Wages 20	21	22	23	24
$120-262	$10	$400	$420	$440	$460	$480
263-287	11	440	462	484	506	528
288-312	12	480	504	528	552	576
313-337	13	520	546	572	598	624
338-362	14	560	588	616	644	672
363-387	15	600	630	660	690	720
388-412	16	640	672	704	736	768
413-437	17	680	714	748	782	816
438-462	18	720	756	792	828	864
463-487	19	760	798	836	874	912
488-512	20	800	840	880	920	960
513-537	21	840	882	924	966	1008

(e) Table Specified for the Determination of Rate and Amount of Compensation

Part A Highest Quarterly Wages	Part B Weekly Compensation Rate	Part C Minimum Base Year Wages 20	21	22	23	24
538-562	22	880	924	968	1058	1104
563-587	23	920	966	1012	1058	1104
588-612	24	960	1008	1056	1104	1152
613-637	25	1000	1050	1100	1150	1200
638-662	26	1040	1092	1144	1196	1248
663-687	27	1080	1134	1188	1242	1296
688-712	28	1120	1176	1232	1288	1344
713-737	29	1160	1218	1276	1334	1392
738-762	30	1200	1260	1320	1380	1440
763-787	31	1240	1302	1364	1426	1498
788-812	32	1280	1344	1408	1472	1530
913-837	33	1320	1386	1452	1518	1584
838-862	34	1360	1428	1496	1564	1632
863-887	35	1400	1470	1540	1610	1680
888-912	36	1440	1512	1584	1656	1728
913-937	37	1480	1554	1628	1702	1776
938-962	38	1520	1596	1672	1748	1824
963-987	39	1560	1638	1716	1794	1872
988-1012	40	1600	1680	1760	1840	1920
1013-1037	41	1640	1722	1804	1886	1968
1038-1062	42	1680	1764	1848	1932	2016
1063-1087	43	1720	1806	1892	1978	2064
1088-1112	44	1760	1848	1936	2024	2112
1113 or more	45	1800	1890	1980	2070	2160

(e) Table Specified for the Determination of Rate and Amount of Compensation

Part A Highest Quarterly Wages	Part B Weekly Compensation Rate	Part C Minimum Base Year Wages 25	26	27	28	29	30
$120-262	$10	$500	$520	$540	$560	$580	$600
263-287	11	550	572	594	616	638	660
288-312	12	600	624	648	672	696	720
313-337	13	650	676	702	728	754	780
338-362	14	700	728	756	784	812	840
363-387	15	750	780	810	840	870	900
388-412	16	800	832	864	896	928	960
413-437	17	850	884	918	952	986	1020
438-462	18	900	936	972	1008	1044	1080
463-487	19	950	988	1026	1064	1102	1140
486-512	20	1000	1040	1080	1120	1160	1200
513-537	21	1050	1092	1134	1176	1218	1260
538-562	22	1100	1144	1188	1232	1276	1320
563-587	23	1150	1196	1242	1288	1334	1380
588-612	24	1200	1248	1296	1344	1392	1440
613-637	25	1250	1300	1350	1400	1450	1500
638-662	26	1300	1352	1404	1456	1508	1560
663-687	26	1350	1404	1458	1512	1566	1620
688-712	28	1400	1456	1512	1568	1624	1680
713-737	29	1450	1508	1566	1624	1682	1740
738-762	30	1500	1560	1620	1680	1740	1800
763-787	31	1550	1612	1674	1736	1818	1860
788-812	32	1600	1664	1728	1792	1856	1920
813-837	33	1650	1716	1782	1848	1914	1980
838-862	34	1700	1768	1836	1904	1972	2040
863-887	35	1750	1820	1890	1960	2030	2100
888-912	36	1800	1872	1944	2016	2088	2160
913-937	37	1850	1924	1998	2072	2146	2220
938-962	38	1900	1976	2052	2128	2204	2280
963-987	39	1950	2028	2105	2184	2262	2340
988-1012	40	2000	2080	2160	2240	2320	2400
1013-1037	41	2050	2132	2214	2296	2378	2460
1036-1062	42	2100	2184	2268	2352	2436	2520
1063-1087	43	2150	2236	2322	2408	2494	2580
1088-1112	44	2200	2288	2376	2464	2552	2640
1113 or more	45	2250	2340	2430	2520	2610	2700

(f) For purposes of this section and of section four hundred one (a) wages paid with respect to employment performed under Shipping Articles shall be considered as having been paid in the respective calendar quarters in which the services of the employe were being performed

Amend Sec. 4, page 8, line 6, by striking out "4 This" and inserting: 8 Except as otherwise provided this

Amend Sec. 4, page 8, by inserting after line 9:

The amendments provided by this act to clause (a) of section 4 section 206 and subsection (f) of section 302 shall take effect January 1 1962

The amendments provided by this act to subsection (a) of section 401 subsection (b) of section 402 and section 404 shall take effect with respect to benefit years commencing on and after October 1 1961

On the question,

Will the Senate agree to the amendments?

Mr. KESSLER. Mr. President, the hour is late, and I hate to take the time to explain these lengthy amendments. However, I think it is necessary.

The Unemployment Compensation Law, as it is administered in Pennsylvania today, makes me think of the story of the old mountain lady, who was giving some advice to a newly wedded girl. She said: "I hope your lot is easier than mine. All my wedded days, I have carried two burdens; Pa and the fire. Everytime I turned around to look at one, the other was out."

It seems to me that on unemployment compensation, everytime we try to do something to improve our situation in Pennsylvania, something else happens to make it worse.

Mr. President, it is unbelievable that this Senate would delay, until the last few days of an eight-month Session, the consideration of one of the Commonwealth's most serious problems; namely, the bankrupted unemployment compensation program.

It is even more unbelievable that the first and only U.C. Bill brought up for consideration is the one now before us, House Bill No. 1818, which covers inconsequential subjects, while completely ignoring every one of its basic and consuming ills.

We have done much to try to improve the business climate in this Commonwealth. However, to our discredit, we have failed to face up to the unemployment compensation problem, which is doing more to impede industrial expansion in Pennsylvania than any other factor.

How is the unemployment compensation program serving as a road block to industrial expansion in the State? The answer is obvious. The average U.C. tax imposed on our employers this year is 3.2 per cent. On a taxable payroll of $8.6 billion, that amounts to over $275 million. In Ohio,—one of our most aggressive business competitors—the average U.C. tax this year is 1.5 per cent. If a similar tax prevailed in Pennsylvania, the U.C. bill this year would be only $129 million. In other words, Pennsylvania employers are paying $146 million more in 1961 unemployment compensation taxes than they would be paying if they were operating in Ohio.

The comparison is even more odious in regard to Indiana, which is Pennsylvania's biggest competitor in its basic industry—steel. This year, the average unemployment compensation tax rate in the Hoosier State is 1.2 per cent. If Pennsylvania employers were operating in that State, their current unemployment compensation tax bill would be $103 million as compared to the $275 million they are paying here. This means that the unemployment compensation program is costing Pennsylvania employers $172 million more in one year to do business in

Pennsylvania than it would be costing them to do business in Indiana.

These figures tell a terrifying story which we can no longer ignore. They explain, in part, why so many of our major industries, which at one time made Pennsylvania the unrivaled industrial giant of the Nation, are building new facilities in other States.

Pennsylvania, once the workshop of the world, now has more depressed areas than any other State in the Nation. There are many reasons for this unhappy situation. They will vary from one locality to another. However, a basic underlying reason which is impeding industrial expansion in all these areas is the abnormally high unemployment compensation tax. It is a vexatious anomaly that the unemployment compensation law is creating unemployment, which is the very thing it was intended to alleviate.

Anyone willing to face up to this problem must readily admit that something is desperately wrong when, despite the highest taxes in the Nation, Pennsylvania is forced to call on the Federal Government to bail out its unemployment compensation program. How can our neighboring States maintain sound unemployment compensation programs and, at the same time, impose substantially lower taxes than obtain here in Pennsylvania?

The answer is evident, even to those who give the question only a casual investigation. The Pennsylvania unemployment compensation program is more costly than in other States. Why? It is more costly, in part, because we are paying benefits to several large groups of individuals who should not be receiving them. These expenditures amount to about $60 million a year. They have plunged the U.C. program into bankruptcy. They have created the highest U.C. taxes in the Nation. They involve payments to individuals who are not actually members of the labor force. They are payments to the "second dippers," to our retired pensioners, and overgenerous allowances to those who have only a casual attachment to the labor force.

Of course, it is nice to be generous. However, in all sincerity, I ask you, can these payments be justified in face of the fact that they have bankrupted the fund? They have created the highest taxes in the Nation, and they now make it impossible for us to raise benefit levels maintained in other States.

I ask my colleagues, are you willing to tell your constituents that you cannot increase their unemployment compensation benefit rates because you refuse to close the loopholes? The question is just that simple but, nevertheless, embarrassing.

Personally, I will not do so. Consequently, I am offering amendments to House Bill No. 1818, which will decrease unwarranted and extravagant payments and, at the same time, provide for an increase in the maximum benefit rate from forty dollars to forty-five dollars a week.

The first objective of these amendments is the limiting of the maximum duration of benefits to thirty weeks. This is accomplished by redefining the base year to the first fifty-two of the last fifty-four completed calendar weeks previous to the benefit year.

An important by-product to this change would be the elimination of the quarterly wage reporting for over 3,000,000 employees. Thus, employers would be relieved of an enormous reporting burden. The Bureau of Employment Security would be relieved of an expensive task of record-processing and filing wage records. Under the new proposed setup, employers would file wage records only when requested to do so after an employee becomes an unemployment compnsation claimant.

The second amendment has to do with the payment of benefits to certain pensioners. Anyone who has studied this problem well knows that we have crippled our unemployment compensation program through overgenerosity with those who have retired from the labor market. We have let our hearts rule our heads. Now that the cupboard is bare, it behooves us to use a little more common sense.

My amendments, perhaps, do not go as far as they should. Although I am convinced that all pension payments, both public and private, should be offset against unemployment compensation payments, I recognize that this objective is too replete with emotion to be accomplished. Therefore, I propose to do exactly what Congress has done in the Temporary Extended Unemployment Compensation Act; namely, offset only public and private pensions to which employers have contributed and not offset the Social Security Pension or Railroad Retirement Pension.

Such a plan should bring no great hardship on our pensioners, yet it will go a long way in putting the U.C. program on its feet, and making certain that we will have enough money to pay our regular workers, should they become unemployed.

The third amendment, Mr. President, will accomplish to a greater degree what has always been a fundamental concept of the unemployment compensation program; that is, a benefit program which compensates for fifty per cent of the wage loss.

The benefit table is revised to pay benefits for periods ranging from twenty to thirty weeks, and the entire benefit table has been developd so that it would pay amounts equal to fifty per cent of the base year wages.

The savings secured by this type of a table are a result of paying the casually employed persons in exactly the same manner in which the benefits of the regularly employed people are computed. Under the current table, the casually employed worker gets up to ninety-five per cent or more of his weekly wages in benefits. He also gets paid for the same duration. Frequently, he gets paid for a longer period than he worked.

This has been a foolish practice. It is one of the reasons the fund is bankrupt. We have jeopardized the rights of our regularly employed because of our oversolicitation for the casually employed.

Then, finally, these proposed amendments would raise the maximum benefit level from forty dollars to firty-five dollars a week; a step which simply cannot now be taken unless there are offsetting savings in the extravagant expenditures.

The closing of the three extravagances would result in the following annual savings: Elimination of the "second dip," $12,000,000; offsetting private pensions, $8,000,000; and tightening the benefit table, $20,000,00 or a total of $40,000,000.

However, the greater part of these savings would be utilized in paying the increased benefits. The increase in the maximum benefit rate to forty-five dollars would cost $25,000,000 annually. Thus, there would be a net saving under these proposals of approximately $15,000,000 a year.

Considering the deplorable condition of the program, this would appear to be less of an improvement than is really needed. This fact becomes quite clear when it is realized that we are now paying more than $1,000,000 a day in benefits, and we have paid more than $2,000,000 a day. However, I have proposed only this modest improvement in consideration of the reluctance of so many of my colleagues to make any improvement in the program at all. It will take many years for these amendments to effectuate a material improvement in the financial structure of the program but, at least, it is a much needed step in the right direction.

The unemployment compensation program is in dire trouble. Its troubles will increase unless we have the wisdom to face up to the situation by enacting these life-saving amendments.

If we, as Members of the Senate of Pennsylvania, have the real interest of the people who are regularly employed at heart, we will try to protect the unemployment compensation fund for their benefit when they need it.

I urge my colleagues to support these amendments.

Mr. WEINER. Mr. President, the position taken by the gentleman from Lancaster, at first blush, may seem to have some merit.

However, let us examine it a little more closely. We have operated in Pennsylvania from 2.0 to 4.0 per cent. Now with respect to New York State, there is a small headline in the New York Times,—and just as recently as today's paper, Wednesday, August 30, 1961—which states:

> "Employers Facing $85,000,000 Rise in State's Job Tax
> "Because of the sharp rise in unemployment insurance benefits in the first six months of this year, New York State employers are facing an $85,000,000 rise in insurance taxes starting January 1st . . ."

It goes on to state the area in which this problem exists, and it goes on in quite some detail.

New York has been and will be moving from 2.2 to 4.2 per cent. Pennsylvania has always lagged behind and has always remained behind in this area.

This bill is not that difficult, although it might seem a little complex. It deals with only three problems, one of which is very familiar to one of the Senators in this Chamber, Senator Bell, who had this very problem right in his own District.

The one amendment eliminates the inequity that now exists. For example, in a plant you have union employees and nonunion employees, and the plant shuts down. The union employees receive a severance pay because of the contract under which they operate. The nonunion employees, in order to be matched up with the union employees by the employer, usually get severance pay directly. The result is that the severance pay received by the union employees is deductible from the benefits they will receive over a pro rata period. With the other gentlemen who received the same amount, but were nonunion, it is not deductible, thereby accruing benefits to them while they go on to collect unemployment compensation.

This situation existed in the Ford Motor Plant when it closed down, and it was very difficult, under the interpretation of the present law, for them to make any differentiation between these two groups. Yet both groups suffered the same hardship and suffered the same difficulty in being re-employed, retrained or rehired.

This first amendment, if adopted, would cost approximately one-half of one per cent of the total benefits paid.

The second amendment to this bill—

Mr. KESSLER. Mr. President, I would like to just question the Majority Leader as to whether he is speaking on the amendments which I offered or whether he is speaking on the bill, itself.

Mr. WEINER. Mr. President, the gentleman is correct. However, in order for me to get into the other area, I wanted to discuss the first area first.

Mr. KESSLER. Senator Weiner, are you speaking on House Bill No. 1818, and its present provisions, and not on the amendments?

Mr. WEINER. Yes, sir.

The PRESIDING OFFICER. As the Chair understands, Senator Weiner is speaking of the amendments as they pertain to the entire bill.

Mr. WEINER. That is correct, Mr. President.

The PRESIDING OFFICER. You are giving us the background of the bill first.

Mr. WEINER. That is correct, sir, because I wanted to indicate that these amendments go to one section of the bill, and we are talking about this over-all measure.

Mr. KESSLER. Mr. President, there is nothing in the bill that I know of which refers to the amendments I offered.

The PRESIDING OFFICER. Will Senator Weiner confine his remarks to the amendments, please?

Mr. WEINER. Mr. President, I will discuss the other phase, which is the phase that the gentleman is trying to amend. This is the amendment that deals with the family corporation.

The present law today states that where you employ three persons and one person happens to be employed by his mother and father and is fired, he could not obtain the benefits. If the—

Mr. KESSLER. Mr. President, again may I ask whether the Majority Leader is speaking on the amendments or on House Bill No. 1818?

Mr. WEINER. Mr. President, I am speaking on the amendments. The first amendment, if I may read it, provides as follows:

> ". . . striking out all of eighth line, and 'FAMILY ENTERPRISE AS WAGES' in ninth line, and inserting: "redefining 'base year' and 'State'"

the next amendment then goes on to amend title, page 2, as follows:

> "or when separated from a family enterprise requiring additional reports . . ."—and so on and so forth.

I cannot discuss a family enterprise unless I talk about the present law and what they mean by a family and a family corporation. I will be delighted to do it the other way, but it will not be intelligible. I would like all of the Members here to vote on this matter in an intelligent fashion.

Mr. KESSLER. Might I observe, Mr. President,it is not very intelligible in any event?

Mr. WEINER. Mr. President, what they are eliminating in this bill is where they employ less than four people. There have been many indications in many places where a corporation was formed and, in that event, the third person or the fourth person could then go out and col-

lect the benefits. This helped to increase the amount that was needed in order keep the fund running. By eliminating this phase or this feature of it, the fund will have approximately $500,000 a year.

I, therefore, Mr. President, could go on discussing some of the other amendments that have been mentioned here. However, where we are discussing the base year and the amount of money,—which I think is the Senator's main point and how this fund is being run up—I would like to point out to the gentleman that Pennsylvania has been behind and has lagged behind. We have a lower rate in this State—and we have to compare States that are like other States—than they have in other States similar to us.

Just as recently as today, I read to you a portion of an article appearing in the New York Times, which stated that New York was going to raise their amount. I would ask my colleagues to vote against these amendments.

Mr. WARE. Mr. President, I would like to follow the suggestion of the Majority Leader that we look further into these amendments and the effect that they would have on our unemployment compensation problem.

The Majority Leader very clearly gave us the example of the Ford Motor Company. However, he failed I think to get Senator Kessler's point; namely, that we would have fewer plants closing in this Commonwealth and we would have fewer plants in this Commonwealth moving to other States if we had an unemployment compensation rate which was comparable, not to the higher States in the Union but to those which offer lower rates.

And the question recurring,

Will the Senate agree to the amendments?

A voice vote having been taken, the question was determined in the negative and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. KESSLER. Mr. President, I offer the following amendments to House Bill No. 1818. These are very modest ones compared to the ten pages of the prior offering.

The PRESIDING OFFICER. The Clerk will read the amendments.

The amendments were read by the Clerk as follows:

> Amend Sec. 2 (Sec. 4), page 4, lines 15 and 16 by striking out "per week allocated to any week or weeks during such period."
>
> Amend Sec. 3 (Sec. 401), page 6, line 16, by inserting after "available": and has not refused an offer of suitable work

On the question,

Will the Senate agree to the amendments?

Mr. WEINER. Mr. President, I ask my colleagues to vote "no" on these amendments.

And the question recurring,

Will the Senate agree to the amendments?

A voice vote having been taken, the question was determined in the negative and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

Ordered, To be transcribed for a third reading.

HB 1828 (Pr. No. 2489)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. BERGER. Mr. President, there is one phase of this bill which I think is very good. However, I would like to have some explanation made of why it is limited to family corporations. In other words, as I understand the bill, it provides that corporations which are composed of family stockholders—that is, the family—

The PRESIDING OFFICER. Senator Berger, we are now considering House Bill No. 1828.

Mr. BERGER. I beg your pardon, Mr. President.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

Ordered, To be transcribed for a third reading.

Mr. WEINER. Mr. President, now that we have almost completed the Calendar, I would be very happy if Senator Berger would put his question so that I can get the answer and we can debate the bill tomorrow. If I do not have the answer. I would like to get it for him.

Mr. BERGER. Mr. President, I agree that House Bill No. 1818, Printer's No. 2679, having gone up to Third Reading. should not be debated at this time. However, I would like to ask the question because I would like to have the answer when we do debate the bill.

The question is: Why are these corporations limited to family corporations? In other words, Mr. President, I know of instances where people engaged in a seasonal enterprise will form a corporation, and at the end of the season in which they could possibly be engaged in business as employees of their own corporation, they immediately go upon unemployment compensation and draw that amount of money until they can go to work again in their own business.

The PRESIDING OFFICER. Will Senator Weiner take that question to bed with him tonight and be prepared tomorrow?

BILLS ON SECOND READING

HB 1831 (Pr. No. 2616) and **HB 1841 (Pr. No. 2668)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE RESOLUTION

TERMINATION OF SENATORIAL SCHOLARSHIPS

Messrs. KESSLER, SEYLER and HAYS, by unanimous consent, offered the following resolution **(Serial No. 9a)**, which was read and referred to the Committee on Rules:

In the Senate, August 30, 1961.

Though there has never been a statutory basis for Senatorial Scholarships, the record shows that they have been in existence for at least 80 years. On July 1, 1881, the governing body of a State-aided institution of learning resolved:

> "That one scholar from each Senatorial District of Pennsylvania shall be admitted free of the regular college charge of $40.00 per annum, on these conditions: That he shall have been nominated for the scholarship by the Senator of his District, after a competitive examination; that said scholar is at least fifteen years of age; and that he is fully prepared for the freshman class. This scholar shall be entitled to the benefits of his scholarship to the end of his college course, . . ."

Two weeks later, the Members of the Senate of Pennsylvania were advised of this action in a letter which read in part:

". . . These scholarships, . . . will entitle the holders thereof to exemption from the payment of other college charges for incidentals, room rent, fuel and use of furniture."

Today, a "college charge" of $40 per annum is something known only to specialists in ancient scholastic history, and today's students attending Commonwealth-aided institutions of higher learning are not required to furnish their own fuel and, as a general rule, are not charged for the use of furniture.

Over the last 80 years, senatorial responsibilities have also changed. Today's Senator has three times as many constituents as the men who constituted the Senate of Pennsylvania in 1881. The task of today's Senator has been further complicated by the rapidly increasing mobility of constituents. As population has expanded, the number of young Pennsylvanians who wish to attend instructions of learing has also increased. During the period under discussion, the number of college students increased from 21,000 in 1900 to over 191,000 in 1960.

Concurrently, knowledge has become increasingly complex and specialized. In response, intricate techniques have been evolved for the purpose of ascertaining the aptitudes of young men and women for particular areas of specialization. The increasing demand for college and university training and the rapidly rising cost of such training require that these techniques be uniformly applied to all seeking admission.

Though the Members of the Senate of Pennsylvania can be relied upon to make informed judgments with respect to such qualifications as an applicant's character and need, they cannot be expected to make expert findings with respect to those aptitudes which make for success in specialized areas; therefore be it

RESOLVED, That the Senate hereby agrees that the Senatorial Scholarship Program be terminated, effective as of the end of the academic year 1961-1962, except for those scholarships currently in effect and extending beyond that period, and that the universities and schools now granting such scholarships be requested to grant the same number, of equivalent value, by competive examinations conducted by each university and school.

RECONSIDERATION OF HB 216

Mr. KELLER. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 216, Printer's No. 2702, failed of final passage on August 29, 1961.

The PRESIDING OFFICE. How did the Senator vote?

Mr. KELLER. Mr. President, I voted with the prevailing side.

Mr. VAN SANT. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. VAN SANT. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. KELLER. Mr. President, I move to reconsider the vote by which this bill passed third reading.

The PRESIDING OFFICER. How did the Senator vote?

Mr. KELLER. Mr. President, I voted with the prevailing side.

Mr. VAN SANT. Mr. President, I second the motion.

The PRESIDING OFFICE. How did the Senator vote?

Mr. VAN SANT. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. KELLER, by unanimous consent, offered the following amendments:

Amend Title, page 1, third and fourth lines of Title, by striking out "creating the State Auctioneers' Commission."

Amend Title, page 1, fifth line of Title, by striking out "commission" and inserting: Secretary of the Commonwealth

Amend Sec. 2, page 3, line 9, by striking out "commission" and inserting: department

Amend Sec. 2, page 4, lines 1 to 3, by striking out all of said lines and inserting:

(6) "Department" shall mean the Department of State who shall administer the provisions of this act

Amend Sec. 3, page 4, lines 4 and 5, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 3, page 4, lines 6 and 7, by striking out "commission" and inserting: department

Amend Sec. 4, page 4, line 11, by striking out "Public Instruction" and inserting: State

Amend Sec. 4, page 4 line 12, by striking out "commission with the commission's" and inserting: Secretary of the Commonwealth or his duly appointed representative with the secretary's

Amend Sec. 4, page 4, line 14, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 4, page 5, lines 1 to 3, by striking out "Department of Public" in line 1, all of line 2 and "of Public Instruction" in line 3, and inserting: department in any proceedings before the Secretary of the Commonwealth the department

Amend Sec. 5, page 5, lines 6 and 7, by striking out "Superintendent of Public Instruction any member of the commission" and inserting: Secretary of the Commonwealth

Amend Sec. 5, page 5, lines 8 and 9, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 5, page 5, line 14, by striking out "commission" and inserting: department

Amend Sec. 5, page 6, line 4, by striking out "commission" and inserting: Secretary of State

Amend Sec. 5, page 6, line 8, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 6, page 6, line 16, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 6, page 7, line 4, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 6, page 7, line 16, by striking out "commission" and inserting: department

Amend Sec. 6, page 8, line 5, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 7, page 8, line 11, by striking out "Public Instruction" and inserting: State

Amend Sec. 8, page 8, lines 17 and 18, by striking out "commission" and inserting: department

Amend Sec. 8, page 8, lines 18 and 19, by striking out "Department of Public Instruction and inserting: department

Amend Sec. 8, page 9, line 1, by striking out "commission" and inserting: department

Amend Sec. 8, page 10, line 7, by striking out "commission" and inserting: department

Amend Sec. 8, page 10, line 15, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 8, page 11, line 2, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 8, page 11, line 4, by striking out "commission" and inserting: department

Amend Sec. 8, page 11, line 9, by striking out "commission" and inserting: department

Amend Sec. 8, page 11, line 13, by striking out

"Department of Public Instruction" and inserting: department

Amend Sec. 8, page 11, line 18, by inserting after "examination" prepared and

Amend Sec. 8, page 11, line 18 and 19, by striking out "commission and prepared by the commission The commission" and inserting: department The department

Amend Sec. 8, page 12, line 3, by striking out "commission" and inserting: department

Amend Sec. 8, page 12, line 4, by striking out "commission" and inserting: department

Amend Sec. 8, page 12, line 14, by striking out "commission" and inserting: department

Amend Sec. 9, page 12, line 19, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 10, page 13, line 8, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 12, page 14, line 11, by striking out "commission" and inserting: department

Amend Sec. 12, page 14, line 16, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 12, page 15, lines 5 and 6, by striking out "chairman of the commission" and inserting: Secretary of the Commonwealth

Amend Sec. 12, page 15, line 7, by striking out "chairman of the commission" and inserting: Secretary of the Commonwealth

Amend Sec. 12, page 15, line 16, by striking out "secretary of the commission" and inserting: Secretary of the Commonwealth

Amend Sec. 12, page 15, lines 17 and 18, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 13, page 16, line 1, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 13, page 16, lines 12 and 13, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 13, page 16, line 17, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 14, page 16, line 19, by striking out "commission" and inserting: department

Amend Sec. 15, page 17, line 6, by striking out "commission" and inserting: department

Amend Sec. 15, page 17, line 13, by striking out "commission" and inserting: department

Amend Sec. 16, page 18, line 16, by striking out "commission or the Department of Public Instruction" and inserting: department

Amend Sec. 16, page 18, line 18, by striking out "commission or".

Amend Sec. 18, page 20, line 14, by striking out "commission or the Department of Public Instruction" and inserting: department

Amend Sec. 19, page 21, lines 10 and 11, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 19, page 21, lines 14 and 15, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 19, page 21, line 18, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 19, page 22, lines 1 and 2 by strikout "Department of Public Instruction" and inserting: department

Amend Sec. 19, page 22, line 5, by striking out "commission" and inserting: department

Amend Sec. 20, page 22, line 7, by striking out "commission" and inserting: department

Amend Sec. 20, page 22, line 13, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 20, page 24, lines 1 and 2, by striking out "commission" and inserting: department

Amend Sec. 20, page 24, line 4, by striking out "commission" and inserting: department

Amend Sec. 20, page 24, line 6, by striking out "commission" and inserting: department

Amend Sec. 20, page 24, lines 10 and 11, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 20, page 24, line 17, by striking out "commission or any member thereof" and inserting: department

Amend Sec. 20, page 24, line 19, by striking out "commission" and inserting: Secretary of State

Amend Sec. 20, page 25, lines 5 and 6, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 21, page 25, lines 9 and 10, by striking out "commission to authorize the Department of Public Instruction" and inserting: Secretary of the Commonwealth or the department

Amend Sec. 21, page 25, line 16, by striking out "commission" and inserting: department

Amend Sec. 21, page 25, line 19, by striking out "commission" and inserting: department

Amend Sec. 21, page 25, line 20, by striking out "It" and inserting: If

Amend Sec. 21, page 26, line 2, by striking out "commission" and inserting: department

Amend Sec. 22, page 26, line 6, by striking out "Commission" and inserting: Secretary

Amend Sec. 22, page 26, line 8, by striking out "commission" and inserting: Secretary of the Commonwealth

Amend Sec. 22, page 26, lines 10 and 11, by striking out "Public Instruction" and inserting: State

Amend Sec. 22, page 26, lines 11 and 12, by striking out "commission" and inserting: department

Amend Sec. 22, page 26, line 13, by striking out "the commission" and inserting: it

Amend Sec. 22, page 26, lines 15 and 16, by striking out "commission" and inserting: department

Amend Sec. 22, page 26, line 17, by striking out "commission" and inserting: department

Amend Sec. 23, page 27, line 5, by striking out "commission" and inserting: department

Amend Sec. 23, page 27, line 11, by striking out "commission" and inserting: department

Amend Sec. 23, page 27, lines 19 and 20, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 23, page 28, lines 4 and 5, by striking out "commission the commission" and inserting: department, and the department

Amend Sec. 23, page 28, line 11, by striking out "commission" where it appears the first time, and inserting: department

Amend Sec. 23, page 28, line 11, by striking out "commission" where it appears the second time, and inserting: department

Amend Sec. 23, page 28, line 17, by striking out "commission" and inserting: department

Amend Sec. 23, page 28, line 18, by striking out "commission" and inserting: department

Amend Sec. 23, page 29, line 4, by striking out "commission" and inserting: department

Amend Sec. 23, page 29, line 6, by striking out "commission" and inserting: department

Amend Sec. 23, page 29, line 10, by striking out "commission" and inserting: department

Amend Sec. 24, page 29, line 15, by striking out "commission" and inserting: department

Amend Sec. 24, page 29, lines 16 and 17, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 26, page 31, lines 11 and 13, by striking out "Commission (a) The commission and each of its duly" in line 11, all of line 12 and "by it" in line 13, and inserting: Secretary and the Department—(a) The secretary and each of

his duly authorized representatives and any special representative appointed by him

Amend Sec. 26, page 31, line 15, by striking out "commission" and inserting: department

Amend Sec. 26, page 31, line 18, by striking out "commission" and inserting: department

Amend Sec. 26, page 31, line 19, by striking out "commission" and inserting: department

Amend Sec. 26, page 32, line 3, by striking out "commission" and inserting: department

Amend Sec. 26, page 32, line 4, by striking out "commission" and inserting: department

Amend Sec. 26, page 32, lines 9 and 10, by striking out "commission or its representatives" and inserting: department

Amend Sec. 26, page 32, lines 11 and 12, by striking out "Department of Public Instruction" and inserting: department

Amend Sec. 26, page 32, line 14, by striking out "commission" and inserting: department

Amend Sec. 26, page 32, line 15, by striking out "commission" and inserting: department

Amend Sec. 26, page 33, line 7, by striking out "commission" and inserting: Secretary of the Commonwealth

Amend Sec. 26, page 33, line 9, by striking out "commission The commission" and inserting: department The department

Amend Sec. 26, page 33, lines 10 and 11, by striking out "the opinion of the commission" and inserting: its opinion

Amend Sec. 26, page 33, line 13, by striking out "commission" and inserting: department

Amend Sec. 28, page 34, line 17, by striking out "commission" an inserting: department

Amend Sec. 30, page 35, lines 6 to 11, by striking out "commission may act by a" in line 6, all of lines 7 to 11, and inserting: Department of State is hereby authorized and empowered to adopt fix and establish all rules and regulations necessary for the proper administration of the provisions of this act

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Mr. KELLER. Mr. President, I request that House Bill No. 216 go over in its order as amended, and appear on tomorrow's Third Reading Calendar.

The PRESIDING OFFICER. There being no objection, the bill, as amended, will be placed on tomorrow's Third Reading Calendar.

RECONSIDERATION OF SB 688

Mr. HAYS. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 688, Printer's No. 801, failed of final passage on August 28, 1961.

The PRESIDING OFFICER. How did the Senator vote?

Mr. HAYS. Mr. President, I voted with the prevailing side.

Mr. SEYLER. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. SEYLER. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. HAYS. Mr. President, I request that Senate Bill No. 688 go over in its order and appear on tomorrow's Final Passage Calendar.

The PRESIDING OFFICER. There being no objection, the bill will be placed on tomorrow's Final Passage Calendar.

BILLS ON FIRST READING

Mr. WEINER. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

The bills were as follows:

HB 812, 814, 816, 819, 1109, 1513, 1642, 1802, 1824, 1849, 1850 and **1854.**

And said bills having been read at length for the first time,

Ordered, To be laid aside for second reading.

HOUSE MESSAGES

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives being introduced, informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 840.**

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO **HB 840,** AND APPOINTS COMMITTEE OF CONFERENCE

Mr. WEINER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 840, and that a Committee of Conference on the part of the Senate be appointed.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Messsr. CAMIEL, SARRAF and HAWBAKER as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to House Bill No. 840.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 1259.**

SENATE INSISTS UPON IT SAMENDMENTS NONCONCURRED IN BY THE HOUSE TO **HB 1259,** AND APPOINTS COMMITTEE OF CONFERENCE

Mr. WEINER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 1259, and that a Committee of Conference on the part of the Senate be appointed.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs. MULLIN, ROONEY and WADE as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint

such committee) to consider the differences existing between the two houses in relation to House Bill No. 1259.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECONSIDERATION OF HB 1789

Mr. WEINER. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1789, Printer's No. 2666, failed of final passage at today's Session.

The PRESIDING OFFICER. How did the Senator vote?

Mr. WEINER. Mr. President, I voted with the prevailing side.

Mr. LANE. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

A voice vote having been taken, the question was determined in the affirmative and the motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. WEINER. Mr. President, I request that House Bill No. 1789 go over in its order and appear on tomorrow's Final Passage Calendar.

The PRESIDING OFFICER. There being no objection, the bill will be placed on tomorrow's Final Passage Calendar.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. WEINER. Mr. President, I request a five minute recess of the Senate for the purpose of holding a meeting of the Committee on Education, to be held in the Appropriations Committee Room, during which time the Senate can proceed with its business.

The PRESIDING OFFICER. There being no objection, the Committee on Education will proceed with its meeting.

REPORTS FROM COMMITTEE

Mr. HAYS, by unanimous consent, from the Committee on Education, reported, as committed, **HB 1224** and **1816**; as amended, **HB 566.**

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in amendments made by the Senate to **HB 283, 1337, 1338, 1427, 1456, 1599, 1720, 1768** and **1771.**

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

He also informed the Senate that the House has adopted Report of Committee of Conference on **HB 81,** which was placed on the Calendar.

SENATE BILL RETURNED WITH AMENDMENTS

He also returned to the Senate, **SB 923,** with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. The bill as amended, will be placed on the Calendar.

BILLS ON FIRST READING

Mr. WEINER. Mr. President, I move that the Senate do now proceed to the first reading of the additional bills reported from committee for the first time at today's session.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

The bills were as follows:

HB 566, 1224 and **1816.**

And said bills having been read at length for the first time,

Ordered, To be laid aside for second reading.

HOUSE MESSAGES

HOUSE ADOPTS REPORTS OF COMMITTEES OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House has adopted Reports of Committees of Conference on **HB 254, 255, 853** and **1407,** which were placed on the Calendar.

HOUSE CONCURS IN SENATE BILL

He also returned to the Senate, **SB 574,** with the information that the House has passed the same without amendments.

The PRESIDENT pro tempore (Anthony J. DiSilvestro) in the Chair.

BILLS SIGNED

The President pro tempore (Anthony J. DiSilvestro) in the presence of the Senate signed the following bills:

HB 65, 350, 669, 1001, 1273, 1552 and **1827.**

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

THURSDAY, AUGUST 31, 1961

DEMOCRATIC CAUCUS .....11:00 A. M., D. S. T.
REPUBLICAN CAUCUS .....11:00 A. M., D. S. T.

ADJOURNMENT

Mr. WEINER. Mr. President, I move that the Senate do now adjourn until Thursday, August 31, 1961, at 11:00 a.m., Eastern Standard Time.

Mr. BERGER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:28 p.m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, August 30, 1961

The House met at 10 a. m., e. s. t.

Mr. HELM IN THE CHAIR.

PRAYER

The Chaplain, Reverend David R. Hoover, offered the following prayer:

O God, our Father, Thou in whom we live and move and have our being, as members of a society dedicated to fostering Thy truths among our fellowmen, we bow before Thee in this hour. We are conscious that many times the accepted order which society chooses to follow is not in accord with the truths of Thy Word. So, O God, we pray that as dedicated servants of Thine we may never compromise the truths we know, but we pray that we may stand for that truth even if it means altering the accepted order. Amen.

The SPEAKER pro tempore. The Speaker has requested the present occupant of the Chair to preside. The Speaker is attending a meeting and will be delayed for some time.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Tuesday, August 29, 1961, will be postponed until printed.

The Chair hears none.

REPORTS FROM COMMITTEE

Mr. SHERMAN from the Committee on Judiciary, reported as committed, House bill No. 991, entitled:

A Joint Resolution proposing an amendment to article nine, section one of the Constitution of the Commonwealth of Pennsylvania; authorizing the General Assembly to exempt from taxation, parsonages, land on which places of worship are situated and land adjacent thereto necessary for the use of the church.

Mr. IRVIS from the Committee on Judiciary, reported as committed, Senate bill No. 461, entitled:

A Joint Resolution proposing an amendment to article four section twenty-one of the Constitution of the Commonwealth of Pennsylvania changing the time at which the Auditor General the State Treasurer and the Secretary of Internal Affairs take office and permitting the Auditor General and State Treasurer to succeed themselves for one additional term.

Mr. AUKER from the Committee on Judiciary, reported as committed, Senate bill No. 919, entitled:

A Joint Resolution proposing an amendment to article nine section four of the Constitution of the Commonwealth of Pennsylvania providing for and regulating Commonwealth debt for capital improvements and certain other purposes and prohibiting debts and obligations inconsistent therewith.

Mr. McCANN from the Committee on Rules, reported as committed, House Resolution No. 102.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 991, entitled:

A Joint Resolution proposing an amendment to article nine, section one of the Constitution of the Commonwealth of Pennsylvania; authorizing the General Assembly to exempt from taxation, parsonages, land on which places of worship are situated and land adjacent thereto necessary for the use of the church.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 461, entitled:

A Joint Resolution proposing an amendment to article four section twenty-one of the Constitution of the Commonwealth of Pennsylvania changing the time at which the Auditor General the State Treasurer and the Secretary of Internal Affairs take office and permitting the Auditor General and State Treasurer to succeed themselves for one additional term.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 919, entitled:

A Joint Resolution proposing an amendment to article nine section four of the Constitution of the Commonwealth of Pennsylvania providing for and regulating Commonwealth debt for capital improvements and certain other purposes and prohibiting debts and obligations inconsistent therewith.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 758, entitled:

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code" prohibiting certain business activities on Sunday.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 130, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" granting certain powers to directors of newly merged school districts.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 202, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land with buildings improvements and antiques and other personal property therein in the Borough of Brownsville Fayette County for preservation care and maintenance as a historical site by the Pennsylvania Historical and Museum Commission.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 320, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission to aid in the maintenance and operation of a shrine to house the replica of the Liberty Bell.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 596, entitled:

An Act amending the act of June 15, 1871 (P. L. 387), entitled "An act providing for the entry of certain proceedings on the judgment indexes of the several courts of this commonwealth" changing the place of indexing certain proceedings.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 597, entitled:

An Act amending the act of April 18, 1949 (P. L. 512), entitled "Fiduciaries Act of 1949" further regulating indexing of petitions for specific performance of agreements to purchase or sell real estate.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 613, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" changing the per pupil unit cost reimbursement for elementary and secondary school construction authorizing reimbursement in the year of acquisition for school building sites purchased in advance of their need and harmonizing provisions related thereto and extending the provisions for reimbursement on preliminary payments on account of approved building construction to include the State Public School Building Authority and Municipal Authorities and abolishing the cost limitations on school building projects for reimbursement purposes.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 619, entitled:

An Act amending the act of June 1, 1959 (P. L. 392), entitled "State Employes' Retirement Code of 1959" providing for the transfer of credits for employes of the Department of Health who are contributors to the Public School Employes' Retirement System.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 665, entitled:

An Act amending the act of May 1, 1929 (P. L. 1216), entitled "Real Estate Brokers License Act of 1929" changing licensure provisions for limited real estate brokers and salesmen requiring the registration of cemetery lot salesmen and prescribing responsibilities of certain brokers.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 666, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" increasing the membership of the Real Estate Commission and prescribing qualifications for the additional member.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 683, entitled:

A Joint Resolution proposing an amendment to article three section eighteen of the Constitution of the Commonwealth of Pennsylvania providing for grants or loans to residents of the Commonwealth for higher educational purposes.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 702, entitled:

An Act amending the act of July 20, 1917 (P. L. 1158), entitled "An act to fix regulate and establish the fees to be charged and received by constables in this Commonwealth" increasing the fees in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 710, entitled:

An Act amending the act of October 14, 1959 (P. L. 1314), entitled "An act to regulate and establish the fees to be received by the clerk of oyer and terminer and quarter sessions of the peace and the municipal court of Philadelphia in counties of the first class" providing that the provisions of the act be subject to certain limitations.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 713, entitled:

An Act amending the act of June 1, 1945 (P. L. 1242), entitled "State Highway Law" authorizing adoption of a system for qualification of competent and responsible bidders on highway projects.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 731, entitled:

An Act making an appropriation to Western Pennsylvania School for Blind Children in Pittsburgh and crediting said appropriation to the indebtedness of said school to the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 732, entitled:

An Act making an appropriation to Western Pennsylvania School for the Deaf in Edgewood Pittsburgh and crediting said appropriation to the indebtedness of said school to Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 733, entitled:

An Act making an appropriation to The Pennsylvania School for the Deaf in Philadelphia and crediting said appropriation to the indebtedness of said school to the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 787, entitled:

An Act providing for the acquisition by the Department of Forests and Waters of the Kinzua Bridge and certain adjoining grounds for a State park.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 806, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for the establishment and operation of area technical schools departments or classes by the Department of Public Instruction in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 814, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for educational broadcasting and authorizing agreements relating thereto.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 815, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further regulating the establishment and operation of audio-visual libraries and instructional materials centers.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 826, entitled:

An Act prohibiting the expression by the judge before the jury or any juror in a criminal proceeding of his belief opinion or thought concerning the guilt or innocence of any defendant in such proceeding.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 828, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" creating a State Commission on Academic Facilities providing for its membership powers and duties and imposing duties upon the Superintendent of Public Instruction.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 870, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" changing the manner of filling vacancies in the office of assistant county superintendent.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 872, entitled:

An Act to authorize the Department of Health and County Departments of Health to render home nursing care services and to charge fees therefor.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 880, entitled:

An Act amending the act of August 16, 1951 (P. L. 1236), entitled "An act authorizing the Supreme Court and the Superior Court to appoint and fix the compensation of reporters of their decisions and assistants and employes and repealing certain acts" removing the limitation on the salary of reporters.

The first section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendments:

Amend Section 1, (Section 1), page 2, line 13, by inserting after "Court" "which compensation shall be paid by the Commonwealth"

Amend Section 1, (Section 2), page 3, line 4, by inserting after "Court" "which compensation shall be paid by the Commonwealth"

They were agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 882, entitled:

An Act amending the act of December 3, 1959 (P. L. 1688), entitled "Housing Agency Law" clarifying and supplementing provisions of existing law relating to the financing of cooperatively-owned housing changing the terms of housing loans for elderly persons modifying the reserve requirements for outstanding Agency bonds and placing the Agency's report to the Legislature on an annual basis.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 884, entitled:

An Act amending the act of June 1, 1956 (P. L. 1997), entitled "An act relating to comic books magazines and other publications prohibiting and regulating the sale thereof in certain instances and imposing penalties" defining the word "obscene".

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 901, entitled:

An Act amending the act of May 13, 1909 (P. L. 520), entitled "Pure Food Law" by providing for the use of sulphur dioxide in certain food items and changing the labeling requirements relating to artificial sweetening agents.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 905, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" excepting certain restaurants from the prohibition of granting licenses to places of amusement.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 914, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing the awarding of additional scholarships.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 915, entitled:

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes' Retirement Code of 1959" providing retirement credit for sabbatical leaves of absence.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 916, entitled:

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code" authorizing counties to make appropriations and to enter into contracts for improvement of transportation operations and facilities and to accept gifts grants and federal loans in connection therewith.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 924, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" further regulating the issuance of new licenses for airport restaurants.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 931, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" imposing powers and duties on the General Assembly relative to the allocation of space in the State Capitol Building.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 932, entitled:

An Act amending the act of December 22, 1959 (P. L. 1978), entitled "State Harness Racing Law" changing the commission to an independent administrative commission permitting corporation organized to hold race meetings to have a perpetual duration permitting the renewal of licenses and authorizing elections to determine if a racing plant is to be located within the county once every four years.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 934, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further providing for school nurse services and changing reimbursement provisions with respect thereto.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

BILL PASSED OVER

There being no objection

Senate bill No. 935, printer's No. 1263,

was passed over temporarily at the request of Mr. McCANN.

Mr. McCANN. Mr. Speaker, on page 11, bills on third reading, I am going to call up Senate bill No. 498 for the purpose of recommittal. It has been clarified that the provisions contained in Senate bill 498 are covered fully in House bill 1595 which is law. Therefore, this bill is not needed in this session and for that reason it will be recommitted to die in committee.

Mr. Speaker, I call up Senate bill No. 498, printer's No. 549.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 498, entitled:

An Act amending the act of June 24, 1937 (P. L. 2051), entitled "Public Assistance Law" changing the definition of dependent children for assistance purposes with limitations.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY THE HOUSE

The clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House bill No. 1277, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145), entitled as amended "Local Tax Enabling Law" limiting the taxation of mobilehomes and house trailers and limiting the rate of the use and occupancy tax on mobilehomes and house trailers.

And has appointed Messrs. LANE, HALUSKA and VAN SANT a committee of conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1277.

The SPEAKER pro tempore. The Speaker has appointed as a Committee of Conference on the part of the House, Messrs. LAMB, YETTER and ZIMMERMAN.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY THE HOUSE

The clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House bill No. 1335, entitled:

An Act amending the act of March 31, 1949 (P. L. 372), entitled "The General State Authority Act of 1949" increasing the powers and the borrowing capacity of the Authority and allocating the proceeds of such increased borrowing capacity.

And has appointed Messrs. WEINER, LANE and BERGER a committee of conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1335

The SPEAKER pro tempore. The Speaker has appointed as a Committee of Conference on the part of the House, Messrs. POLEN, McCANN and HELM.

Ordered, that the clerk inform the Senate accordingly.

PERMISSION TO ADDRESS HOUSE

Mr. ISAACS asked and obtained unanimous consent to address the House.

Mr. Speaker, On August 8th we debated in this House, and passed, Senate bill 496, printer's No. 547, which would revise Legislative Route 730 and add a new Legislative Route in Delaware County, beginning at the intersection of Primos Avenue and Delmar Drive in Folcroft Borough, and continuing in a southerly direction to a point in Tinicum Township, a distance of about one and one-quarter miles, and connecting two state highways.

On August 24, 1961, Governor David L. Lawrence vetoed this bill, giving as his reasons the fact that it would be necessary to lay out and construct a new roadway. Further, the construction would be across the tidewater swamps of Darby Creek and would involve the erection of a major bridge across the stream and the engineering and construction costs would be substantial and, on the basis of preliminary studies, would be wholly disproportionate to the benefits derived. Further, he was advised by the Department of Highways that the Department of Highways, planning unit is presently conducting a study involving the construction of a Cobbs Creek Expressway from International Airport through these portions of Delaware County, and it would be ill-advised to disregard the extensive studies of the Department of Highway in this area.

Now, Mr. Speaker, the Governor vetoed this measure on the basis of recommendations of the Pennsylvania Department of Highways and, I am advised, particularly the district engineers' office at Haverford.

Mr. Speaker, I would put more dependence in the statement of a confidence man than in the recommendations of this latter office. From personal experience, you have to point a pistol at their heads to correct even a minor complaint. When Senate bill 496 was in the Highway Committee in this House, Chairman Harry Comer received proposed amendments from the Highway Department which would have deleted this new route. A memorandum further stressed the proposed Cobbs Creek Expressway used in the Governor's veto. On August 14th I wrote Secretary of Highways Park Martin and informed him that using the Cobbs Creek Expressway as an argument against the construction of this road was not honest, either morally or intellectually, as it would not come near this part of Delaware County. Yesterday, Mr. Carl W. Wild, deputy secretary for planning and programming, confirmed this fact. After checking the route he agreed it would stay east of Darby Creek. This makes the next to last paragraph of the Governor's veto as phony as a three-dollar bill.

Now, Mr. Speaker, I will summarize in the following manner. Construction of this highway would have (1) relieved the congestion on a state highway between Delmar Drive and Primos Avenue and the airport circle by 84th Street in the city of Philadelphia, which is and has been one of the worst bottlenecks in the County of Delaware; (2) it would have opened an area of some 500 acres for industrial development, much of it so zoned and ready to go. This area would develop rapidly as it would be only a quarter to a mile and a quarter off the Industrial Highway. This area would have made the 100-acre industrial park adjacent to the airport in Northeastern Philadelphia look like a play pen. Two days after this bill passed the House, Secretary of Commerce William R. Davlin had his director of the Bureau of Industrial Development, Mr. Newton Griffiths, on the ground, who made a survey of this area and was impressed with it. I want to commend Mr. Davlin and Mr. Griffiths for performing in a manner creditable to any business executive; (3) as to the expense of this road, attention is directed to the fact that 50 years ago, when the dikes along Darby Creek were in repair and the sluice boxes operated, the so-called tidewater marshes were being farmed right up to the banks of Darby Creek. Construction of this highway would require considerable fill. According to some of the figures being bandied about, the Highway Department must have contemplated filling this roadway with a base comprised of or containing a high content of gold, silver or copper; (4) the Governor's office received hundreds of letters advocating approval of Senate bill 496; (5) everyone in the northeastern section of Delaware County was interested in the construction of this road. This included the users of the highway, industrial developers, the Delaware County planning commission, who, incidentally, advocated two crossings of this stream, borough and township officials, and the unions whose members lose time every night and morning bucking traffic on this highway; (6) Secretary Martin indicated the prime reason for opposition to this measure was the construction of a paper road, which the department hesitated to do unless it was a limited access highway. For his information, Mr. Speaker, we would be satisfied with a limited access highway; (7) the feelings of the users of this highway have been alienated by this veto and deplore the fact that construction of this road was thwarted; (8) the excuse in using the proposed Cobbs Creek Expressway as a vehicle to veto this bill is a fraud and a sham.

Mr. Speaker, it is realized the Governor has to depend on his staff to give him the correct information in signing or vetoing a measure. The Justice Department ruled this bill was in proper form. The Commerce Department approved it. I call upon the Governor to appoint a committee to restudy this proposed highway and make a factual report. I can assure him, if he leaves the Highway Department and their ilk off this committee and the committee goes into every angle of the traffic conditions and possibilities for industrial development, there will be but one answer. The Highway Department could construct this highway without the benefit of any legislation, and I call upon the Governor to follow this procedure and build this link. I believe if subordinates of mine were to give me such misinformation, I would recommend their dismissal.

Further, Mr. Speaker, you have advocated for a long time that the committees in this House be given room to work and the technical staffs to investigate all features of bills before this House. I would recommend highly that this be done and that this General Assembly, through its Highway Committee, equip itself with the necessary technicians to study and survey conditions and to lay down by statute, line by line, the performance to which the Pennsylvania Department of Highways would have to conform. Then, Mr. Speaker, and only then will the people of Pennsylvania get what they are paying for.

Mr. Speaker, I repeat, everybody cannot be out of step except the Pennsylvania Department of Highways. I thank you, Mr. Speaker, and I thank the House for its attention.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, at this point I am going to ask the Democratic members to bring their house calendars with them and, when we make the motion for recess, to proceed immediately to the House caucus room, for we must caucus on everything on pages 8, 9, 10, 11, 12, 13, to the top of page 14 on the first caucus. Therefore, we are going to ask for a caucus of one hour and fifteen minutes, the caucus to start first and then, roughly, thirty-five or forty minutes to eat lunch. We ask that the members come to the caucus first and lunch later. Then we will return and start roll calls at 2 o'clock, daylight saving time, on the first run this afternoon. Mr. Speaker, I yield to the minority leader.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the minority leader, the gentleman from McKean, Mr. Johnson.

Mr. A. W. JOHNSON. Mr. Speaker, we are also calling a Republican caucus immediately. We will also caucus for a period of time and then break for lunch and be back here at 2 o'clock.

The SPEAKER pro tempore. Before the declaration of a recess, the Chair would like to take one resolution from the table.

RESOLUTION

CONGRATULATIONS

Mr. HORST asked and obtained unanimous consent to offer a resolution and for its immediate consideration.

The resolution was read, considered and adopted as follows:

In the House of Representatives, August 30, 1961.

On Wednesday, August 23, 1961, Miss Michelle Derridinger, 18, was selected as Pennsylvania Peach Dessert Queen in State competition at York. Miss Derridinger thereby became the fourth Franklin County queen to achieve the State title.

Following her selection she received a crown from the Pennsylvania Grocers Association and an album from the Pennsylvania Chain Store Association.

This is an outstanding honor which has been bestowed on Michelle Derridinger, for which Chambersburg and Franklin County are exceedingly proud. She is a daughter of Mrs. R. L. Derridinger of Chambersburg, Franklin County. She is a graduate of the Chambersburg Area Senior High School, Class of 1961 and expects to enter Shippensburg State College in September; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby commends and congratulates Michelle Derridinger on the outstanding honor which has been awarded her as Pennsylvania Peach Dessert Queen for 1961, and be it further

Resolved, That a copy of this resolution be presented to her representative here in the General Assembly, Enos H. Horst, so that he may present it to her at her home in Chambersburg.

The SPEAKER pro tempore. I am sure the Chair, on behalf of the members of the House, wishes to thank the gentleman from Franklin for his hand-out of beautiful peaches this morning. The Chair would inquire of the gentleman if these peaches have been raised in Franklin County or were brought in from surrounding counties.

The Chair recognizes the gentleman from Franklin, Mr. Horst.

Mr. HORST. They were raised in Franklin County, yes, sir.

The SPEAKER pro tempore. The chair thanks the gentleman and I think they will probably shorten the lunch by 30 minutes.

Mr. HORST. And you are all as welcome as the flowers in June.

Mr. McCANN. Mr. Speaker, I ask the membership to bring their calendars and come to the caucus room immediately because lunch will be at the end of caucus. So please proceed to the caucus.

RECESS

The SPEAKER pro tempore. Without objection, the Chair will declare a recess of two hours.

The Chair hears none, and a recess is declared.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Luzerne, Mr. Musto, rise?

Mr. MUSTO. I rise to a question of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MUSTO. Mr. Speaker, has there ever been a precedent set that when both Houses adopted a sine die resolution it was amended?

The SPEAKER. The answer is "yes."

The Chair said yes, there is such a precedent. From the Legislative Journal of May 26, 1937, page 6084: "The House and Senate rescinded its action in adopting a resolution fixing a date for sine die adjournment of the General Assembly and fixed a later date by adopting a new resolution."

In answer to the gentleman's question, the Chair would say that if there were no precedent, the Chair would so decide in any event.

Mr. MUSTO. Can such a thing take place, Mr. Speaker?

The SPEAKER. The answer is, yes, there is precedent for it. If the House wants to change its mind and the Senate wants to change its mind, as long as they are in session, they have a right to as many changes of mind as they want.

Mr. MUSTO. The purpose, if I have a right to explain, it does take three legislative days in the House and it takes three in the Senate, is that right?

The SPEAKER. That is right.

Mr. MUSTO. Therefore, if any chairman of a committee calls a meeting from now on—

The SPEAKER. It takes that time to pass a bill but it does not take that time to adjourn.

Mr. MUSTO. Mr. Speaker, I am talking about the chairmen who might call meetings to release bills from committee at this late day. If there is not enough time for those bills to receive proper consideration, then I do not know why they are going to release them from committee, if such intent were there.

The SPEAKER. That is a matter for the chairman of the committee to decide. We know that unless the sine die resolution is changed, the bills will not get anywhere.

In my opinion, on a certain date, the House should pass a resolution placing all bills in the hands of the various committees under the control of the House Rules Committee. That has not been done. I think it is the sort of thing that should be done at this time. It should have been done several days ago according to my way of thinking.

There are 25 or 30 bills that should be signed and, since the gentleman from Armstrong needs the practice, we will ask him to preside while the Chair disposes of these bills.

Mr. HELM IN THE CHAIR

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. HAMILTON asked and obtained permission for the Committee on Insurance to meet during the session of the House.

Mr. McCANN. Mr. Speaker, it is my understanding that on page 11 there is Senate bill No. 670, printer's No. 1219, establishing the family court division in the court of common pleas of Allegheny County. I have been requested to offer the following amendments to the bill and ask that it be printed immediately and returned here so that Allegheny County members may caucus on the printed version of the bill. Therefore, since we did check this out with both the Democratic and Republican membership and they requested this, I will call up Senate bill 670 for that purpose and will ask the chief clerk to send it to the printer and ask that the printer have it back here by our evening period, which will be around 5, 5:30, or 6 o'clock.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 670, entitled:

An Act establishing a Family Court division in the Court of Common Pleas of Allegheny County imposing certain jurisdiction over actions and other matters involving the family providing for a chief judge and board of judges clerk director and professional and other employes transferring certain duties of the Juvenile Court of Allegheny County and the domestic relations court of the county court to the family court division providing for additional law judges of the Court of Common Pleas in the fifth judicial district establishing procedures for reconciliation and providing for the investigation and report of relevant factual information.

On the question,

Will the House agree to the bill on third reading?

Mr. McCANN asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Sec. 6, page 7, line 5, by inserting after "PLEAS": who shall include it in his budget to the county commissioners of Allegheny County.

Amend Sec. 7, page 7, line 20, by inserting after "judge": The prothonotary's fees shall be as set forth in the prothonotary's fee bill in the act approved July 12, 1961 (Act No. 277).

Amend Sec. 8, page 8, line 15, by inserting after "em ploy": with the approval of the board of judges.

Amend Sec. 8, page 9, line 6, by inserting after "judges": and board of county commissioners.

Amend Sec. 9, page 10, line 4, by inserting after "basis": and the fees therefor shall be fixed by the Allegheny County salary board.

Amend Sec. 9, page 10, line 8, by inserting after "basis": at salaries fixed by the Allegheny County salary board.

Amend Sec. 11, page 12, lines 15 to 17, by striking out "and which actions may be" in line 15 and all of lines 16 and 17 and inserting: cases.

Amend Sec. 19, page 17, line 8, by striking out "are hereby" and inserting: shall be.

Amend Sec. 19, page 17, line 9, by inserting after "County": upon the request of the board of judges of said court.

Amend Sec. 20, page 19, line 7, by striking out "GENERAL" and inserting: municipal.

Amend Sec. 20, page 19, line 7, by striking out "1962" and inserting: 1963.

Amend Sec. 20, page 19, line 15, by striking out "1963" and inserting: 1964.

Amend Sec. 23, page 22, line 4, by striking out all of said line and inserting: July 1 1962.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Mr. McCANN. Will the chief clerk make the arrangements with the printer?

The SPEAKER pro tempore. The Chair will so direct the chief clerk.

LEAVE OF ABSENCE WITHDRAWN

The SPEAKER pro tempore. For what purpose does the gentleman from Delaware, Mr. Lippincott, rise?

Mr. LIPPINCOTT. Mr. Speaker, I understand that a leave of absence had been requested for me for the week. I request that the leave be cancelled as of today.

The SPEAKER pro tempore. The leave will be cancelled as of today, and the Chair is happy to see the gentleman back in his seat.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 566, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), defining and providing for special education of exceptional children.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—196

Adams,	Gibb,	Limper,	Royer,
Anderson, J. H.	Gibbons,	Lippincott,	Rubin,
Anderson, S. A.,	Goldstein, J. H.,	Long, Wm. Jas.,	Rudisill,
Arlene,	Goldstein, M. H.,	Long, Wm. Jos.,	Rutherford,
Bachman	Goodrich,	Magee,	Sakulsky,
Backenstoe,	Gramlich,	Manbeck,	Scarcelli,
Blair,	Gray,	Markley,	Schaaf,
Boies,	Greenlee,	Marsh,	Seltzer,
Bonner,	Gremminger,	Maxwell,	Shelton,
Bossert,	Gross,	May,	Sherman,
Bower,	Guesman,	McCandless,	Shupnik,
Bowman,	Guthrie,	McCann,	Simmons,
Branca,	Hamilton,	McCormack,	Slack,
Breth,	Hankins,	McDevitt,	Snare,
Buchanan,	Hartley,	McDonald	Stank,
Bush,	Haudenshield,	McKeever,	Steckel,
Capano,	Heavey,	McLaughlin,	Stimmel,
Capitolo,	Heffner,	McNally,	Stiteler,
Cianfrani,	Helm,	Meholchick,	Stone,
Cioffi,	Henzel,	Merry,	Strausser,
Clarke,	Hocker,	Miller,	Sullivan, J. A.,
Comer,	Holl,	Mills,	Sullivan, T. F.,
Crossin,	Holliday,	Monroe,	Taylor,
Davis,	Holman,	Morley,	Thompson,
Dengler,	Horst,	Mullen,	Tomascik,
Dennison,	Irvis,	Munley,	Tompkins,
Donaldson,	Isaacs,	Murray,	Trusio,
Dougherty,	Jenkins,	Musto,	Ujobai,
Doughten,	Jim,	Needham,	Varner,
Down,	Johnson, A. W.,	O'Dell,	Verona,
Edwards,	Johnson, R. P.,	O'Donnell, J. A.,	Wall,
Eilberg,	Jones,	O'Donnell, J. P.,	Walsh,
Elvey,	Kamyk,	Odorisio,	Wargo,
Eshback,	Keiser,	Ogilvie,	Weidner,
Eshleman,	Kelly,	Parlante,	Welsh,
Ewing,	Kernaghan,	Pashley,	Wescott,
Farabaugh,	Kessler,	Perry,	Whittaker,
Fetterolf,	King,	Petrosky,	Willard,
Filo,	Kistler,	Piper,	Willaredt,
Flynn,	Klein,	Polaski,	Williams, A. D.,
Foerster,	Knecht,	Polen,	Williams, E. S.,
Foor,	Kooker,	Prendergast,	Wilt,
Fox,	Kornick,	Price,	Wood,
Frascella,	Korns,	Pursley,	Worley,
Fry,	Lamb,	Reibman,	Wynd,
Fulmer,	Lawson,	Reidenbach,	Yetter,
Gailey,	Lee, A. M.,	Renwick,	Zember,
Gallagher,	Lee, K. B.,	Riley,	Zimmerman,
George,	Leonard,	Rovansek,	Andrews,
			Speaker

NAYS—1

Auker.

NOT VOTING—13

Ashton,	Esler,	Kramer,	Mihm,
Cauley,	Fineman,	Lutty,	Murphy,
Cooley,	Gelfand,	McInroy,	Schuster,
Curwood,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1575, entitled:

An Act making an appropriation to the School of Forestry of Pennsylvania State University for research on diseases of maple trees.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—199

Adams,	Gallagher,	Limper,	Royer,
Anderson, J. H.	George,	Lippincott,	Rubin,
Anderson, S. A.,	Gibb,	Long, Wm. Jas.,	Rudisill,
Arlene,	Gibbons,	Long, Wm. Jos.,	Rutherford,
Auker,	Goldstein, J. H.,	Lutty,	Sakulsky,
Bachman	Goldstein, M. H.,	Magee,	Scarcelli,
Backenstoe,	Goodrich,	Manbeck,	Schaaf,
Blair,	Gramlich,	Markley,	Seltzer,
Boies,	Gray,	Marsh,	Shelton,
Bonner,	Greenlee,	Maxwell,	Sherman,
Bossert,	Gremminger,	May,	Shupnik,
Bower,	Gross,	McCandless,	Simmons,
Bowman,	Guesman,	McCann,	Slack,
Branca,	Guthrie,	McCormack,	Snare,
Breth,	Hamilton,	McDevitt,	Stank,
Buchanan,	Hankins,	McDonald	Steckel,
Bush,	Hartley,	McKeever,	Stimmel,
Capano,	Haudenshield,	McLaughlin,	Stiteler,
Capitolo,	Heavey,	McNally,	Stone,
Cianfrani,	Heffner,	Meholchick,	Strausser,
Cioffi,	Helm,	Merry,	Sullivan, J. A.,
Clarke,	Henzel,	Miller,	Sullivan, T. F.,
Comer,	Hocker,	Mills,	Taylor,
Crossin,	Holl,	Monroe,	Thompson,
Curwood,	Holliday,	Morley,	Tomascik,
Davis,	Holman,	Mullen,	Tompkins,
Dengler,	Horst,	Munley,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Isaacs,	Musto,	Varner,
Dougherty,	Jenkins,	Needham,	Verona,
Doughten,	Jim,	O'Dell,	Wall,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Jones,	Odorisio,	Weidner,
Elvey,	Kamyk,	Ogilvie,	Welsh,
Eshback,	Keiser,	Parlante,	Wescott,
Eshleman,	Kelly,	Pashley,	Whittaker,
Ewing,	Kernaghan,	Perry,	Willard,
Farabaugh,	Kessler,	Petrosky,	Willaredt,
Fetterolf,	King,	Piper,	Williams, A. D.,
Filo,	Kistler,	Polaski,	Williams, E. S.,
Fineman,	Klein,	Polen,	Wilt,
Flynn,	Kooker,	Prendergast,	Wood,
Foerster,	Kornick,	Price,	Worley,
Foor,	Korns,	Pursley,	Wynd,
Fox,	Lamb,	Reibman,	Yetter,
Frascella,	Lawson,	Reidenbach,	Zember,
Fry,	Lee, A. M.,	Renwick,	Zimmerman,
Fulmer,	Lee, K. B.,	Riley,	Andrews,
Gailey,	Leonard,	Rovansek,	Speaker

NAYS—0

NOT VOTING—11

Ashton,	Esler,	Kramer,	Murphy,
Cauley,	Gelfand,	McInroy,	Schuster,
Cooley,	Knecht,	Mihm,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1816, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), enlarging the functions of the State colleges and providing for certain duties for the Board of Presidents of State Colleges and for the Department of Public Instruction and changing provisions relating to tuition board and fees.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—188

Adams,	Gibb,	Limper,	Rubin,
Anderson, S. A.,	Gibbons,	Lippincott,	Rudisill,
Arlene,	Goldstein, J. H.,	Long, Wm. Jas.,	Rutherford,
Bachman	Goldstein, M. H.,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goodrich,	Magee,	Scarcelli,
Blair,	Gramlich,	Manbeck,	Schaaf,
Boles,	Gray,	Markley,	Seltzer,
Bonner,	Greenlee,	Marsh,	Shelton,
Bossert,	Gremminger,	Maxwell,	Sherman,
Bower,	Guesman,	May,	Shupnik,
Bowman,	Guthrie,	McCandless,	Simmons,
Breth,	Hamilton,	McCann,	Slack,
Buchanan,	Hankins,	McCormack,	Snare,
Bush,	Hartley,	McDevitt,	Stank,
Capano,	Haudenshield,	McDonald	Steckel,
Capitolo,	Heavey,	McKeever,	Stimmel,
Cioffi,	Heffner,	McLaughlin,	Stiteler,
Clarke,	Helm,	McNally,	Stone,
Comer,	Henzel,	Meholchick,	Sullivan, J. A.,
Crossin,	Hocker,	Merry,	Sullivan, T. F.,
Curwood,	Holl,	Miller,	Taylor,
Davis,	Holliday,	Mills,	Thompson,
Dengler,	Holman,	Monroe,	Tomascik,
Dennison,	Horst,	Morley,	Tompkins,
Donaldson,	Irvis,	Mullen,	Trusio,
Dougherty,	Isaacs,	Munley,	Ujobai,
Doughten,	Jim,	Murray,	Varner,
Down,	Johnson, A. W.,	Musto,	Verona,
Edwards,	Johnson, R. P.,	Needham,	Wall,
Eilberg,	Jones,	O'Dell,	Walsh,
Elvey,	Kamyk,	O'Donnell, J. A.,	Wargo,
Eshback,	Keiser,	Ogilvie,	Weidner,
Eshleman,	Kelly,	Parlante,	Welsh,
Ewing,	Kernaghan,	Perry,	Wescott,
Farabaugh,	Kessler,	Petrosky,	Whittaker,
Fetterolf,	King,	Piper,	Willard,
Filo,	Kistler,	Polaski,	Willaredt,
Flynn,	Klein,	Polen,	Williams, A. D.,
Foerster,	Knecht,	Prendergast,	Williams, E. S.,
Foor,	Kooker,	Price,	Wilt,
Fox,	Kornick,	Pursley,	Wood,
Frascella,	Korns,	Reibman,	Worley,
Fry,	Lamb,	Reidenbach,	Wynd,
Fulmer,	Lawson,	Renwick,	Yetter,
Gailey,	Lee, A. M.,	Riley,	Zember,
Gallagher,	Lee, K. B.,	Rovansek,	Zimmerman,
George,	Leonard,	Royer,	Andrews, Speaker

NAYS—5

Anderson, J. H.	Cianfrani,	Gross,	Pashley,
Auker,			

NOT VOTING—17

Ashton,	Fineman,	Lutty,	O'Donnell, J. P.,
Branca,	Gelfand,	McInroy,	Odorisio,
Cauley,	Jenkins,	Mihm,	Schuster,
Cooley,	Kramer,	Murphy,	Strausser,
Esler,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1849, entitled:

An Act amending "The First Class City Permanent Registration Act" approved March 30, 1937 (P. L. 115), providing for the registration of physically disabled persons.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—199

Adams,	Gailey,	Lee, K. B.,	Royer,
Anderson, J. H.	Gallagher,	Leonard,	Rubin,
Anderson, S. A.,	George,	Limper,	Rudisill,
Arlene,	Gibb,	Lippincott,	Rutherford,
Auker,	Gibbons,	Long, Wm. Jas.,	Sakulsky,
Bachman	Goldstein, J. H.,	Long, Wm. Jos.,	Scarcelli,
Backenstoe,	Goldstein, M. H.,	Lutty,	Schaaf,
Blair,	Goodrich,	Magee,	Seltzer,
Boles,	Gramlich,	Manbeck,	Shelton,
Bonner,	Gray,	Markley,	Sherman,
Bossert,	Greenlee,	Marsh,	Shupnik,
Bower,	Gremminger,	Maxwell,	Simmons,
Bowman,	Gross,	May,	Slack,
Branca,	Guesman,	McCandless,	Snare,
Breth,	Guthrie,	McCann,	Stank,
Buchanan,	Hamilton,	McCormack,	Steckel,
Bush,	Hankins,	McDonald	Stimmel,
Capano,	Hartley,	McDevitt,	Stiteler,
Capitolo,	Haudenshield,	McKeever,	Stone,
Cianfrani,	Heavey,	McLaughlin,	Strausser,
Cioffi,	Heffner,	McNally,	Sullivan, J. A.,
Clarke,	Helm,	Meholchick,	Sullivan, T. F.,
Comer,	Henzel,	Merry,	Taylor,
Cooley,	Hocker,	Miller,	Thompson,
Crossin,	Holl,	Mills,	Tomascik,
Curwood,	Holliday,	Monroe,	Tompkins,
Davis,	Holman,	Morley,	Trusio,
Dengler,	Horst,	Mullen,	Ujobai,
Dennison,	Irvis,	Munley,	Varner,
Donaldson,	Isaacs,	Murray,	Verona,
Dougherty,	Jenkins,	Musto,	Wall,
Doughten,	Jim,	Needham,	Walsh,
Down,	Johnson, A. W.,	O'Dell,	Wargo,
Edwards,	Johnson, R. P.,	O'Donnell, J. A.,	Weidner,
Eilberg,	Jones,	Odorisio,	Welsh,
Elvey,	Kamyk,	Ogilvie,	Wescott,
Eshback,	Keiser,	Parlante,	Whittaker,
Eshleman,	Kelly,	Pashley,	Willard,
Ewing,	Kernaghan,	Perry,	Willaredt,
Farabaugh,	Kessler,	Petrosky,	Williams, A. D.,
Fetterolf,	King,	Piper,	Williams, E. S.,
Filo,	Kistler,	Polaski,	Wilt,
Fineman,	Klein,	Polen,	Wood,
Flynn,	Knecht,	Prendergast,	Worley,
Foerster,	Kooker,	Price,	Wynd,
Foor,	Kornick,	Pursley,	Yetter,
Fox,	Korns,	Reibman,	Zember,
Frascella,	Lamb,	Reidenbach,	Zimmerman,
Fry,	Lawson,	Riley,	Andrews, Speaker
Fulmer,	Lee, A. M.,	Rovansek,	

NAYS—0

NOT VOTING—11

Ashton,	Gelfand,	Mihm,	Renwick,
Cauley,	Kramer,	Murphy,	Schuster,
Esler,	McInroy,	O'Donnell, J. P.,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House roceeded to the third reading and consideration of House bill No. 1850, entitled:

An Act amending "The Permanent Registration Act for Cities of the Second Class Cities of the Second Class A Cities of the Third Class Boroughs Towns and Townships" approved April 29, 1937 (P. L. 487), providing for the registration of physically disabled persons.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—197

Adams,	Gallagher,	Leonard,	Royer,
Anderson, J. H.,	George,	Limper,	Rubin,
Anderson, S. A.,	Gibb,	Lippincott,	Rudisill,
Arlene,	Gibbons,	Long, Wm. Jas.,	Rutherford,
Auker,	Goldstein, J. H.,	Long, Wm. Jos.,	Sakulsky,
Bachman,	Goldstein, M. H.,	Magee,	Scarcelli,
Backenstoe,	Goodrich,	Manbeck,	Schaaf,
Blair,	Gramlich,	Markley,	Seltzer,
Boies,	Gray,	Marsh,	Shelton,
Bonner,	Greenlee,	Maxwell,	Sherman,
Bossert,	Gremminger,	May,	Shupnik,
Bower,	Gross,	McCandless,	Simmons,
Bowman,	Guesman,	McCann,	Slack,
Branca,	Guthrie,	McCormack,	Snare,
Breth,	Hamilton,	McDevitt,	Stank,
Buchanan,	Hankins,	McDonald,	Steckel,
Bush,	Hartley,	McKeever,	Stimmel,
Capano,	Haudenshield,	McLaughlin,	Stiteler,
Cianfrani,	Heffner,	McNally,	Stone,
Cioffi,	Helm,	Meholchick,	Strausser,
Clarke,	Henzel,	Merry,	Sullivan, J. A.,
Comer,	Hocker,	Miller,	Sullivan, T. F.,
Cooley,	Holl,	Mills,	Taylor,
Crossin,	Holliday,	Monroe,	Thompson,
Curwood,	Holman,	Morley,	Tomascik,
Davis,	Horst,	Mullen,	Tompkins,
Dengler,	Irvis,	Munley,	Trusio,
Dennison,	Isaacs,	Murray,	Ujobai,
Donaldson,	Jenkins,	Musto,	Varner,
Dougherty,	Jim,	Needham,	Verona,
Doughten,	Johnson, A. W.,	O'Dell,	Wall,
Down,	Johnson, R. P.,	O'Donnell, J. A.,	Walsh,
Edwards,	Jones,	Odorisio,	Wargo,
Eilberg,	Kamyk,	Ogilvie,	Weidner,
Elvey,	Kelly,	Parlante,	Welsh,
Eshback,	Keiser,	Pashley,	Wescott,
Eshleman,	Kernaghan,	Perry,	Whittaker,
Ewing,	Kessler,	Petrosky,	Willard,
Farabaugh,	King,	Piper,	Willaredt,
Fetterolf,	Kistler,	Polaski,	Williams, A. D.,
Filo,	Klein,	Polen,	Williams, E. S.,
Fineman,	Knecht,	Prendergast,	Wilt,
Flynn,	Kooker,	Price,	Wood,
Foerster,	Kornick,	Pursley,	Worley,
Foor,	Korns,	Reibman,	Wynd,
Fox,	Lamb,	Reidenbach,	Yetter,
Frascella,	Lawson,	Renwick,	Zember,
Fry,	Lee, A. M.,	Riley,	Zimmerman,
Fulmer,	Lee, K. B.,	Rovansek,	Andrews,
Gailey,			Speaker

NAYS—0

NOT VOTING—13

Ashton,	Gelfand,	Lutty,	Murphy,
Capitolo,	Heavey,	McInroy,	O'Donnell, J. P.,
Cauley,	Kramer,	Mihm,	Schuster,
Esler,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Capitolo, rise?

Mr. CAPITOLO. Mr. Speaker, I pressed my button and it did not register. I would have voted 'aye" if it had registered.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1854, entitled:

An Act amending "The Military Code of 1949" approved May 27, 1949 (P. L. 1903), providing for the extension of the terms of service of enlisted personnel in the Pennsylvania National Guard.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, as everyone knows, House bill 1854 was introduced a couple days ago, after a request was received to extend the terms of the military service of the enlisted personnel of the National Guard. Here in Pennsylvania it was found that we have no law which permits the extension of a term of enlistment in the National Guard. In the world crisis that is confronting this Nation of ours, the request has come from our Nation's capitol, and, therefore, this proposed amendment to the Military Code of 1949 is on the calendar today.

I realize that we must pass this and enact it into law and, in the interest of the defense of our Country, we ask that all members vote "aye," extending the term of service of the enlisted personnel of the Pennsylvania National Guard units.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—195

Adams,	Fulmer,	Leonard,	Royer,
Anderson, J. H.,	Gailey,	Limper,	Rubin,
Anderson, S. A.,	Gallagher,	Lippincott,	Rudisill,
Arlene,	George,	Long, Wm. Jas.,	Rutherford,
Auker,	Gibb,	Long, Wm. Jos.,	Sakulsky,
Bachman,	Gibbons,	Lutty,	Scarcelli,
Backenstoe,	Goldstein, J. H.,	Magee,	Schaaf,
Blair,	Goldstein, M. H.,	Manbeck,	Seltzer,
Boies,	Goodrich,	Markley,	Shelton,
Bonner,	Gramlich,	Marsh,	Sherman,
Bossert,	Gray,	Maxwell,	Shupnik,
Bower,	Greenlee,	May,	Simmons,
Bowman,	Gremminger,	McCandless,	Slack,
Branca,	Gross,	McCann,	Snare,
Breth,	Guesman,	McCormack,	Stank,
Buchanan,	Guthrie,	McDevitt,	Steckel,
Bush,	Hankins,	McDonald,	Stimmel,
Capano,	Hartley,	McKeever,	Stiteler,
Capitolo,	Haudenshield,	McLaughlin,	Stone,
Cianfrani,	Heavey,	McNally,	Strausser,
Cioffi,	Heffner,	Meholchick,	Sullivan, J. A.,
Clarke,	Helm,	Merry,	Sullivan, T. F.,
Comer,	Henzel,	Miller,	Taylor,
Cooley,	Hocker,	Mills,	Thompson,
Crossin,	Holl,	Monroe,	Tomascik,
Curwood,	Holliday,	Morley,	Tompkins,
Davis,	Horst,	Mullen,	Trusio,
Dengler,	Irvis,	Munley,	Ujobai,
Dennison,	Isaacs,	Murray,	Varner,
Donaldson,	Jenkins,	Musto,	Verona,
Dougherty,	Jim,	Needham,	Wall,
Doughten,	Johnson, A. W.,	O'Dell,	Walsh,
Down,	Johnson, R. P.,	O'Donnell, J. A.,	Wargo,
Edwards,	Jones,	Odorisio,	Weidner,
Eilberg,	Kamyk,	Ogilvie,	Welsh,
Elvey,	Keiser,	Parlante,	Wescott,
Eshback,	Kelly,	Pashley,	Whittaker,
Eshleman,	Kernaghan,	Perry,	Willard,
Ewing,	Kessler,	Petrosky,	Willaredt,
Farabaugh,	King,	Piper,	Williams, E. S.,
Fetterolf,	Kistler,	Polaski,	Wilt,
Filo,	Knecht,	Polen,	Wood,
Fineman,	Kooker,	Prendergast,	Worley,
Flynn,	Kornick,	Price,	Wynd,
Foerster,	Korns,	Pursley,	Yetter,
Foor,	Lamb,	Reibman,	Zember,
Fox,	Lawson,	Renwick,	Zimmerman,
Frascella,	Lee, A. M.,	Riley,	Andrews,
Fry,	Lee, K. B.,	Rovansek,	Speaker

NAYS—2

Holman,	Williams, A. D.,

NOT VOTING—13

Ashton,	Hamilton,	McInroy,	O'Donnell, J. P.,
Cauley,	Klein,	Mihm,	Reidenbach,
Esler,	Kramer,	Murphy,	Schuster,
Gelfand,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 354, entitled:

An Act authorizing business corporations engaged in community industrial development whose stock is owned exclusively by a nonprofit corporation to amend their charters to be converted into nonprofit corporations engaged in similar purposes with court approval and prescribing procedure.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Fineman.

Mr. FINEMAN. Mr. Speaker, I would like to interrogate someone to whom I may put a question or two, seeking information on this bill.

The SPEAKER. Does any member in the House . . .

Mr. FINEMAN. This is Senate bill 354. Mr. Petrosky, I do not know whether or not you will be able to answer the questions.

The SPEAKER. The gentleman from Westmoreland volunteers to permit himself to be interrogated.

Mr. PETROSKY. I will try, Mr. Speaker.

Mr. FINEMAN. Can you tell me if, under the provisions of this bill, a business corporation, once it changes into a non-profit corporation, will remain liable for any unliquidated claim against it? Now the reason I raise this question, and I do not know whether or not you can answer it since this properly should be a question addressed to an attorney, is because on page 3 of the bill it says that the corporation shall nevertheless remain liable for all existing obligations. Now, what about an nonliquidated claim which is not in fact an existing obligation but nevertheless a right that can be of service?

Mr. PETROSKY. Mr. Speaker, the question that the gentleman propounded could better be answered, if I would give him the background of this bill and the reason for it and the way in which it has been drafted and the scope to which it is limited, as to what it would apply. Would that be satisfactory?

Mr. FINEMAN. If I gave you a specific illustration perhaps you could pinpoint this thing for me. If a suit for personal injuries is started against a business corporation and it had not yet come to trial, no judgment had been rendered on the suit, and the corporation changes from a business corporation to a non-profit corporation, since suits for trespass or personal injuries or torts cannot be started against a non-profit organization, what would be the status of that lawsuit?

Mr. PETROSKY. Mr. Speaker, I am going at this time, to request the majority leader to put this bill over temporarily, and I am happy the gentleman propounded this question. This did not come up in our caucus; however, we did have an expert on this matter attend our caucus to explain it to us. Now if we could pass this over temporarily, I shall get in touch with the gentleman and get the gentleman from Philadelphia, Mr. Fineman, the answer.

BILL PASSED OVER

There being no objection

Senate bill No. 354, printer's No. 1186,

was passed over temporarily at the request of Mr. PETROSKY.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 373, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" changing certain salaries and work loads prescribing general extension education areas decreasing the number of names needed for free extension education raising the deposit fee and providing for a tuition fee in certain instances deleting provisions relating to free evening schools providing for payments on account of approved vocational extension classes and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—98

Anderson, S. A.,	Gailey,	Maxwell,	Reidenbach,
Arlene,	Gallagher,	McDevitt,	Renwick,
Bachman,	Gray,	McDonald,	Riley,
Boles,	Greenlee,	McKeever,	Rovansek,
Bonner,	Gremminger,	McLaughlin,	Rubin,
Branca,	Guesman,	McNally,	Rudisill,
Breth,	Hamilton,	Meholchick,	Sakulsky,
Buchanan,	Hankins,	Mills,	Scarcelli,
Capano,	Hartley,	Monroe,	Schaaf,
Capitolo,	Heavey,	Morley,	Shelton,
Cianfrani,	Irvis,	Mullen,	Sherman,
Cioffi,	Jenkins,	Munley,	Shupnik,
Clarke,	Jim,	Murray,	Snare,
Comer,	Jones,	Musto,	Stank,
Crossin,	Kamyk,	Needham,	Stone,
Curwood,	Kelly,	O'Donnell, J. A.,	Sullivan, J. A.,
Doughten,	Klein,	O'Donnell, J. P.,	Sullivan, T. F.,
Eilberg,	Kornick,	Parlante,	Taylor,
Farabaugh,	Lamb,	Pashley,	Tomascik,
Filo,	Lawson,	Perry,	Trusio,
Fineman,	Leonard,	Polaski,	Verona,
Flynn,	Limper,	Polen,	Walsh,
Foerster,	Long, Wm. Jas.,	Prendergast,	Wargo,
Frascella,	Long, Wm. Jos.,	Reibman,	Yetter,
Fry,	Lutty,		

NAYS—101

Adams,	Gibbons,	Kooker,	Simmons,
Anderson, J. H.,	Goldstein, J. H.,	Korns,	Slack,
Auker,	Goldstein, M. H.,	Lee, A. M.,	Steckel,
Backenstoe,	Goodrich,	Lee, K. B.,	Stimmel,
Blair,	Gramlich,	Lippincott,	Stiteler,
Bossert,	Gross,	Magee,	Strausser,
Bower,	Guthrie,	Manbeck,	Thompson,
Bowman,	Haudenshield,	Markley,	Tompkins,
Bush,	Heffner,	Marsh,	Ujobai,
Davis,	Helm,	May,	Varner,
Dengler,	Henzel,	McCandless,	Wall,
Dennison,	Hocker,	McCann,	Weidner,
Donaldson,	Holl,	McCormack,	Welsh,

Dougherty,	Holliday,	Merry,	Wescott,
Down,	Holman,	Miller,	Whittaker,
Edwards,	Horst,	O'Dell,	Willaredt,
Elvey,	Isaacs,	Odorisio,	Williams, A. D.,
Eshback,	Johnson, A. W.,	Ogilvie,	Williams, E. S.,
Eshleman,	Johnson, R. P.,	Petrosky,	Wilt,
Ewing,	Keiser,	Piper,	Wood,
Fetterolf,	Kernaghan,	Price,	Worley,
Foor,	Kessler,	Pursley,	Wynd,
Fox,	King,	Royer,	Zember,
Fulmer,	Kistler,	Rutherford,	Zimmerman,
George,	Knecht,	Seltzer,	Andrews,
Gibb,			Speaker

NOT VOTING—11

Ashton,	Esler,	McInroy,	Schuster,
Cauley,	Gelfand,	Mihm,	Willard,
Cooley,	Kramer,	Murphy,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 413, entitled:

An Act amending the act of August 24, 1951 (P. L. 1304), entitled as amended "Local Health Administration Law" changing the number of signatures required on a petition to dissolve or withdraw from certain departments of health changing the time for circulating petitions in certain cases and changing the form of the question to be submitted to electors.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Maxwell.

Mr. MAXWELL. Mr. Speaker and members of the House, it was my intention today to place amendments into Senate bill 413, which would have restored it to its original form or rather to the form in which House bill 1496 passed this House.

However, I have decided not to present these amendments because of the fact that I have been reliably informed that these amendments would fall. Therefore, why waste the time of this House with unnecessary procedure?

However, as much as you or some of you members may think this bill a "joke" and you sit in your seats and laugh, I can heartly agree with you, this bill is a joke. Senate bill 413 is the biggest joke that has ever been perpetrated upon this legislature. I am only going to take a few minutes to explain why I say it is a joke. And joke it is.

This bill calls for a 10 percent of the electorate, by petition, to call for referendum. This new bill calls for a referendum, and the other one calls for what this one now calls for, 1 percent. I say this bill is a joke because there is not a person sitting in this House who does not realize it is just as easy to get ten signatures out of a hundred as it is to get one signature out of a hundred. I can hire, in any district, professionals who will go out and get you any percentage of signatures on any referendum that you need today, and the people will sign it. I am against this bill, whether it has 1 percent, 10 percent or 20 percent in it. I am against the bill on the principle that you do not put matters pertaining to health to a referendum.

Ladies and gentlemen, if this bill passes today you are setting a dangerous precedent. Since when are not the members of this legislature, who have the time and the facilities at their command to study these matters, since when are they not capable of making a decision on questions pertaining to health, that they should have to refer them to an electorate for a referendum, when the electorate is at the mercy of every pressure group, every paid lobbyist and everyone else in this State who want to make a fast buck at the expense of the health of the citizens of this Commonwealth. I could go on and talk perhaps two hours. I am not going to do it. I thank the membership, I see that they appreciate my consideration with their patience. You vote for what you want to vote for; I personally am going to vote "no" on this bill. Thank you.

Mr. McCANN. Mr. Speaker, I request the membership to vote "aye".

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—110

Anderson, S. A.,	Gailey,	Long, Wm. Jos.,	Renwick,
Arlene,	Gallagher,	Lutty,	Riley,
Boles,	Gibbons,	Markley,	Rovansek,
Bonner,	Goldstein, M. H.,	Marsh,	Rubin,
Branca,	Gray,	McCann,	Rudisill,
Breth,	Greenlee,	McCormack,	Sakulsky,
Capano,	Gremminger,	McDevitt,	Scarcelli,
Capitolo,	Guesman,	McDonald,	Schaaf,
Cianfrani,	Hankins,	McKeever,	Shelton,
Cioffi,	Hartley,	McLaughlin,	Sherman,
Clarke,	Haudenshield,	McNally,	Shupnik,
Comer,	Heavey,	Meholchick,	Simmons,
Crossin,	Holman,	Mills,	Stank,
Curwood,	Irvis,	Monroe,	Stiteler,
Donaldson,	Jenkins,	Morley,	Stone,
Dougherty,	Jim,	Munley,	Sullivan, J. A.,
Doughten,	Jones,	Musto,	Sullivan, T. F.,
Eilberg,	Kamyk,	Needham,	Taylor,
Ewing,	Kelly,	O'Donnell, J. A.,	Thompson,
Fetterolf,	King,	Parlante,	Varner,
Filo,	Kistler,	Pashley,	Verona,
Fineman,	Kooker,	Perry,	Walsh,
Flynn,	Kornick,	Petrosky,	Wargo,
Foerster,	Lamb,	Polaski,	Welsh,
Fox,	Lawson,	Polen,	Wilt,
Frascella,	Leonard,	Prendergast,	Yetter,
Fry,	Limper,	Reibman,	Andrews,
Fulmer,	Long, Wm. Jas.,	Reidenbach,	Speaker

NAYS—88

Adams,	Gibb,	Korns,	Slack,
Anderson, J. H.,	Goldstein, J. H.,	Lee, A. M.,	Snare,
Auker,	Goodrich,	Lee, K. B.,	Steckel,
Bachman,	Gramlich,	Lippincott,	Stimmel,
Backenstoe,	Gross,	Magee,	Strausser,
Blair,	Guthrie,	Manbeck,	Tomascik,
Bossert,	Hamilton,	Maxwell,	Tompkins,
Bower,	Heffner,	May,	Ujobai,
Bowman,	Helm,	McCandless,	Wall,
Buchanan,	Henzel,	Merry,	Weidner,
Bush,	Hocker,	Miller,	Wescott,
Davis,	Holl,	Mullen,	Whittaker,
Dengler,	Holliday,	O'Dell,	Willard,
Dennison,	Horst,	O'Donnell, J. P.,	Willaredt,
Down,	Isaacs,	Odorisio,	Williams, A. D.,
Edwards,	Johnson, A. W.,	Ogilvie,	Williams, E. S.,
Elvey,	Johnson, R. P.,	Piper,	Wood,
Eshback,	Keiser,	Price,	Worley,
Eshleman,	Kernaghan,	Pursley,	Wynd,
Farabaugh,	Kessler,	Royer,	Zember,
Foor,	Klein,	Rutherford,	Zimmerman,
George,	Knecht,	Seltzer,	

NOT VOTING—12

Ashton,	Esler,	McInroy,	Murray,
Cauley,	Gelfand,	Mihm,	Schuster,
Cooley,	Kramer,	Murphy,	Trusio,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration and final passage of Senate bill No. 354, entitled:

An Act authorizing business corporations engaged in community industrial development whose stock is owned exclusively by a nonprofit corporation to amend their charters to be converted into nonprofit corporations engaged in similar purposes with court approval and prescribing procedure.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—195

Anderson, J. H.,	Gallagher,	Lee, K. B.,	Rovansek,
Anderson, S. A.,	George,	Leonard,	Royer,
Arlene,	Gibb,	Lippincott,	Rubin,
Auker,	Gibbons,	Long, Wm. Jas.,	Rudisill,
Bachman,	Goldstein, J. H.,	Long, Wm. Jos.,	Rutherford,
Backenstoe,	Goldstein, M. H.,	Lutty,	Sakulsky,
Blair,	Goodrich,	Magee,	Scarcelli,
Boles,	Gramlich,	Manbeck,	Schaaf,
Bonner,	Gray,	Markley,	Shelton,
Bossert,	Greenlee,	Marsh,	Sherman,
Bower,	Gremminger,	Maxwell,	Shupnik,
Bowman,	Gross,	May,	Simmons,
Branca,	Guesman,	McCandless,	Slack,
Breth,	Guthrie,	McCann,	Snare,
Buchanan,	Hamilton,	McCormack,	Stank,
Bush,	Hankins,	McDevitt,	Steckel,
Capano,	Hartley,	McDonald,	Stimmel,
Capitolo,	Haudenshield,	McKeever,	Stiteler,
Cianfrani,	Heavey,	McLaughlin,	Stone,
Cioffi,	Heffner,	McNally,	Strausser,
Clarke,	Helm,	Meholchick,	Sullivan, J. A.,
Comer,	Henzel,	Merry,	Sullivan, T. F.,
Crossin,	Hocker,	Miller,	Taylor,
Curwood,	Holl,	Mills,	Thompson,
Davis,	Holliday,	Monroe,	Tomascik,
Dengler,	Holman,	Morley,	Tompkins,
Dennison,	Horst,	Mullen,	Trusio,
Donaldson,	Irvis,	Munley,	Ujobai,
Dougherty,	Isaacs,	Murray,	Varner,
Doughten,	Jenkins,	Musto,	Verona,
Down,	Jim,	Needham,	Wall,
Edwards,	Johnson, A. W.,	O'Dell,	Walsh,
Eilberg,	Johnson, R. P.,	O'Donnell, J. A.,	Wargo,
Elvey,	Jones,	O'Donnell, J. P.,	Weidner,
Eshback,	Kamyk,	Odorisio,	Welsh,
Eshleman,	Keiser,	Ogilvie,	Wescott,
Ewing,	Kelly,	Parlante,	Whittaker,
Farabaugh,	Kernaghan,	Pashley,	Willaredt,
Fetterolf,	Kessler,	Perry,	Willard,
Filo,	King,	Petrosky,	Williams, A. D.,
Fineman,	Kistler,	Piper,	Williams, E. S.,
Flynn,	Klein,	Polaski,	Wilt,
Foerster,	Knecht,	Prendergast,	Wood,
Foor,	Kooker,	Price,	Worley,
Fox,	Kornick,	Pursley,	Wynd,
Frascella,	Korns,	Reibman,	Yetter,
Fry,	Lamb,	Reidenbach,	Zember,
Fulmer,	Lawson,	Renwick,	Zimmerman,
Gailey,	Lee, A. M.,	Riley,	

NAYS—0

NOT VOTING—15

Adams,	Esler,	McInroy,	Schuster,
Ashton,	Gelfand,	Mihm,	Seltzer,
Cauley,	Kramer,	Murphy,	Andrews,
Cooley,	Limper,	Polen,	Speaker

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Mr. HELM IN THE CHAIR

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 644, entitled:

An Act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. BOWMAN asked unanimous consent to offer an amendment at this time.

The SPEAKER pro tempore. The amendment will be read by the clerk for information.

Amend Sec 5, page 10, by inserting after line 19:

(e) Any investment that is legal for savings banks or for the investment of trust funds under the laws of the Commonwealth; provided, however, that at least one hundred thousand dollars ($100,000) shall first be invested as provided in (a), (b), (c) or (4) of this clause.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Bowman.

Mr. BOWMAN. Mr. Speaker, I have offered to the so-called credit union bill now before us, amendments which would permit investment funds of credit unions of securities and investments as are now permitted by law for them to invest in.

The credit union bill before us today restricts the types of investments in which credit unions may invest; in other words, it is more strict in the bill before us today than it is under existing law.

Mr. Speaker, in submitting these amendments I must say that I have basically no objection whatsoever to the bill before us, but I do think that credit unions which can afford and which do have sufficient funds of the amount specified have both the qualified personnel and the references to investment counsel to permit them to invest these excess funds in a wider range of investments than would be permitted under the bill before us.

This will not affect smaller credit unions, and properly so, because I recognize that many of these smaller credit unions do not have professional investment help nor do they have any investment counsel, and, therefore, I think it is proper that they should be restricted to a smaller class, a more conservative class, of investments than under present law and they will be permitted to do that under this law. However, credit unions having in excess of $100,000 in investment funds, to my knowledge, usually have investment counsel or investment officers right in the credit union. This amendment would permit them to continue what they are doing today, namely, invest any

funds over $100,000 in what we call legal investments, in trust funds or investments which are qualified for investment by savings banks.

I think this amendment is acceptable and should be acceptable to everyone because the objection to the type of investment by smaller credit unions is not included within this amendment. I therefore request each and every one of you to support the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Beaver, Mr. Hamilton.

Mr. HAMILTON. Mr. Speaker, the contents of this bill are the result of much study and many conferences with the banking department which was spread over a period of almost four years. The provisions as stated in the bill are acceptable to the Department of Banking and the great majority of all the credit unions operating under a State charter.

I join with the Department of Banking in a mutual desire to have the bill as provided in printer's No. 1046 adopted without any change. In addition, I am quite certain The Pennsylvania Bankers' Association and The Pennsylvania Savings and Loan League have considered this bill and have determined that as representatives of their associated members they would not oppose the bill in its present form. However, if the investment provisions should be changed to broaden the scope of investments, these groups probably will and must oppose this bill.

The bill was amended in the Senate to provide for the broadening of the investment provisions and later amended to restore the bill to its original form of limiting it to specified investments. It is my understanding from my personal contacts that the bill would have been defeated in the Senate if the investment provisions were not as provided in the bill as provided under printer's No. 1046.

I ask all the members of the House to support me in opposing the amendments proposed by the gentleman from Dauphin, Mr. Bowman.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. BOWMAN and AUKER and were as follows:

YEAS—69

Adams,	Goodrich,	Lippincott,	Stiteler,
Anderson, J. H.,	Gramlich,	Magee,	Strausser,
Auker,	Guthrie,	Manbeck,	Thompson,
Blair,	Haudenshield,	Marsh,	Tompkins,
Bower,	Heffner,	May,	Ujobai,
Bowman,	Helm,	McCandless,	Varner,
Bush,	Holl,	Merry,	Wall,
Davis,	Holliday,	Ogilvie,	Weidner,
Dengler,	Horst,	Piper,	Wescott,
Dennison,	Johnson, A. W.,	Price,	Whittaker,
Donaldson,	Kessler,	Pursley,	Willard,
Down,	King,	Royer,	Williams, A. D.,
Edwards,	Knecht,	Rutherford,	Williams, E. S.,
Elvey,	Kooker,	Seltzer,	Wilt,
Eshback,	Korns,	Simmons,	Wood,
Fulmer,	Lee, A. M.,	Slack,	Wynd,
George,	Lee, K. B.,	Snare,	Zimmerman,
Gibb,			

NAYS—127

Anderson, S. A.,	Gallagher,	Limper,	Prendergast,
Arlene,	Gibbons,	Long, Wm. Jas.,	Reibman,
Bachman,	Goldstein, J. H.,	Long, Wm. Jos.,	Reidenbach,
Backenstoe,	Goldstein, M. H.,	Lutty,	Renwick,
Boles,	Gray,	Markley,	Riley,
Bonner,	Greenlee,	Maxwell,	Rovansek,
Bossert,	Gremminger,	McCann,	Rubin,
Branca,	Gross,	McCormack,	Rudisill,
Breth,	Guesman,	McDevitt,	Sakulsky,
Buchanan,	Hamilton,	McDonald,	Scarcelli,
Capano,	Hankins,	McKeever,	Schaaf,
Capitolo,	Hartley,	McLaughlin,	Shelton,
Cianfrani,	Heavey,	McNally,	Sherman,
Cioffi,	Henzel,	Meholchick,	Shupnik,
Clarke,	Hocker,	Miller,	Stank,
Comer,	Holman,	Mills,	Steckel,
Crossin,	Irvis,	Monroe,	Stimmel,
Curwood,	Isaacs,	Morley,	Stone,
Dougherty,	Jenkins,	Mullen,	Sullivan, J. A.,
Doughten,	Jim,	Munley,	Sullivan, T. F.,
Eilberg,	Johnson, R. P.,	Murray,	Taylor,
Eshleman,	Jones,	Musto,	Tomascik,
Ewing,	Kamyk,	Needham,	Trusio,
Fetterolf,	Keiser,	O'Dell,	Verona,
Filo,	Kelly,	O'Donnell, J. A.,	Walsh,
Flynn,	Kernaghan,	Odorisio,	Wargo,
Foerster,	Kistler,	Parlante,	Welsh,
Foor,	Klein,	Pashley,	Willaredt,
Fox,	Kornick,	Perry,	Worley,
Frascella,	Lamb,	Petrosky,	Yetter,
Fry,	Lawson,	Polaski,	Zember,
Galley,	Leonard,	Polen,	

NOT VOTING—14

Ashton,	Farabaugh,	McInroy,	O'Donnell, J. P.,
Cauley,	Fineman,	Mihm,	Schuster,
Cooley,	Gelfand,	Murphy,	Andrews,
Esler,	Kramer,		Speaker

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—194

Adams,	Gallagher,	Leonard,	Riley,
Anderson, J. H.,	George,	Limper,	Rovansek,
Anderson, S. A.,	Gibb,	Lippincott,	Royer,
Arlene,	Gibbons,	Long, Wm. Jas.,	Rubin,
Auker,	Goldstein, J. H.,	Long, Wm. Jos.,	Rudisill,
Bachman,	Goldstein, M. H.,	Lutty,	Rutherford,
Backenstoe,	Goodrich,	Magee,	Sakulsky,
Blair,	Gramlich,	Manbeck,	Scarcelli,
Boles,	Gray,	Markley,	Schaaf,
Bonner,	Greenlee,	Marsh,	Seltzer,
Bower,	Gremminger,	Maxwell,	Shelton,
Bowman,	Gross,	May,	Sherman,
Branca,	Guesman,	McCandless,	Shupnik,
Breth,	Guthrie,	McCann,	Simmons,
Buchanan,	Hamilton,	McCormack,	Slack,
Bush,	Hankins,	McDevitt,	Stank,
Capano,	Hartley,	McDonald,	Steckel,
Capitolo,	Haudenshield,	McKeever,	Stimmel,
Cianfrani,	Heavey,	McLaughlin,	Stiteler,
Cioffi,	Heffner,	McNally,	Stone,
Clarke,	Helm,	Meholchick,	Strausser,
Comer,	Henzel,	Merry,	Sullivan, J. A.,
Crossin,	Hocker,	Miller,	Sullivan, T. F.,
Curwood,	Holl,	Mills,	Taylor,
Davis,	Holliday,	Monroe,	Thompson,
Dengler,	Holman,	Morley,	Tomascik,
Dennison,	Horst,	Mullen,	Tompkins,
Donaldson,	Irvis,	Munley,	Trusio,
Dougherty,	Isaacs,	Murray,	Ujobai,
Doughten,	Jenkins,	Musto,	Varner,
Down,	Jim,	Needham,	Verona,
Edwards,	Johnson, A. W.,	O'Dell,	Wall,
Eilberg,	Johnson, R. P.,	O'Donnell, J. A.,	Walsh,
Elvey,	Jones,	Odorisio,	Wargo,
Eshback,	Kamyk,	Ogilive,	Weidner,
Eshleman,	Keiser,	Parlante,	Welsh,
Ewing,	Kelly,	Pashley,	Wescott,
Farabaugh,	Kernaghan,	Perry,	Whittaker,
Fetterolf,	Kessler,	Petrosky,	Willaredt,
Filo,	King,	Piper,	Williams, A. D.,
Fineman,	Kistler,	Polaski,	Williams, E. S.,
Flynn,	Klein,	Polen,	Wilt,
Foerster,	Knecht,	Prendergast,	Wood,

Foor,	Kooker,	Price,	Worley,
Fox,	Kornick,	Pursley,	Wynd,
Frascella,	Korns,	Reibman,	Yetter,
Fry,	Lamb,	Reidenbach,	Zember,
Fulmer,	Lawson,	Renwick,	Zimmerman,
Gailey,	Lee, K. B.,		

NAYS—2

Bossert, Lee, A. M.,

NOT VOTING—14

Ashton,	Gelfand,	Murphy,	Snare,
Cauley,	Kramer,	O'Donnell, J. P.,	Willard,
Cooley,	McInroy,	Schuster,	Andrews,
Esler,	Mihm,		Speaker

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Mr. HAMILTON submitted the following statement for the record:

Credit unions have only a limited amount of money available for investment purposes, if they are endeavoring to meet the usual personal loan needs of their members, and use funds in excess of these needs to meet the occasional request of members for reasonable amount of short-term mortgage loans.

Inasmuch as credit unions have only a limited amount of surplus funds for investment, such funds should be limited to short-term type of investment which is not subject to market fluctuations.

In general, credit unions do not have the technical skills or trained personnel to advise and counsel them in making investments in various securities and stocks on the market, which are subject to frequent fluctuations. Such fluctuations in investments, at times when credit union members request loans, create a problem which would require the borrowing of funds from other sources to meet the personal loan demands or possibly even delay the service to the members. If in the event of an undesirable situation in relation to the liquidation of investments, the credit union could be forced to borrow to replace invested money and defeat the objective restrictions provided in section 20 of the bill.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 750, entitled:

An Act amending the act of July 27, 1955 (P. L. 288), entitled as amended, "An act making it unlawful for owners of certain property in cities of the first class and in cities of the second class to sell or agree to sell such property without first delivering to the purchasers a certification of the District classification . . ." requiring certification and disclosure of outstanding notices of fire building safety and housing ordinance violations.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—194

Adams,	Gailey,	Lee, A. M.,	Rovansek,
Anderson, J. H.,	Gallagher,	Lee, K. B.,	Royer,
Anderson, S. A.,	George,	Leonard,	Rubin,
Arlene,	Gibb,	Limper,	Rudisill,
Auker,	Gibbons,	Long, Wm. Jas.,	Rutherford,
Bachman,	Goldstein, J. H.,	Long, Wm. Jos.,	Sakulsky,
Backenstoe,	Goldstein, M. H.,	Magee,	Scarcelli,
Blair,	Goodrich,	Manbeck,	Schaaf,
Boles,	Gramlich,	Markley,	Schuster,
Bonner,	Gray,	Marsh,	Seltzer,
Bossert,	Greenlee,	Maxwell,	Shelton,
Bower,	Gremminger,	May,	Sherman,
Bowman,	Gross,	McCandless,	Shupnik,
Branca,	Guesman,	McCann,	Simmons,
Breth,	Guthrie,	McCormack,	Slack,
Buchanan,	Hamilton,	McDevitt,	Snare,
Bush,	Hankins,	McDonald,	Stank,
Capano,	Hartley,	McKeever,	Steckel,
Capitolo,	Haudenshield,	McLaughlin,	Stimmel,
Cianfrani,	Heavey,	McNally,	Stiteler,
Cioffi,	Heffner,	Meholchick,	Stone,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Crossin,	Hocker,	Mills,	Taylor,
Curwood,	Holl,	Monroe,	Thompson,
Davis,	Holliday,	Morley,	Tompkins,
Dengler,	Holman,	Mullen,	Tomascik,
Dennison,	Horst,	Munley,	Trusio,
Donaldson,	Isaacs,	Murray,	Ujobai,
Dougherty,	Irvis,	Musto,	Varner,
Doughten,	Jenkins,	Needham,	Verona,
Down,	Jim,	O'Dell,	Wall,
Edwards,	Johnson, A. W.,	O'Donnell, J. A.,	Wargo,
Eilberg,	Johnson, R. P.,	O'Donnell, J. P.,	Weidner,
Elvey,	Jones,	Odorisio,	Welsh,
Eshback,	Kamyk,	Ogilvie,	Wescott,
Eshleman,	Keiser,	Parlante,	Whittaker,
Ewing,	Kelly,	Pashley,	Willard,
Farabaugh,	Kernaghan,	Perry,	Willaredt,
Fetterolf,	Kessler,	Petrosky,	Williams, A. D.,
Filo,	King,	Piper,	Williams, E. S.,
Fineman,	Kistler,	Polaski,	Wilt,
Flynn,	Klein,	Polen,	Wood,
Foerster,	Knecht,	Price,	Worley,
Foor,	Kooker,	Pursley,	Wynd,
Fox,	Kornick,	Reibman,	Yetter,
Frascella,	Korns,	Renwick,	Zember,
Fry,	Lamb,	Riley,	Zimmerman,
Fulmer,	Lawson,		

NAYS—1

Lippincott,

NOT VOTING—15

Ashton,	Gelfand,	Mihm,	Strausser,
Cauley,	Kramer,	Murphy,	Walsh,
Cooley,	Lutty,	Prendergast,	Andrews,
Esler,	McInroy,	Reidenbach,	Speaker

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. POLEN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

Mr. CURWOOD asked and obtained permission for the Committee on Game and Conservation to meet during the session of the House.

PERMISSION TO ADDRESS HOUSE

Mr. AUKER asked and obtained unanimous consent to address the House.

Mr. Speaker, House bill 1816 got by me. I had intended to debate the bill. This is a bill, if I understand it, that provides liberal arts courses in our fourteen former State Teachers' Colleges. I was against the bill and I would have

liked to make a strong debate on the floor of the House at the time the bill was called. It is going to make it mandatory that we furnish considerable millions of dollars to support fourteen liberal arts colleges in this State over the next ten or twelve years.

I have no particular objection to making liberal arts colleges out of our fourteen former State Teachers' Colleges, but what I am objecting to is this: If they are going to do that, then the future legislatures should provide that the students entering these colleges, now liberal arts colleges, if it passes the Senate, and it probably will, pay the same average tuition that is paid in the private collegiate institutions over the State. I think that is only fair, and, if you do that, then you are going to make it equal with the other State collegiate institutions, some 200 of them which are supported by private endowment, private alumni associations and all that sort of thing that these teachers' colleges do not have in their program. It would be only fair and will save the taxpayers in the State a considerable amount of money. It can easily be done. All we would have to do, all you would have to do, if I am not here, you people who will be here in future sessions, when the appropriation is provided for these extended courses, is to add up all the tuition fees in all the other colleges and universities in Pennsylvania that charge tuition, average them out and make that fee chargeable to the liberal arts students in these particular colleges. Then I believe we would be acting on a sound basis and would certainly save the taxpayers of this State a considerable amount of money.

If you do not do that, then to my mind you are taking a big forward step in socialism, and I say that advisedly, and socialism is akin to communism.

I would ask you in the future sessions to keep this seriously in mind. That is all, Mr. Speaker. I thank you and thank the members of the House.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. FINEMAN asked and obtained permission for the Committee on State Government to meet during the session of the House.

PERMISSION TO ADDRESS HOUSE

Mr. FULMER asked and obtained unanimous consent to address the House.

Mr. Speaker, Representative Auker spoke about the state colleges becoming liberal arts colleges and he discussed the impact they might have on our educational program. I think it is only fair that I should point out to the members of the House that, in my opinion, the 14 state colleges, the Pennsylvania State University, along with its 15 Commonwealth campuses, can well serve as a nucleus for a well-founded, well-developed community college program, because by using the present state colleges and utilizing the Pennsylvania State University and its Commonwealth campuses we will already have in existence, in operation, the physical plant which can, if added to, provide all the facilities needed for a good community college program, as well as a good baccalaureate program, as well as an associate degree program and a graduate program.

Allow me to point out to the members of the House, when we are talking about education and utilization of space, when we are talking about the budget, the need for more money to provide for equal opportunity for our youngsters, then we must bear in mind what we presently have.

Mr. Speaker, allow me to point out to you that today, under the present system of Pennsylvania State University, its Commonwealth campuses and the state colleges, 97.5 percent of the college-age population is within a 35-mile radius of one of these institutions. I think this should well serve notice to us that we should look about and search for methods of utilizing these facilities to a greater capacity before we think about spending millions, perhaps hundreds of millions, of dollars in developing new campuses throughout the Commonwealth of Pennsylvania.

Allow me to suggest this to each member of the House, that when we are talking about education, we are talking about our general education program, we are talking about higher education. Allow me to point out to you, if I may, that today only about 33 1/3 percent of our college-age population, the high school graduates, are going on to higher education, and yet at the same time we have this 66 2/3 percent which do not go on to higher education. What are we doing for these people? We are talking about equal opportunity for the people for higher education, for the people to learn how to make a living.

Allow me to suggest to you that you bear in mind that if we want to have a successful, post-high-school education, we need to have a good basic elementary and secondary education. We need to tie in the higher education with vocational education.

I am only advancing this to you because later on we might be asked to consider higher education as a separate entity.

Allow me to suggest to you that, in my opinion, the elementary and secondary education program should be considered a general education program. That should be the basis for an equilateral triangle. On the one side we should have higher education, on the other we should have vocational education. This would make for us a perfect equilateral triangle of a good educational program, one that we can finance, one that will help to educate our people to provide for the defense of this Country, and not have a lot of bureaucracy created and create a mess out of it. Thank you very much.

PERMISSION TO ADDRESS HOUSE

Mr. DENGLER asked and obtained unanimous consent to address the House.

Mr. Speaker, I think that when we gave the state teachers' colleges a new name, state colleges, we moved in the right direction in education. It seems there is a general movement in this Country in teacher-training institutions to get away from a preponderance of courses in psychology, education and pedagogy and to place a greater stress on content courses.

I am in total agreement with the two former speakers that we are moving in the right direction and I do believe that we should use these facilities to a greater and greater advantage, taking up this mass of young people that is coming along, as we will probably reach the saturation point along about 1970.

I do want to point out that I think the State of Pennsylvania is using a very short-sighted program when we do not raise the salaries of beginning teachers to the point

where we can compete with New Jersey, New York, Delaware, Ohio and West Virginia, our neighbors. After all, we do prepare many teachers and they leave this State for the sake of the differential of, perhaps, $300 to $400.

Now, various panaceas have been proposed from time to time as to how we can keep in Pennsylvania these people who are graduating from our 14 colleges. At the present time they sign to the effect that they will teach, but there is nothing to hold them to their promise. I have heard it suggested that we have them sign a bond and, if they do not teach in Pennsylvania, we make them live up to the letter of the bond and pay back for their education received in Pennsylvania. As a counter to that, I have heard that if we do that we are going to discourage young people from going into teaching. I do think, however, that we should have some kind of law on our books which would make it mandatory—that some kind of legislation be passed that would be mandatory in this field—that these people do more than just sign a promise to teach.

So far as community colleges are concerned, I did not say anything about this when the bill was before us, but I do agree with Representative Fulmer that you cannot compare Pennsylvania with California when it comes to higher education. There they have a wonderful system of junior colleges, and they need them, because they do not have a hundred or so accredited institutions like we have in Pennsylvania. I do believe sincerely that we have a sufficient number of organized colleges and universities in this State that will be able to take this load of college people coming up in the next eight to ten years. If we do not use the facilities that are already at hand, I think we are wasting millions of dollars in new ventures. Just because they have been tried in other States may not be a valid argument, because we are not on the same bases.

I would suggest that we give this matter of our 14 colleges a great deal of thought, because they are set up administratively and financially, and what Representative Auker said about raising the tuition to a point where it would become comparable to teacher education in other areas, I think is a very good point. But the point I want to stress more than any other thing is that we in Pennsylvania have sufficient administrative colleges set up to take care of many more thousands of young people, and I think they can do a much better job than having to set up community colleges or colleges in various areas that will be in the nature of a very expensive experiment. Thank you.

REPORTS FROM COMMITTEES

Mr. WILLAREDT from the Committee on Appropriations, re-reported as amended, House bill No. 1848, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), changing minimum salaries for certain professional employes and increasing the total compensation for certain professional employes.

Mr. RUDISILL from the Committee on Judiciary, reported as committed, House bill No. 1855, entitled:

A Joint Resolution proposing an amendment to article II, section 18 of the Constitution of the Commonwealth of Pennsylvania, making apportionment of senatorial, representative and congressional districts mandatory, and providing for an Apportionment Board.

Mr. HANKINS from the Committee on Insurance, reported as committed, Senate bill No. 568, entitled:

An Act amending the act of June 4, 1937 (P. L. 1643), entitled "An act relating to certain existing beneficial societies . . ." further regulating contracts and payments of death benefits and providing for annual filing of certificates regarding surplus requirements.

Mr. WILLAREDT from the Committee on Appropria,-tions reported as committed, Senate bill No. 651, entitled:

An Act to empower cities of the second class second class A and third class boroughs incorporated towns townships of the first and second class and counties of the third through eighth class individually or jointly to plan their development and to govern the same by zoning subdivision and land development ordinances and other ordinances by official maps by reservation of certain land for future public purpose and by the acquistion of such land providing for the establisment of planning commissions planning departments and zoning hearing boards authorizing them to charge fees make inspections and hold public hearings providing for appropriations appeals to court and penalties for violations and repealing acts and parts of acts.

Mr. WILLAREDT from the Committee on Appropriations, re-reported as committed, Senate bill No. 787, entitled:

An Act providing for the acquisition by the Department of Forests and Waters of the Kinzua Bridge and certain adjoining grounds for a State park.

Mrs. ANDERSON from the Committee on State Government, reported as committed, Senate bill No. 791, entitled:

An Act relating to and regulating the solicitation of moneys and property.

Mr. JIM from the Committee on Game and Conservation, reported as committed, Senate bill No. 910, entitled:

An Act authorizing the Commonwealth through the Department of Forests and Waters or other State agencies or instrumentalities or political subdivisions of the Commonwealth or other local public bodies separately or together to conduct surveys make land use studies and to purchase or accept land for park and recreational purposes conservation purposes preservation of open space land and for historic and scenic purposes with the assistance of the Federal Government and to accept funds personnel or other aid from the Federal Government or from other sources.

Mrs. ANDERSON from the Committee on State Government, reported as committed, Senate bill No. 912, entitled:

An Act amending the act of November 21, 1959 (P. L. 1579), entitled "An act authorizing the Department of Property and Supplies with the approval of the Governor to acquire purchase or lease certain institutions for use by the Department of Public Welfare as youth development centers . . . . ." abolishing the Board of Trustees of The Youth Development Center at Canonsburg creating additional boards and further providing for the receiving into custody of certain minors.

Mrs. ANDERSON from the Committee on State Government, reported as committed, Senate bill No. 913, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" abolishing the Board of Trustees of the Youth Development Center at Canonsburg and creating additional boards of trustees.

Mr. LUTTY from the Committee on State Government, reported as committed, Senate bill No. 928, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled (The Administrative Code of 1929" changing the power and duties of the Department of Internal Affairs in relation to the minutes of the Canal Commissioner.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House bill No. 1855, entitled:

A Joint Resolution proposing an amendment to article II, section 18 of the Constitution of the Commonwealth of Pennsylvania, making apportionment of senatorial, representative and congressional districts mandatory, and providing for an Apportionment Board.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 568, entitled:

An Act amending the act of June 4, 1937 (P. L. 1643), entitled "An act relating to certain exsisting benefical societies . . ." further regulating contracts and payments of death benefits and providing for annual filing of certificates regarding surplus requirements.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 651, entitled:

An Act to empower cities of the second class second class A and third class boroughs incorporated towns townships of the first and second class and counties of the third through eighth class individually or jointly to plan their development and to govern the same by zoning subdivision and land development ordinances and other ordinances by official maps by reservation of certain land for future public purpose and by the acquistion of such land providing for the establishment of planning commissions planning departments and zoning hearing boards author izing them to charge fees make inspections and hold public hearings providing for appropriations appeals to court and penalties for violations repealing acts and parts of acts.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 791, entitled:

An Act relating to and regulating the solicitation of moneys and property.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 910, entitled:

An Act authoriing the Commonwealth through the Department of Forests and Waters or other State agencies or instrumentalities or political subdivisions of the Commonwealh or other local public bodies separately or together to conduct surveys make land use studies and to purchase or accept land for park and recreational purposes conservation purposes preservation of open space land and for historic and scenic purposes with the assistance of the Federal Government and to accept funds personnel or other aid from the Federal Government or from other sources.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 912, entitled:

An Act amending the act of November 21, 1959 (P. L. 1579), entitled "An act authorizing the Department of Property and Supplies with the approval of the Governor to acquire purchase or lease certain institutions for use by the Department of Public Welfare as youth development centers . . ." abolishing the Board of Trustees of The Youth Development Center at Canonsburg creating additional boards and further providing for the receiving into custody of certain minors.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 913, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" abolishing the Board of Trustees of the Youth Development Center at Canonsburg and creating additional boards of trustees.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 928, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" changing the power and duties of the Department of Internal Affairs in relation to the minutes of the Canal Commissioner.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 667.

An Act creating and establishing a continuing career system for professional personnel in or assigned to the Department of Highways establishing and vesting certain powers in the Highway Professional Personnel Board and making an appropriation.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 65.

An Act providing for pensions for war veterans blinded through service connected injuries conferring powers and imposing duties on the Department of Military Affairs and the Adjutant General and making an appropriation.

HOUSE BILL No. 350.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), eliminating residence requirements for board secretaries.

HOUSE BILL No. 669.

An Act amending "The Borough Code" approved May 4, 1927 (P. L. 519), providing for the appointment of special school police defining their powers and duties and providing for their compensation by the borough.

HOUSE BILL No. 1001.

An Act amending "The Realty Transfer Tax Act" approved December 27, 1951 (P. L. 1742), redefining documents so as to exclude certain transfers from industrial development agencies.

HOUSE BILL No. 1552.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), changing eligibility for State scholarships.

HOUSE BILL No. 1827.

An Act authorizing the Department of Property and Supplies with the approval of the Department of Forests and Waters to lease land in Valley Forge State Park to the United States Post Office Department for the purpose of the construction and operation of a post office.

With the information that the Senate has passed the same without amendment.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 771 and 772.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 30, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 771, printer's No. 844, entitled "An Act making an appropriation to the Department of Public Instruction for aid to free public non-sectarian county libraries and for the purchase and transportation of books."

DAVID L. LAWRENCE

August 30, 1961.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 772, printer's No. 845, entitled "An Act making an appropriation to the Department of Public Instruction for the improvement of library services."

DAVID L. LAWRENCE

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1275.

An Act amending the act of May 22, 1933 (P. L. 853), entitled "The General County Assessment Law" providing for the assessment valuation and taxation of certain mobilehomes or house trailers.

HOUSE BILL No. 1276.

An Act amending the act of May 21, 1943 (P. L. 571), entitled as amended "The Fourth to Eighth Class County Assessment Law" providing for the assessment valuation and taxation of mobilehomes or house trailers.

HOUSE BILL No. 1278.

An Act amending the act approved July 7, 1947 (P. L. 1368), entitled "Real Estate Tax Sale Law" providing for the sale of mobilehomes or house trailers taxed as real estate.

HOUSE BILL No. 1306.

An Act amending the act of May 29, 1956 (P. L. 1804), entitled "An act providing for the establishment of police pension funds or pension annuities in certain boroughs towns and townships * * *" authorizing boroughs towns and townships maintaining a police force of one or more members to establish a police pension fund or police annuity.

HOUSE BILL No. 1339.

An Act amending the act of July 11, 1917 (P. L. 758), entitled "An act for the protection of public health by regulating the possession control dealing in giving away delivery * * * and use of certain drugs and keeping records thereof * * *" changing penalties for illegal sale dispensing or giving away of drugs.

HOUSE BILL No. 1373.

An Act amending "The Borough Code" approved May 4, 1927 (P. L. 519), authorizing boroughs to authorize or provide for the destruction or killing of unowned pigeons by humane means.

HOUSE BILL No. 1385.

An Act amending the act of June 1, 1959 (P. L. 392), entitled "State Employes' Retirement Code of 1959" providing credit for out-of-state service for certain contributors employed at State colleges Pennsylvania State University and certain schools.

HOUSE BILL No. 1452.

An Act amending the "Business Corporation Law" approved May 5, 1933 (P. L. 364), clarifying the provisions of the act relating to the setting aside of funds by cemetery and burial corporations and bringing additional corporations within the provisions of the act.

HOUSE BILL No. 1453.

An Act reenacting and amending the act of August 10, 1951 (P. L. 1199), entitled "An act concerning devises bequests or gifts in trust for the care and maintenance of cemeteries burial grounds or cemetery lots trustees and substituted trustees thereof * * *" extending the provisions thereof to include business corporations.

HOUSE BILL No. 1454.

An Act amending the "Business Corporation Law" approved May 5, 1933 (P. L. 364), changing the law with respect to devises bequests and gifts in trust for the perpetual care and maintenance of cemeteries burial grounds or the cemetery lots therein and imposing powers on the trustees.

HOUSE BILL No. 1455.

An Act amending the "Nonprofit Corporation Law" approved May 5, 1933 (P. L. 289), making additional corporations subject to certain provisions of the act.

HOUSE BILL No. 1457.

An Act amending the "Real Estate Tax Sale Law"

approved July 7, 1947 (P. L. 1368), extending the act to property the owner of which is unknown and has been unknown for a period of not less than ten years.

HOUSE BILL No. 1473.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" authorizing the Water and Power Resources Board to sell lease or otherwise dispose of certain minerals in or beneath certain streams or bodies of water.

HOUSE BILL No. 1484.

An Act amending the act of May 22, 1933 (P. L. 851), entitled "An act fixing the pay and mileage of jurors and witnesses" clarifying the mileage reimbursement to jurors.

HOUSE BILL No. 1506.

An Act amending the act of June 21, 1939 (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class * * *" further regulating the assessment of property or subjects of taxation previously omitted from assessment and the payment of taxes thereon.

HOUSE BILL No. 1531.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" further providing for the disposal of surplus materials salvaged from State highways and bridges.

HOUSE BILL No. 1601.

An Act amending the "Second Class County Port Authority Act" approved April 6, 1956 (P. L. 1414), authorizing the authority to provide group and party services.

HOUSE BILL No. 1604.

An Act amending the act of June 17, 1913 (P. L. 507), entitled "Intangible Personal Property Tax Law" increasing assessments when returns are filed later than a certain date in counties of the second class.

HOUSE BILL No. 1606.

An Act amending the act of May 12, 1887 (P. L. 96), entitled "A supplement to an act entitled 'An act supplementary to an act relative to burial grounds and cemeteries situated in incorporated boroughs' * * * further empowering courts to direct removal of remains in boroughs cities and towns from burial grounds where interments have ceased or have become so neglected as to become a public nuisance or such remains interfere with the improvements extensions and interests of such cities boroughs of towns" extending the act to counties of the second class.

HOUSE BILL No. 1607.

An Act amending the "Second Class County Code" approved July 28, 1953 (P. L. 723), empowering the exercise of eminent domain for certain purposes in regard to graveyards and cemeteries.

HOUSE BILL No. 1746.

An Act constituting the Secretary of the Commonwealth as the agent for service of process on nonresident persons and foreign associations partnerships and corporations whose products are listed and sold by Pennsylvania Liquor Stores and who sell malt and brewed beverages to distributors and importing distributors licensed and doing business in this Commonwealth.

HOUSE BILL No. 1811.

An Act providing for the regulation of credit life insurance and credit accident and health insurance conferring powers and imposing duties on the Insurance Commissioner and prescribing penalties.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM GOVERNOR CONCURRED IN BY SENATE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1273.

An Act amending the "State Employes' Retirement Code of 1959" approved June 1, 1959 (P. L. 392), providing a disability retirement allowance for disability incurred by officers and employes of the Pennsylvania State Police while engaging in law enforcement activities.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading on said bill was reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 418.

An Act to provide for an additional law judge of the court of common pleas in the thirty-sixth judiciary district and making an appropriation.

Referred to the Committee on Judiciary.

SENATE BILL No. 661.

An Act amending the act of May 26, 1891 (P. L. 129), entitled "An act authorizing and empowering the court of common pleas of the several counties of this Commonwealth to change alter and direct the mode of preparing and keeping indices in the several offices of record in said counties the for preparing making and substituting new indices for old indices or parts thereof" providing for the granting of contracts for new indices.

Referred to the Committee on Judiciary.

RESOLUTION INTRODUCED AND REFERRED

By Mr. FRY. RESOLUTION (Not Printed).

In the House of Representatives, August 30, 1961.

On July 26, 1961, Governor David L. Lawrence signed into law Act Number 378 authorizing the construction of a highway and erection and maintenance of a bridge over the Schuylkill River in Montgomery County from a point in Norristown to a point in Bridgeport, or a township adjacent thereto.

The dire need for such a bridge has been well known for many years, and although many efforts have been made in the past, all such efforts were fruitless.

It is with the deepest humility that the author expresses his appreciation and gratitude to the newspapers, the radio stations, the Chamber of Commerce, the various civic or-

ganizations, and the numerous individuals who rallied together to support and assist in passing this highly important legislation; therefore, be it

Resolved, That appreciation is hereby expressed for the support and assistance so unselfishly and conscientiously rendered by the press, the radio stations, the Chamber of Commerce, the various civic organizations, and the individuals in obtaining legislation authorizing the construction of the new bridge; and, be it further

Resolved, That copies of this resolution be transmitted by the Chief Clerk of the House of Representatives to the Norristown Times Herald, Norristown, Pa.; the Central Montgomery County Chamber of Commerce, Curren Arcade Building, Norristown, Pa.; and to Radio Station WNAR, Old Arch Road, Norristown, Pa.

Referred to the Committee on Rules.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1277

Mr. LAMB. Mr. Speaker, I present the report of the Committee of Conference on House Bill No. 1277.

The SPEAKER pro tempore. The report will lie over for printing under the Rules.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. RUDISILL asked for and obtained permission for the Committee on Judiciary to meet during the session of the House.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY THE HOUSE

The clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House bill No. 775, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University for the School of Medicine and for the School of Veterinary Medicine.

And has appointed Messrs. WEINER, KALMAN and SCOTT a committee of conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its non-oncurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 775

The SPEAKER pro tempore. The Speaker has appointed as a Committee of Conference on the part of the House, Messrs. POLEN, HAMILTON and WOOD.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY THE HOUSE

The clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House bill No. 781, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathy Philadelphia Pennsylvania.

And has appointed Messrs. WEINER, DONOLOW and WARE a committee of conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 781

The SPEAKER pro tempore. The Speaker has appointed as a Committee of Conference on the part of the House, Messrs. POLEN, HAMILTON and WOOD.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY THE HOUSE

The clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House bill No. 785, entitled:

An Act making an appropriation to the Berean Manual Training School at Philadelphia Pennsylvania.

And has appointed Messrs. WEINER, ROONEY and KESSLER a committee of conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 785

The SPEAKER pro tempore. The Speaker has appointed as a Committee of Conference on the part of the House, Messrs. POLEN, HAMILTON and WOOD.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY THE HOUSE

The clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House bill No. 787, entitled:

An Act making an appropriation to the Delaware Valley

College of Science and Agriculture at Doylestown Pennsylvania.

And has appointed Messrs. STIEFEL, CAMIEL and KELLER a committee of conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 787

The SPEAKER pro tempore. The Speaker has appointed as a Committee of Conference on the part of the House, Messrs. POLEN, HAMILTON and WOOD.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY THE HOUSE

The clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House bill No. 795, entitled:

An Act making an appropriation to the Dickinson School of Law Carlisle Pennsylvania.

And has appointed Messrs. MILLER, SARRAF and EHRGOOD a committee of conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 795

The SPEAKER pro tempore. The Speaker has appointed as a Committee of Conference on the part of the House, Messrs. POLEN, MAXWELL and WOOD.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY THE HOUSE

The clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House bill No. 1181, entitled:

An Act creating an Anthracite Mine Law Study Commission for the purpose of making a study and investigation of all laws relating to underground anthracite coal mines and the preparation of a modern code relating thereto.

And has appointed Messrs. McMENAMIN, MURRAY and WAGNER a committee of conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1181

The SPEAKER pro tempore. The Speaker has appointed as a Committee of Conference on the part of the House, Messrs. MUSTO, WARGO and BOWER.

Ordered, that the clerk inform the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. STONE from the Committee on Judiciary, reported as committed, Senate bill No. 418, entitled:

An Act to provide for an additional law judge of the court of common pleas in the thirty-sixth district and making an appropriation.

Mr. STONE from the Committee on Judiciary, reported as committed, Senate bill No. 661, entitled:

An Act amending the act of May 26, 1891 (P. L. 129), entitled "An act authorizing and empowering the court of common pleas of the several counties of this Commonwealth to change alter and direct the mode of preparing and keeping indices in the several offices of record in said counties and for preparing making and substituting new indices for old indices or parts thereof" providing for the granting of contracts for new indices.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 418, entitled:

An Act to provide for an additional law judge of the court of common pleas in the thirty-sixth district and making an appropriation.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 661, entitled:

An Act amending the act of May 26, 1891 (P. L. 129), entitled "An act authorizing and empowering the court of common pleas of the several counties of this Commonwealth to change alter and direct the mode of preparing and keeping indices in the several offices of record in said counties and for preparing making and substituting new indices for old indices or parts thereof" providing for the granting of contracts for new indices.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 843, entitled:

An Act amending the act of April 18, 1949 (P. L. 512), entitled "Fiduciaries Act of 1949" increasing the amount of minor's estate which may be received held or disposed of without the appointment of a guardian or the entry of security.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—196

Adams,	Gallagher,	Limper,	Rubin,
Anderson, J. H.,	George,	Lippincott,	Rudisill,
Anderson, S. A.,	Gibb,	Long, Wm. Jas.,	Rutherford,
Arlene,	Gibbons,	Long, Wm. Jos.,	Sakulsky,
Auker,	Goldstein, J. H.,	Lutty,	Scarcelli,
Bachman,	Goldstein, M. H.,	Magee,	Schaaf,
Backenstoe,	Goodrich,	Manbeck,	Schuster,
Blair,	Gramlich,	Markley,	Seltzer,
Boles,	Gray,	Marsh,	Shelton,
Bonner,	Greenlee,	Maxwell,	Sherman,
Bossert,	Gremminger,	May,	Shupnik,
Bower,	Gross,	McCandless,	Simmons,
Bowman,	Guesman,	McCann,	Slack,
Breth,	Guthrie,	McDevitt,	Snare,
Buchanan,	Hamilton,	McDonald,	Stank,
Bush,	Hankins,	McKeever,	Steckel,
Capano,	Hartley,	McLaughlin,	Stimmel,
Capitolo,	Haudenshield,	McNally,	Stiteler,
Cianfrani,	Heavey,	Meholchick,	Stone,
Cioffi,	Heffner,	Merry,	Strausser,
Comer,	Helm,	Miller,	Sullivan, J. A.,
Clarke,	Henzel,	Mills,	Sullivan, T. F.,
Crossin,	Hocker,	Monroe,	Taylor,
Curwood,	Holl,	Morley,	Thompson,
Davis,	Holliday,	Munley,	Tomascik,
Dengler,	Holman,	Murray,	Tompkins,
Dennison,	Horst,	Musto,	Trusio,
Donaldson,	Irvis,	Needham,	Ujobai,
Dougherty,	Isaacs,	O'Dell,	Varner,
Doughten,	Jim,	O'Donnell, J. A.,	Verona,
Down,	Johnson, A. W.,	O'Donnell, J. P.,	Wall,
Edwards,	Johnson, R. P.,	Ogilvie,	Walsh,
Eilberg,	Jones,	Odorisio,	Wargo,
Elvey,	Keiser,	Parlante,	Weidner,
Eshback,	Kelly,	Pashley,	Welsh,
Eshleman,	Kernaghan,	Perry,	Wescott,
Ewing,	Kessler,	Petrosky,	Whittaker,
Farabaugh,	King,	Piper,	Willard,
Fetterolf,	Kistler,	Polaski,	Willaredt,
Filo,	Klein,	Polen,	Williams, A. D.,
Fineman,	Knecht,	Prendergast,	Williams, E. S.,
Flynn,	Kooker,	Price,	Wilt,
Foerster,	Kornick,	Pursley,	Wood,
Foor,	Korns,	Reibman,	Worley,
Fox,	Lamb,	Reidenbach,	Wynd,
Frascella,	Lawson,	Renwick,	Yetter,
Fry,	Lee, A. M.,	Riley,	Zember,
Fulmer,	Lee, K. B.,	Rovansek,	Zimmerman,
Gailey,	Leonard,	Royer,	Andrews, Speaker

NAYS—0

NOT VOTING—14

Ashton,	Esler,	Kramer,	Mihm,
Branca,	Gelfand,	McCormack,	Mullen,
Cauley,	Jenkins,	McInroy,	Murphy,
Cooley,	Kamyk,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

RECONSIDERATION OF VOTE ON SENATE BILL No. 373

Mr. DOUGHERTY. Mr. Speaker, I move that the vote by which Senate bill No. 373, printer's No. 1266, entitled:

"An Act amending the act of March 10, 1949 (P. L. 30), entitled 'Public School Code of 1949' changing certain salaries and work loads prescribing general extension education areas decreasing the number of names needed for free extension education raising the deposit fee and providing for a tuition fee in certain instances deleting provisions relating to free evening schools providing for payments on account of approved vocational extension classes and making an appropriation."

was defeated on final passage Wednesday, August 30, 1961, be reconsidered.

Mr. PETROSKY. Mr. Speaker, I second the motion.

The SPEAKER pro tempore. How did the gentleman from Philadelphia, Mr. Dougherty, vote on the final passage of this bill?

Mr. DOUGHERTY. Mr. Speaker, I voted with the prevailing side.

The SPEAKER pro tempore. How did the gentleman from Westmoreland, Mr. Petrosky, vote on the final passage of this bill?

Mr. PETROSKY. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

Mr. McCANN. Mr. Speaker, this reconsideration motion is on the bill that was defeated a while ago. After a conference that the Republican members had with the Education Committee, they have drawn amendments to strike out certain items in the bill. The amendments are now ready to be offered.

I ask the membership to vote "aye" on the reconsideration motion so that it may be reconsidered in this session for the present day. There has never been a reconsideration motion offered that has not been agreed to. We have two more days to go and I hope it will not happen today or tomorrow. I ask you to vote "aye" so that it may have an opportunity to be amended, to be printed, and, if you still feel that you should vote against the bill, vote at that time as your conscience dictates. I ask the members to vote "aye" and support the reconsideration motion.

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, carrying out what the majority leader has said, a number of members on this side of the House have come down to my desk since this bill was defeated and indicated that if it were amended in certain particulars they would like to look the bill over again as amended. These amendments were just delivered to my desk but I believe it can be a roll call; however, there will be some on this side who will want to look at the bill again to see what it looks like after being amended.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. HOCKER and BOWMAN and were as follows:

YEAS—160

Anderson, S. A.,	Gibbons,	Lutty,	Rudisill,
Arlene,	Goldstein, J. H.,	Markley,	Rutherford,

Auker,	Goldstein, M. H.,	Marsh,	Sakulsky,
Bachman	Goodrich,	Maxwell,	Scarcelli,
Backenstoe,	Gray,	May,	Schaaf,
Boles,	Greenlee,	McCann,	Schuster,
Bonner,	Gremminger,	McCormack,	Shelton,
Bower,	Guesman,	McDevitt,	Sherman,
Bowman,	Hamilton,	McDonald	Shupnik,
Branca,	Hankins,	McKeever,	Simmons,
Breth,	Hartley,	McLaughlin,	Slack,
Buchanan,	Haudenshield,	McNally,	Snare,
Capano,	Heavey,	Meholchick,	Stank,
Capitolo,	Heffner,	Miller,	Steckel,
Cianfrani,	Helm,	Mills,	Stimmel,
Cioffi,	Henzel,	Monroe,	Stone,
Clarke,	Holman,	Morley,	Stiteler,
Comer,	Irvis,	Mullen,	Sullivan, J. A.,
Crossin,	Isaacs,	Munley,	Sullivan, T. F.,
Curwood,	Jim,	Murray,	Taylor,
Dengler,	Johnson, A. W.,	Musto,	Thompson,
Dennison,	Jones,	Needham,	Tomascik,
Donaldson,	Keiser,	O'Donnell, J. A.,	Trusio,
Dougherty,	Kelly,	O'Donnell, J. P.,	Ujobai,
Doughten,	Kernaghan,	Odorisio,	Varner,
Down,	Kessler,	Parlante,	Verona,
Ellberg,	King,	Pashley,	Wall,
Elvey,	Klein,	Petrosky,	Wargo,
Eshleman,	Knecht,	Piper,	Welsh,
Ewing,	Kornick,	Polaski,	Wescott,
Fetterolf,	Korns,	Polen,	Willard,
Filo,	Lamb,	Prendergast,	Willaredt,
Fineman,	Lawson,	Price,	Williams, A. D.,
Flynn,	Lee, A. M.,	Pursley,	Williams, E. S.,
Foerster,	Lee, K. B.,	Reibman,	Wilt,
Frascella,	Leonard,	Reidenbach,	Worley,
Fry,	Limper,	Renwick,	Wynd,
Fulmer,	Lippincott,	Riley,	Yetter,
Gailey,	Long, Wm. Jas.,	Rovansek,	Zember,
Gallagher,	Long, Wm. Jos.,	Rubin,	Zimmerman,

NAYS—33

Adams,	Fox,	Holliday,	O'Dell,
Anderson, J. H.	George,	Horst,	Ogilvie,
Blair,	Gibb,	Johnson, R. P.,	Royer,
Bossert,	Gramlich,	Kistler,	Seltzer,
Bush,	Gross,	Magee,	Strausser,
Davis,	Guthrie,	Manbeck,	Tompkins,
Edwards,	Hocker,	McCandless,	Weidner,
Eshback,	Holl,	Merry,	Whittaker,
Foor,			

NOT VOTING—17

Ashton,	Gelfand,	McInroy,	Walsh,
Cauley,	Jenkins,	Mihm,	Wood,
Cooley,	Kamyk,	Murphy,	Andrews,
Esler,	Kooker,	Perry,	Speaker
Farabaugh,	Kramer,		

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mrs. REIBMAN asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Section 1 (Section 1901), page 8, line 3, by striking out "Family and parent education (home" and inserting Home.

Amend Section 1 (Section 1901), page 8, line 4, by striking out "marriage adjustment"

Amend Section 1 (Section 1901), page 8, line 4, by striking out the parenthesis after "care".

Amend Section 1 (Section 1901), page 8, lines 5 to 7, by striking out all of said lines.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

Mrs. REIBMAN asked unanimous consent to offer an additional amendment at this time.

The SPEAKER pro tempore. The amendment will be read by the clerk for information.

Amend Section 1 (Section 1901), page 8, lines 11 and 12, by striking out all of said lines.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 869, entitled:

An Act amending the act of October 2, 1959 (P. L. 1251), entitled "An act relating to officers and employes of the General Assembly fixing the number qualifications compensation mileage and duties of the officers and employes of the Senate and of the House of Representatives . . ." further providing that one postmaster shall be employed on an annual basis and providing for the appointment of stenographers by the President pro tempore of the Senate

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—177

Anderson, J. H.	Gibbons,	Lutty,	Rutherford,
Anderson, S. A.,	Goldstein, J. H.,	Magee,	Sakulsky,
Arlene,	Goodrich,	Manbeck,	Scarcelli,
Auker,	Gramlich,	Markley,	Schaaf,
Backenstoe,	Gray,	Marsh,	Schuster,
Bachman	Greenlee,	Maxwell,	Seltzer,
Blair,	Gremminger,	May,	Shelton,
Boles,	Guesman,	McCandless,	Sherman,
Bonner,	Guthrie,	McCann,	Shupnik,
Bower,	Hamilton,	McDevitt,	Simmons,
Bowman,	Hankins,	McDonald	Slack,
Branca,	Hartley,	McKeever,	Snare,
Breth,	Haudenshield.	McLaughlin,	Stank,
Buchanan,	Heavey,	Meholchick,	Steckel,
Bush,	Heffner,	Merry,	Stimmel,
Capano,	Helm,	Mills,	Stone,
Capitolo,	Henzel,	Monroe,	Strausser,
Clarke,	Hocker,	Morley,	Sullivan, J. A.,
Comer,	Holl,	Mullen,	Sullivan, T. F.,
Crossin,	Holman,	Munley,	Taylor,
Curwood,	Horst,	Murray,	Thompson,
Dengler,	Irvis,	Musto,	Tomascik,
Dennison,	Isaacs,	Needham,	Tompkins,
Dougherty,	Jenkins,	O'Donnell, J. A.,	Trusio,

Doughten,	Jim,	O'Donnell, J. P.,	Ujobai,
Down,	Johnson, A. W.,	Odorisio,	Varner,
Ellberg,	Jones,	Ogilvie,	Verona,
Eshback,	Kamyk,	Parlante,	Wall,
Elvey,	Keiser,	Pashley,	Wargo,
Eshleman,	Kernaghan,	Perry,	Weidner,
Ewing,	Kessler,	Petrosky,	Welsh,
Farabaugh,	King,	Polaski,	Wescott,
Fetterolf,	Kistler,	Polen,	Willard,
Filo,	Klein,	Piper,	Willaredt,
Fineman,	Knecht,	Prendergast,	Williams, A. D.,
Flynn,	Kornick,	Price,	Williams, E. S.,
Foerster,	Lamb,	Pursley,	Wilt,
Foor,	Lawson,	Reibman,	Worley,
Fox,	Lee, A. M.,	Reidenbach,	Wynd,
Frascella,	Lee, K. B.,	Renwick,	Yetter,
Fry,	Leonard,	Rovansek,	Zember,
Fulmer,	Limper,	Royer,	Zimmerman,
Gailey,	Lippincott,	Rubin,	Andrews,
Gallagher,	Long, Wm. Jas.,	Rudisill,	Speaker
George,	Long, Wm. Jos.,		

NAYS—19

Adams,	Gibb,	Korns,	Riley,
Bossert,	Goldstein, M. H.,	McCormack,	Stiteler,
Cianfrani,	Gross,	McNally,	Walsh,
Donaldson,	Holliday,	Miller,	Whittaker,
Edwards,	Johnson, R. P.,	O'Dell,	

NOT VOTING—14

Ashton,	Davis,	Kooker,	Mihm,
Cauley,	Esler,	Kramer,	Murphy,
Cioffi,	Gelfand,	McInroy,	Wood,
Cooley,	Kelly,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 871, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379), entitled "Third Class County Board Assessment Law," requiring counties of the fifth class advanced in classification to counties of the third class to operate a tax assessment system and to continue a permanent system of records pursuant to "The Fourth to Eighth Class County Assessment Law."

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adams,	George,	Lee, K. B.,	Riley,
Anderson, J. H.	Gibb,	Leonard,	Rubin,
Anderson, S. A.,	Gibbons,	Limper,	Rudisill,
Arlene,	Goldstein, J. H.,	Lippincott,	Rutherford,
Auker,	Goldstein, M. H.,	Long, Wm. Jas.,	Sakulsky,
Bachman	Goodrich,	Long, Wm. Jos.,	Scarcelli,
Backenstoe,	Gramlich,	Lutty,	Schuster,
Blair,	Gray,	Magee,	Seltzer,
Boies,	Greenlee,	Manbeck,	Shelton,
Bonner,	Gremminger,	Markley,	Sherman,
Bower,	Gross,	Marsh,	Shupnik,
Bowman,	Guesman,	Maxwell,	Simmons,
Branca,	Guthrie,	May,	Slack,
Breth,	Hamilton,	McCandless,	Snare,
Buchanan,	Hankins,	McCann,	Stank,
Bush,	Hartley,	McCormack,	Steckel,
Capano,	Haudenshield,	McDevitt,	Stimmel,
Capitolo,	Heavey,	McDonald	Stiteler,
Cioffi,	Heffner,	McKeever,	Stone,
Clarke,	Helm,	McLaughlin,	Strausser,
Comer,	Henzel,	Meholchick,	Sullivan, J. A.,
Crossin,	Hocker,	Merry,	Sullivan, T. F.,
Davis,	Holl,	Miller,	Taylor,
Dengler,	Holliday,	Mills,	Thompson,
Dennison,	Holman,	Monroe,	Tomascik,
Donaldson,	Horst,	Morley,	Tompkins,
Dougherty,	Irvis,	Mullen,	Ujobai,
Doughten,	Isaacs,	Munley,	Varner,
Down,	Jenkins,	Murray,	Verona,
Edwards,	Jim,	Musto,	Wall,
Ellberg,	Johnson, A. W.,	Needham,	Walsh,
Elvey,	Johnson, R. P.,	O'Dell,	Wargo,
Eshback,	Kamyk,	O'Donnell, J. A.,	Weidner,
Eshleman,	Keiser,	O'Donnell, J. P.,	Welsh,
Ewing,	Kelly,	Odorisio,	Wescott,
Fetterolf,	Kernaghan,	Ogilvie,	Whittaker,
Filo,	Kessler,	Parlante,	Willard,
Fineman,	King,	Perry,	Willaredt,
Flynn,	Kistler,	Petrosky,	Williams, A. D.,
Foor,	Knecht,	Piper,	Williams, E. S.,
Fox,	Kooker,	Polen,	Wilt,
Frascella,	Kornick,	Prendergast,	Wynd,
Fry,	Korns,	Price,	Yetter,
Fulmer,	Lamb,	Pursley,	Zember,
Gailey,	Lawson,	Reibman,	Zimmerman,
Gallagher,	Lee, A. M.,	Reidenbach,	Andrews,
			Speaker

NAYS—13

Bossert,	Foerster,	Pashley,	Rovansek,
Cianfrani,	Klein,	Polaski,	Schaaf,
Curwood,	McNally,	Renwick,	Worley,
Farabaugh,			

NOT VOTING—13

Ashton,	Gelfand,	McInroy,	Royer,
Cauley,	Jones,	Mihm,	Trusio,
Cooley,	Kramer,	Murphy,	Wood,
Esler,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 876, entitled:

An Act amending the act of July 15, 1957 (P. L. 901), entitled "Optional Third Class City Charter Law," to permit cities adopting an optional charter plan under said act to provide for the hearing of appeals from assessments and the revision thereof by an administrative procedure.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—199

Adams,	Gallagher,	Leonard,	Rovansek,
Anderson, J. H.,	George,	Limper,	Royer,
Anderson, S. A.,	Gibb,	Lippincott,	Rubin,
Arlene,	Gibbons,	Long, Wm. Jas.,	Rudisill,
Auker,	Goldstein, J. H.,	Long, Wm. Jos.,	Rutherford,
Bachman,	Goldstein, M. H.,	Lutty,	Sakulsky,
Backenstoe,	Goodrich,	Magee,	Scarcelli,
Blair,	Gramlich,	Manbeck,	Schaaf,
Boies,	Gray,	Markley,	Schuster,
Bonner,	Greenlee,	Marsh,	Seltzer,
Bossert,	Gremminger,	Maxwell,	Shelton,
Bower,	Gross,	May,	Sherman,

Bowman,	Guesman,	McCandless,	Shupnik,
Branca,	Guthrie,	McCann,	Simmons,
Breth,	Hamilton,	McCormack,	Slack,
Buchanan,	Hankins,	McDevitt,	Snare,
Bush,	Hartley,	McDonald,	Stank,
Capano,	Haudenshield,	McKeever,	Steckel,
Capitolo,	Heavey,	McLaughlin,	Stimmel,
Cianfrani,	Heffner,	McNally,	Stiteler,
Cioffi,	Helm,	Meholchick,	Stone,
Clarke,	Henzel,	Merry,	Strausser,
Comer,	Hocker,	Miller,	Sullivan, J. A.,
Crossin,	Holl,	Mills,	Sullivan, T. F.,
Curwood,	Holman,	Monroe,	Taylor,
Davis,	Holliday,	Morley,	Thompson,
Dengler,	Horst,	Mullen,	Tomascik,
Dennison,	Irvis,	Munley,	Tompkins,
Donaldson,	Isaacs,	Murray,	Trusio,
Dougherty,	Jim,	Musto,	Ujobai,
Doughten,	Jenkins,	Needham,	Varner,
Down,	Johnson, A. W.,	O'Dell,	Verona,
Edwards,	Johnson, R. P.,	O'Donnell, J. A.,	Wall,
Eilberg,	Jones,	O'Donnell, J. P.,	Walsh,
Elvey,	Kamyk,	Odorisio,	Wargo,
Eshback,	Keiser,	Ogilvie,	Weidner,
Eshleman,	Kelly,	Parlante,	Welsh,
Ewing,	Kernaghan,	Pashley,	Wescott,
Farabaugh,	Kessler,	Perry,	Whittaker,
Fetterolf,	King,	Petrosky,	Willaredt,
Filo,	Kistler,	Piper,	Williams, A. D.,
Fineman,	Klein,	Polaski,	Williams, H. S.,
Flynn,	Knecht,	Polen,	Wilt,
Foerster,	Kooker,	Prendergast,	Wood,
Foor,	Kornick,	Price,	Wynd,
Fox,	Korns,	Pursley,	Yetter,
Frascella,	Lamb,	Reibman,	Zimmerman,
Fry,	Lawson,	Reidenbach,	Zember,
Fulmer,	Lee, A. M.,	Renwick,	Andrews,
Gailey,	Lee, K. B.,	Riley,	Speaker

NAYS—1

Worley,

NOT VOTING—10

Ashton,	Esler,	McInroy,	Murphy,
Cauley,	Gelfand,	Mihm,	Willard,
Cooley,	Kramer,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

BILL PASSED OVER

There being no objection

Senate bill No. 923, printer's No. 1265,

was passed over at the request of Mr. McCANN.

DEMOCRATIC CAUCUS

Mr. McCANN. Mr. Speaker, this is not a recess. I ask that the Democratic members proceed immediately to the House caucus room and take their calendars with them. I request very humbly that they proceed immediately to the House caucus room.

REPUBLICAN CAUCUS

Mr. A. W. JOHNSON. Mr. Speaker, we are also calling a Republican caucus to be held immediately in the caucus room.

(After Caucuses)

STATEMENT BY MINORITY WHIP

The SPEAKER. Does the gentleman from Cameron, Mr. Tompkins, desire to be recognized at this time?

Mr. TOMPKINS. I do, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Cameron.

Mr. TOMPKINS. Mr. Speaker, during this session there has been a great deal of effort made to improve the legislative processes of this General Assembly. The Speaker leading on this very program has done a great deal to try to accomplish that purpose.

Earlier in the year a space committee of this House and of the Senate of this General Assembly was appointed and it was found, as time went on, that space committee could not do much because they had no power to move or act. The Speaker, within the past couple of weeks generated a resolution whereby the standing committees of this House could be called into meeting during the interim upon the approval of the Speaker in order to try to have those committees as functioning committees. Because of the inability of the space committee to do any business under the resolution, there is a piece of legislation on our calendar right now to give them power enough to try to accomplish some of those purposes.

As an added item, to try to improve the work of this General Assembly, we have decided that pre-session budget preparation hearings are a very good thing and would be a valuable time-saving device.

I prepared a resolution, after consultation with some House leaders, to accomplish this purpose. We have been informed that the front office does not look with favor upon such a procedure. I had intended to offer this resolution and ask for its immediate consideration. However, because of the attitude of the front office, I am introducing the resolution and ask that it be referred to the Committee on Rules with the hope that the front office meant what he said when he talked for public consumption for shorter and more businesslike sessions. I hope the Governor will follow his own advice and call the chairman of the Rules Committee and request that the resolution be reported to this House for action. I say to you that it is time for action and not more double talk. I offer the following resolution.

The SPEAKER. The Chair will refer the resolution to the Rules Committee, but he suggests, for the information of the House, if no one objects, that the resolution be read. The clerk will read the resolution which may be of interest to such members who desire to listen.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. ANDREWS, TOMPKINS, IRVIS, POLEN, HELM, EILBERG, McCANN and A. W. JOHNSON.

RESOLUTION No. 104.

In the House of Representatives, August 28, 1961.

Whereas, the Appropriation Committees of the House and Senate in the preparation of the Budget for the General Assembly must hold a series of hearings after submission of the Budget by the Governor; and

Whereas, at said hearings, said committee review the same information and hear the same Departments that have previously submitted the same information and been heard before the Budget office; and

Whereas, said committee hearings are but a duplication of time and effort;

Be it resolved, the Senate concurring, that the General Assembly request the Governor:

1. In addition to the budget requests submitted by the several Department Heads to the Governor, that copies also be furnished to the Chairmen of the House and Senate Appropriation Committees.
2. That the Chairmen of the House and Senate Appropriation Committees, together with the respective floor leaders of House and Senate be permitted to sit in on the Budget hearings and preparation, with full

voice, but without power to modify any action which the Governor may wish to take until after formal submission of the budget to the General Assembly.

Referred to the Committee on Rules.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 869

Mr. McCANN. Mr. Speaker, I present the report of the Committee of Conference on House bill No. 869.

The SPEAKER. The report will lie over for printing under the Rules.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mrs. REIBMAN asked and obtained permission for the Committee on Education to meet during the session of the House.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 67

Mr. NEEDHAM. Mr. Speaker, I present the report of the Committee of Conference on House bill No. 67.

The SPEAKER. The report will lie over for printing under the Rules.

SENATE MESSAGE

AMENDED SENATE CONCURRENT RESOLUTION CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Concurrent Sine Die Resolution as follows:

In the Senate, August 22, 1961.

Resolved (the House of Representatives concurring) that this regular session of the General Assembly adjourn sine die on (Thursday, August 31, 1961) Friday, September 1, 1961 at 9 p. m., e. s. t.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Schaaf.

Mr. SCHAAF. Mr. Speaker, we have a momentary lull here and I would like to take this opportunity on behalf of myself and some of my colleagues here in the House, and in conjunction with your oft-repeated suggestion that we improve the procedures used in the House, to offer a resolution, Mr. Speaker, which calls for an amendment of our House rules, particularly House rule 14.

Now what basically we propose, Mr. Speaker, is that we have an omnibus fish bill and an omnibus game bill. Now, Mr. Speaker, I realize full well that this resolution cannot be adopted this year. However, I look forward to future sessions of this General Assembly when we have all the skunks, the raccoons, the white-tailed deer, the carbines, the shot guns, in one bill, and in another bill, Mr. Speaker, we have the clams, we have the speckled trout, and we have all the tadpoles and fish in another bill.

I think, Mr. Speaker, that would clear our calendar substantially during the first part of each session. Accordingly, Mr. Speaker, I take great pride in offering this resolution.

The SPEAKER. The resolution will be referred to the Committee on Rules under the rules, and the Chair, incidentally, expresses the hope that before the next session for regular business that we shall have reviewed and revised all the committees to make them more logical than some of them are now.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Maxwell.

Mr. MAXWELL. Mr. Speaker, the gentleman from Erie mentioned in his omnibus bills everything except the two most important things. He forgot to mention the great dane and the beagle, and I would like to see him include them in the resolution.

The SPEAKER. The Chair recognizes the gentleman from Carbon, Mr. Bonner.

Mr. BONNER. Mr. Speaker, I would like to inform the gentleman from Erie that the white-tailed deer is now the official State animal.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. POLEN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, before we start, the boys from Philadelphia want to give a gift to Mr. Boies. This is an appropriate time for the delegation to give it to him.

The SPEAKER. The Chair will waive formalities and recognize the giver of the gift if he wants to make the presentation from the Speaker's rostrum.

The Chair recognizes the gentleman from Allegheny, Mr. Boies.

Mr. BOIES. Mr. Speaker, this is the sandwich to end all sandwiches.

It is a striking example, Mr. Speaker, of the work of the Philadelphia delegation. I think this was promised to me about two years ago, but they finally did come through with it and that has happened many times in this session; not only this session but others. They may be slow but they finally get there.

LEAVE OF ABSENCE REQUESTED

Mr. McCANN. Mr. Speaker, I am sorry that I did not tell the majority whip that the gentleman from Allegheny, Mr. Kramer, was sent home early today. He called us about 9:30 and said that his wife was very bad early this morning due to complications, but the baby was delivered. It is a bouncing baby girl and I do not know what number it is in the family—number seven—but, when he called, the wife and the child were excellent. Mr. Kramer will be coming back here. So I ask for a leave of absence for Mr. Kramer for tonight's session.

LEAVES OF ABSENCE

By unanimous consent leaves of absence were granted as follows:

Mr. McCann for Mr. KRAMER for the remainder of today's session.

Mr. Tompkins for Mr. A. M. LEE for the remainder of today's session.

Mr. Tompkins for Mr. ODORISIO for the remainder of today's session.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 923, entitled:

An Act amending the act of August 4, 1959 (P. L. 587), entitled, "An Act creating and establishing the Legislative Budget and Finance Committee providing for its membership . . ." further providing for the personnel to be appointed by the Legislative Budget and Finance Committee.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—194

Adams,	Galley,	Lee, K. B.,	Riley,
Anderson, J. H.,	Gallagher,	Leonard,	Rovansek,
Anderson, S. A.,	George,	Limper,	Royer,
Arlene,	Gibb,	Lippincott,	Rubin,
Auker,	Gibbons,	Long, Wm. Jos.,	Rudisill,
Bachman,	Goldstein, J. H.,	Lutty,	Rutherford,
Backenstoe,	Goldstein, M. H.,	Magee,	Scarcelli,
Blair,	Goodrich,	Manbeck,	Schaaf,
Boles,	Gramlich,	Markley,	Schuster,
Bonner,	Gray,	Marsh,	Seltzer,
Bossert,	Greenlee,	Maxwell,	Shelton,
Bower,	Gremminger,	May,	Sherman,
Bowman,	Gross,	McCandless,	Shupnik,
Branca,	Guesman,	McCann,	Simmons,
Breth,	Guthrie,	McCormack,	Slack,
Buchanan,	Hamilton,	McDevitt,	Snare,
Bush,	Hankins,	McDonald,	Stank,
Capano,	Hartley,	McKeever,	Steckel,
Capitolo,	Haudenshield,	McLaughlin,	Stimmel,
Cianfrani,	Heavey,	McNally,	Stiteler,
Cioffi,	Heffner,	Meholchick,	Strausser,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Miller,	Sullivan, T. F.,
Cooley,	Hocker,	Mills,	Taylor,
Crossin,	Holl,	Monroe,	Thompson,
Curwood,	Holliday,	Morley,	Tomascik,
Davis,	Holman,	Mullen,	Tompkins,
Dengler,	Horst,	Munley,	Trusio,
Donaldson,	Irvis,	Murray,	Ujobai,
Dougherty,	Isaacs,	Musto,	Varner,
Doughten,	Jenkins,	Needham,	Verona,
Down,	Jim,	O'Dell,	Wall,
Edwards,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Eilberg,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Elvey,	Jones,	Ogilvie,	Welsh,
Eshback,	Kamyk,	Parlante,	Wescott,
Eshleman,	Keiser,	Pashley,	Whittaker,
Ewing,	Kelly,	Perry,	Willard,
Farabaugh,	Kernaghan,	Petrosky,	Willaredt,
Fetterolf,	Kessler,	Piper,	Williams, A. D.,
Filo,	King,	Polaski,	Williams, E. S.,
Fineman,	Kistler,	Polen,	Wilt,
Flynn,	Klein,	Prendergast,	Wood,
Foerster,	Knecht,	Price,	Wynd,
Foor,	Kooker,	Pursley,	Yetter,
Fox,	Kornick,	Reibman,	Zember,
Frascella,	Korns,	Reidenbach,	Zimmerman,
Fry,	Lamb,	Renwick,	Andrews,
Fulmer,	Lawson,		Speaker

NAYS—1

Worley,

NOT VOTING—15

Ashton,	Gelfand,	McInroy,	Sakulsky,
Cauley,	Kramer,	Mihm,	Stone,
Dennison,	Lee, A. M.,	Murphy,	Weidner,
Esler,	Long, Wm. Jas.,	Odorisio,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 670, entitled:

An Act establishing a Family Court Division in the Court of Common Pleas of Allegheny County imposing certain jurisdiction over actions and other matters involving the family providing for a chief judge and board of judges clerk director and professional and other employes transferring certain duties of the Juvenile Court of Allegheny County and the domestic relations court of the county court to the family court division providing for additional law judges of the Court of Common Pleas in the Fifth Judicial District establishing procedures for reconciliation and providing for the investigation and report of relevant factual information.

On the question,

Shall the bill pass finally?

BILL RECOMMITTED

Mr. WILT. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Walsh.

Mr. WALSH. Mr. Speaker, I want to second this motion for recommittal and I want it distinctly understood that I am heartily in accord with the purpose and intent of this bill, but this bill is so full of inequities that I feel it should go back and the interested parties should sit down with the county commissioners or a good welfare organization and draw up a bill that will be able to take care of the intent of this bill.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 805, entitled:

An Act amending the act of May 20, 1937 (P. L. 728), entitled, "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth . . ." changing the compensation of members providing for the appointment of an executive secretary and other employes changing the limitations on the filing of claims increasing the powers of the board further providing for rules of procedure before the board providing for appeals and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—100

Anderson, S. A.,	Gallagher,	McCormack,	Renwick,
Arlene,	Gray,	McDevitt,	Riley,
Bachman,	Greenlee,	McDonald,	Rovansek,
Boles,	Gremminger,	McKeever,	Rubin,
Bonner,	Guesman,	McLaughlin,	Rudisill,
Branca,	Hamilton,	McNally,	Sakulsky,
Breth,	Hankins,	Meholchick,	Scarcelli,
Capano,	Hartley,	Mills,	Schaaf,
Capitolo,	Heavey,	Monroe,	Schuster,
Cianfrani,	Irvis,	Morley,	Shelton,
Cioffi,	Jenkins,	Mullen,	Sherman,
Clarke,	Jim,	Munley,	Shupnik,
Comer,	Jones,	Murray,	Stank,
Cooley,	Kamyk,	Musto,	Stone,
Crossin,	Kelly,	Needham,	Sullivan, J. A.,
Curwood,	Klein,	O'Donnell, J. A.,	Sullivan, T. F.,
Doughten,	Kornick,	O'Donnell, J. P.,	Taylor,
Eilberg,	Lamb,	Parlante,	Tomascik,
Filo,	Lawson,	Pashley,	Truslo,
Fineman,	Leonard,	Perry,	Verona,
Flynn,	Limper,	Polaski,	Walsh,
Foerster,	Long, Wm. Jas.,	Polen,	Wargo,
Frascella,	Long, Wm. Jos.,	Prendergast,	Welsh,
Fry,	Lutty,	Reibman,	Yetter,
Gailey,	Maxwell,	Reidenbach,	Andrews, Speaker

NAYS—98

Adams,	Fulmer,	King,	Seltzer,
Anderson, J. H.,	George,	Kistler,	Simmons,
Auker,	Gibb,	Knecht,	Slack,
Backenstoe,	Gibbons,	Kooker,	Snare,
Blair,	Goldstein, J. H.,	Korns,	Steckel,
Bossert,	Goldstein, M. H.,	Lee, K. B.,	Stimmel,
Bower,	Goodrich,	Lippincott,	Stiteler,
Bowman,	Gramlich,	Magee,	Strausser,
Buchanan,	Gross,	Manbeck,	Thompson,
Bush,	Guthrie,	Markley,	Tompkins,
Davis,	Haudenshield,	Marsh,	Ujobai,
Dengler,	Heffner,	May,	Varner,
Dennison,	Helm,	McCandless,	Wall,
Donaldson,	Henzel,	McCann,	Wescott,
Dougherty,	Hocker,	Merry,	Whittaker,
Down,	Holl,	Miller,	Willaredt,
Edwards,	Holliday,	O'Dell,	Williams, A. D.,
Elvey,	Holman,	Ogilvie,	Williams, E. S.,
Eshback,	Horst,	Petrosky,	Wilt,
Eshleman,	Isaacs,	Piper,	Wood,
Ewing,	Johnson, A. W.,	Price,	Worley,
Farabaugh,	Johnson, R. P.,	Pursley,	Wynd,
Fetterolf,	Keiser,	Royer,	Zember,
Foor,	Kernaghan,	Rutherford,	Zimmerman,
Fox,	Kessler,		

NOT VOTING—12

Ashton,	Gelfand,	McInroy,	Odorisio,
Cauley,	Kramer,	Mihm,	Weidner,
Esler,	Lee, A. M.,	Murphy,	Willard,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Mr. HELM IN THE CHAIR

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned the bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 283

An Act requiring persons employed or engaged for compensation to advocate the passage or defeat of legislation to submit registration statements and imposing a penalty.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 1, by striking out all of the first four lines and "tion" on line 5 and inserting in lieu thereof the following: "Requiring persons employed or engaged for compensation to advocate the passage or defeat of legislation to submit registration statements and imposing a penalty."

Amend Section 1, page 2, line 2, by striking out after the word "Lobbying" the word "Regulation," and inserting in lieu thereof the word "Registration."

Amend Section 2, by striking out all of lines 4 to 16, inclusive, and inserting in lieu thereof the following:

"(1) "Lobbyist" means any natural person who is employed or engaged for compensation by any other person or any partnership committee association corporation or any other organization to advocate the passage or defeat of legislation by the General Assembly of the Commonwealth of Pennsylvania except that an officer or employe of the Commonwealth or any political subdivision thereof who acts only in his official capacity shall not be deemed a lobbyist."

Amend Section 2, page 3, line 11, by tsriking out at the beginning of the line the number "(5)" and inserting in lieu thereof the number "2."

Amend bill by striking out all of Section 3, 4, 5, 6, 7, 8, 9, and 10 inclusive, and inserting in lieu thereof new Section 3, 4, 5, and 6 as follows:

"Section 3 Registration of Lobbyists Required Every lobbyist before advocating the passage or defeat of any legislation shall submit to the Chief Clerk of the House of Representatives and the Secretary of the Senate a registration statement made under oath or affirmation before an officer authorized by law to administer oaths setting forth the name and business address of the lobbyist the name and address of the person partnership committee association corporation or other organization by whom he is employed or engaged the name and address of the person partnership committee association corporation or other organization in whose interest he will advocate the passage or defeat of legislation and the duration of his employment.

Section 4 Revised Statements Required in Certain Cases. Whenever any of the facts set forth in a registration statement submitted pursuant to Section 3 shall change the lobbyist shall forthwith submit a revised registration statement in the form and to the officers designated in Section 3 setting forth the facts as changed.

Section 5 Limitation upon Validity of Registration Statement Each registration statement shall be valid only for the annual or special session of the General Assembly during which it is filed.

Section 6 Compilation and Printing of Facts from Registration Statements The facts set forth in registration statements submitted to he Chief Clerk of he House of Representatives and the Secretary of the Senate during each month of each session of the General Assembly shall be compiled by them acting jointly and printed within thirty days thereafter in the appendix."

Amend page 11, line 19, by striking out after the word "Section" the following: "11 Penalties and Prohibitions (a)" and inserting in lieu thereof "7 Penalties."

Amend Section 7, page 12, line 3, by striking out after the letters "ing" the following: "five thousand dollars ($5000)" and inserting in lieu thereof "five hundred dollars" and by striking out all of lines 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15.

Amend page 12, line 16, by striking out after the word "Section" the number "12" and inserting in lieu thereof the number "8."

Amend page 2, line 20, by striking out after the word "Section" the number "13" and inserting in lieu thereof the number "9."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Mr. TOMPKINS. Mr. Speaker, the members on our side are on their own.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—164

Adams,	Foor,	Lamb,	Reidenbach,
Anderson, J. H.,	Fox,	Lee, K. B.,	Renwick,
Anderson, S. A.,	Frascella,	Leonard,	Riley,
Arlene,	Fry,	Lippincott,	Royer,
Auker,	Fulmer,	Long, Wm. Jas.,	Rubin,
Bachman,	Gailey,	Long, Wm. Jos.,	Rudisill,
Backenstoe,	Gallagher,	Lutty,	Rutherford,
Blair,	George,	Magee,	Scarcelli,
Boles,	Gibb,	Manbeck,	Schaaf,
Bonner,	Gibbons,	Markley,	Schuster,
Bossert,	Goldstein, J. H.,	Marsh,	Seltzer,
Bower,	Goldstein, M. H.,	Maxwell,	Shelton,
Bowman,	Goodrich,	May,	Shupnik,
Breth,	Gramlich,	McCandless,	Simmons,
Buchanan,	Gray,	McCann,	Slack,
Bush,	Gremminger,	McCormack,	Snare,
Capitolo,	Gross,	McDevitt,	Steckel,
Cianfrani,	Guthrie,	McDonald,	Stimmel,
Cioffi,	Hamilton,	McNally,	Stiteler,
Clarke,	Hankins,	Meholchick,	Strausser,
Comer,	Haudenshield,	Merry,	Thompson,
Cooley,	Heavey,	Miller,	Tomascik,
Crossin,	Helm,	Monroe,	Tompkins,
Curwood,	Henzel,	Morley,	Trusio,
Davis,	Hocker,	Mullen,	Ujobai,
Dengler,	Holl,	Munley,	Varner,
Dennison,	Holliday,	Murphy,	Verona,
Donaldson,	Horst,	Needham,	Wall,
Dougherty,	Irvis,	O'Donnell, J. A.,	Wargo,
Doughten,	Jim,	Ogilvie,	Wescott,
Down,	Johnson, A. W.,	Parlante,	Whittaker,
Edwards,	Johnson, R. P.,	Pashley,	Willaredt,
Eilberg,	Jones,	Perry,	Williams, A. D.,
Elvey,	Kamyk,	Petrosky,	Williams, E. S.,
Eshback,	Keiser,	Piper,	Wilt,
Eshleman,	Kelly,	Polaski,	Wood,
Ewing,	Kessler,	Polen,	Worley,
Fetterolf,	King,	Prendergast,	Wynd,
Filo,	Kooker,	Price,	Yetter,
Fineman,	Kornick,	Pursley,	Zember,
Flynn,	Korns,	Reibman,	Zimmerman,

NAYS—31

Branca,	Isaacs,	McLaughlin,	Stank,
Capano,	Jenkins,	Mills,	Stone,
Forester,	Kernaghan,	Murray,	Sullivan, J. A.,
Greenlee,	Kistler,	Musto,	Sullivan, T. F.,
Guesman,	Klein,	O'Dell,	Taylor,
Hartley,	Lawson,	O'Donnell, J. P.,	Welsh,
Heffner,	Limper,	Rovansek,	Andrews,
Holman,	McKeever,	Sherman,	Speaker

NOT VOTING—15

Ashton,	Gelfand,	McInroy,	Walsh,
Cauley,	Knecht,	Mihm,	Weidner,
Esler,	Kramer,	Odorisio,	Willard,
Farabaugh,	Lee, A. M.,	Sakulsky,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1259.

An Act relating to State highways roads and bridges and certain use thereof amending revising consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto establishing the State Highway System providing for the construction abandonment and vacation of State highways and placing of existing roads and bridges on the State Highway System imposing certain obligations on countides cities boroughs towns and townships in regard to roads highways and bridges changing and regulating the condemnation and other acquisition of property for highway purposes and regulating certain Federal State local public utility and personal rights in regard to State highways and certain roads and bridges.

With the information that the Senate had passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Table of Contents, Article VIII, page 5, line 6, by striking out after the word "to" the word "Sell" and by striking out after the word "Exchange" the words "or Lease."

Amend Article XVII, page 10, by striking out all of last two lines of page, as follows: "Section 1710 Sale or Exchange of Land of Vacated Highway Where Commonwealth Owns Fee."

Amend Article I, page 23, by striking out on line 4 the following: "of the department may be removed or discharged by the secretary" and inserting in lieu thereof the following: other than those appointed or selected under the career system or any other Civil Service program may be removed or discharged by the secretary.

Amend Article VIII, page 29, line 16, by striking out after the word "for" the words "present of future" line 17, by inserting after the word "purposes" the following: "as provided in Section 809 810 and 811 of this act"; line 19, by striking out after the word "purposes" the words include but" and by striking out after the word "are" the word "not"; page 30, line 7, by striking out after the word "areas" the words "sites for manufacture of highway and road materials"; and by striking out all of lines 15 and 16; line 17, by striking out at the beginning of the line the figures "(12)" and inserting in lieu thereof the figures "(1)"; and by striking out after the word "of" the words "remainders of property and," and by inserting after line 19, line 20, as follows: "with the agreement of the owner"; page 31, line 1, by striking out at the beginning of the line the figures "(13)" and inserting in lieu thereof the figures "(12)"; line 2, by inserting after the word "of" the word "permanent"; line 3, by striking out at the beginning of the line the figures "(14)" and inserting in lieu thereof the figures "(13)"; line 4, by striking out at the beginning of the line the figures "(15)" and inserting in lieu thereof the figures "(14)"; line 6, by striking out at the beginning of the line the figures "(16)" and inserting in lieu thereof the figures "(15)" and by striking out after the word "of" the word "property" and inserting in lieu thereof the word "easements" and by striking out all of lines 8, 9, and 10; line 11, by striking out at the beginning of the line the figures "(18)" and inserting in lieu thereof the figures "(16)" and by striking out after the word "for" the words "shops offices storage" and inserting in lieu thereof the following: repair shops highway offices material and equipment storage highway; line 13, by striking out after the word "other" the words "necessary or" and inserting in lieu thereof the word "highway"; line 15, by striking out at the beginning of the line the figures "(19)" and inserting in lieu thereof the figures "(17)"; line 18, by striking out at the beginning of the line the figures "(20" and inserting in lieu thereof the figures "(18)"; page 32, line 1, by striking out at the beginning of the line the figures "(21)" and inserting in lieu thereof the figuers "(19)"; line 4, by striking out at the beginning of the line the figures "(22)" and inserting in lieu thereof

the figures "(20)"; by striking out all of line 14, and by striking out on line 15, the words "determine is necessary" and inserting in lieu thereof the following: easements as he determines necessary for highway purposes and may acquire property in fee simple absolute with consent of the owner; page 34, line 10, by striking out after the word "to" the following: "Sell Exchange or Lease The secretary may" and by striking out all of lines 11, 12, 13, 14, and by striking out on line 15, the words "highway purposes" and inserting in lieu thereof the following: Exchange The secretary may exchange landlocked parcels for other landlocked parcels acquired for highway purposes under Section 801 (B) (11); page 35, line 1, by inserting after the word "exchanged" the following: provided however that the values of the property shall be based on independent appraisals obtained by the secretary; line 16, by striking out after the word "condemnation" the following "in fee simple ab-" and by striking out at the beginning of line 17 the following: "solute or such lesser estate or interest": line 18, by inserting after the word "date" the words "of the filing and recording"; line 19, by inserting after the word "approval" the following: "as provided in Section 809 of this act"; page 36, line 6, by striking out after the word "by" the words "mail or personally" and inserting in lieu thereof "registered or certified mail"; line 11, by inserting after the word "paid" the following: provided that the amount of the damages paid by the department by agreement with the owner or owners shall not exceed the average of two or more appraisals obtained by the department or if a single appraisal is obtained it shall not exceed such appraisal by more than ten percent; page 37, line 5, by striking out after the word "the" where it appears the second time the words "approval by the Governor" and inserting in lieu thereof the word "condemnation."

Amend Article X, page 45, line 5, by striking out after the word "consider" the words "but shall not be" and by striking out at the beginning of line 6 the words "limited to"; line 10, by striking out after the word "Personnel" the word "or" and inserting in lieu thereof the word "of," and by inserting after line 11, the following:

In determining the qualifications of newly organized bidders the department shall consider the following factors relating to newly organized contractors

(1) Equipment

(2) Personnel of organization and

(3) Financial condition

Amend Article XV, page 60, line 4, by inserting after the word "following" the following: except as to crossings subject to the jurisdiction of the Pennsylvania Public Utility Commission; page 61, line 6, by inserting after the word "Secretary" the following: except as to crossings subject to jurisdiction of the Pennsylvania Public Utility Commission; page 64, line 3, by inserting after the word "located" the following: The right-of-way of a railroad company shall not be acquired or occupied without the consent of the company owning or operating or in possession of such railroad.

Amend Article XVII, page 72, by striking out lines 19 and 20, and by striking out lines 1, 2, and 3, on page 73.

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I move that the House non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1337.

An Act amending the act of April 24, 1947 (P. L. 89), entitled, "An act relating to the form execution revocation operation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to elections to take under or against wills and the procedure in reference thereto" providing a rule of interpretation regarding the source of payment of inheritance tax

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 2, line 9, by inserting after the word "of" the words "real or personal."

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—194

Adams,	Fulmer,	Lee, K. B.,	Renwick,
Anderson, J. H.,	Gailey,	Leonard,	Riley,
Anderson, S. A.,	Gallagher,	Limper,	Rovansek,
Arlene,	George,	Lippincott,	Royer,
Auker,	Gibb,	Long, Wm. Jos.,	Rubin,
Bachman,	Gibbons,	Lutty,	Rudisill,
Backenstoe,	Goldstein, J. H.,	Magee,	Rutherford,
Blair,	Goodrich,	Manbeck,	Scarcelli,
Boles,	Gramlich,	Markley,	Schaaf,
Bonner,	Gray,	Marsh,	Schuster,
Bossert,	Greenlee,	Maxwell,	Seltzer,
Bowman,	Gremminger,	May,	Shelton,
Bower,	Gross,	McCandless,	Sherman,
Branca,	Guesman,	McCann,	Shupnik,
Breth,	Guthrie,	McCormack,	Simmons,
Buchanan,	Hamilton,	McDevitt,	Slack,
Bush,	Hankins,	McDonald,	Snare,
Capano,	Hartley,	McKeever,	Stank,
Capitolo,	Haudenshield,	McLaughlin,	Steckel,
Cianfrani,	Heavey,	McNally,	Stimmel,
Cioffi,	Heffner,	Meholchick,	Stiteler,
Clarke,	Helm,	Merry,	Stone,
Comer,	Henzel,	Miller,	Strausser,
Cooley,	Hocker,	Mills,	Sullivan, J. A.,
Crossin,	Holl,	Monroe,	Sullivan, T. F.,
Curwood,	Holliday,	Morley,	Taylor,
Davis,	Holman,	Mullen,	Thompson,
Dengler,	Horst,	Munley,	Tomascik,
Dennison,	Irvis,	Murphy,	Trusio,
Donaldson,	Isaacs,	Murray,	Ujobai,
Dougherty,	Jenkins,	Musto,	Varner,
Doughten,	Jim,	Needham,	Verona,
Down,	Johnson, A. W.,	O'Dell,	Wall,
Edwards,	Johnson, R. P.,	O'Donnell, J. A.,	Walsh,
Eilberg,	Jones,	O'Donnell, J. P.,	Wargo,
Elvey,	Kamyk,	Ogilvie,	Welsh,
Eshback,	Keiser,	Parlante,	Wescott,
Eshleman,	Kelly,	Pashley,	Whittaker,
Ewing,	Kernaghan,	Perry,	Willaredt,
Farabaugh,	Kessler,	Petrosky,	Williams, A. D.,
Fetterolf,	King,	Piper,	Williams, E. S.,
Filo,	Kistler,	Polaski,	Wilt,
Fineman,	Klein,	Polen,	Wood,
Flynn,	Knecht,	Prendergast,	Wynd,
Forester,	Kooker,	Price,	Yetter,
Foor,	Kornick,	Pursley,	Zember,
Fox,	Korns,	Reibman,	Zimmerman,
Frascella,	Lamb,	Reidenbach,	Andrews,
Fry,	Lawson,		Speaker

NAYS—1

Worley,

NOT VOTING—15

Ashton,	Goldstein, M. H.,	McInroy,	Tompkins,
Cauley,	Kramer,	Mihm,	Weidner,
Esler,	Lee, A. M.,	Odoriso,	Willard,
Gelfand,	Long, Wm. Jas.,	Sakulsky,	

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1338.

An Act amending the act of April 24, 1947 (P. L. 100), entitled, "An act relating to the incidents of legal and equitable interests in real and personal property including the validity thereof the powers rights and duties of persons with respect thereto and the disposition of interests which fail and containing provisions concerning termination of trusts releases and disclaimers of powers and interests perpetuities accumulations charitable estates rights of a surviving spouse in property as to which the decedent has retained certain powers spendthrift trusts limited estates in property rules of interpretation estates pur auter vie estates in fee tail and the Rule in Shelley's Case" providing a rule of interpretation regarding the source of payment of inheritance tax.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

Amend Section 1, page 2, line 5, by striking out after the word "to" the word "read" and inserting in lieu thereof the word "real."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—198

Adams,	Gailey,	Leonard,	Rovansek,
Anderson, J. H.,	Gallagher,	Limper,	Royer,
Anderson, S. A.,	George,	Lippincott,	Rubin,
Arlene,	Gibb,	Long, Wm. Jas.,	Rudisill,
Auker,	Gibbons,	Long, Wm. Jos.,	Rutherford,
Bachman,	Goldstein, J. H.,	Lutty,	Sakulsky,
Backenstoe,	Goldstein, M. H.,	Magee,	Scarcelli,
Blair,	Goodrich,	Manbeck,	Schaaf,
Boles,	Gramlich,	Markley,	Schuster,
Bonner,	Gray,	Marsh,	Seltzer,
Bossert,	Greenlee,	May,	Shelton,
Bower,	Gremminger,	McCandless,	Sherman,
Bowman,	Gross,	McCann,	Shupnik,
Branca,	Guesman,	McCormack,	Simmons,
Breth,	Guthrie,	McDevitt,	Slack,
Buchanan,	Hamilton,	McDonald,	Snare,
Bush,	Hankins,	McKeever,	Stank,
Capano,	Hartley,	McLaughlin,	Steckel,
Capitolo,	Haudenshield,	McNally,	Stimmel,
Cianfrani,	Heavey,	Meholchick,	Stiteler,
Cioffi,	Heffner,	Merry,	Stone,
Clarke,	Helm,	Miller,	Strausser,
Comer,	Henzel,	Mills,	Sullivan, J. A.,
Cooley,	Hocker,	Monroe,	Sullivan, T. F.,
Crossin,	Holl,	Morley,	Taylor,
Curwood,	Holliday,	Mullen,	Thompson,
Davis,	Holman,	Munley,	Tomascik,
Dengler,	Horst,	Murphy,	Tompkins,
Dennison,	Isaacs,	Murray,	Trusio,
Donaldson,	Irvis,	Musto,	Ujobai,
Dougherty,	Jenkins,	Needham,	Varner,
Doughten,	Jim,	O'Dell,	Verona,
Down,	Johnson, A. W.,	O'Donnell, J. A.,	Wall,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Walsh,
Ellberg,	Jones,	Ogilive,	Wargo,
Elvey,	Kamyk,	Parlante,	Welsh,
Eshback,	Keiser,	Pashley,	Wescott,
Eshleman,	Kelly,	Perry,	Whittaker,
Ewing,	Kernaghan,	Petrosky,	Willard,
Farabaugh,	Kessler,	Piper,	Willaredt,
Fetterolf,	King,	Polaski,	Williams, A. D.,
Filo,	Kistler,	Polen,	Williams, E. S.,
Fineman,	Klein,	Prendergast,	Wilt,
Flynn,	Knecht,	Price,	Wood,
Foerster,	Kooker,	Pursley,	Wynd,
Foor,	Kornick,	Reibman,	Yetter,
Fox,	Korns,	Reidenbach,	Zember,
Frascella,	Lamb,	Renwick,	Zimmerman,
Fry,	Lawson,	Riley,	Andrews,
Fulmer,	Lee, K. B.,		Speaker

NAYS—2

Maxwell,	Worley,

NOT VOTING—10

Ashton,	Gelfand,	McInroy,	Odorisio,
Cauley,	Kramer,	Mihm,	Weidner,
Esler,	Lee, A. M.,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1427.

An Act amending the act of April 26, 1933 (P. L. 89), entitled, "An act authorizing any city of the second class in this Commonwealth to sell or dispose of its interest in property condemned for public park or for any public use to the holder of the reversionary interest when the property is no longer needed for park purposes or for said public use" authorizing the property to be leased or to be used for other city purposes and removing certain limitations on sale and disposition of the city's right title and interest in property.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 3, line 4, by inserting after the word "city" the following: at public auction upon sealed bids or at private sale with approval of the Court of Common Pleas; line 8, by inserting after the word "use" the following: and provided further that before any such sale is made council shall advertise said proposed sale twice in at least one newspaper of general circulation printed in such city.

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—199

Adams,	Gailey,	Limper,	Royer,
Anderson, J. H.	Gallagher,	Lippincott,	Rubin,
Anderson, S. A.,	George,	Long, Wm. Jas.,	Rudisill,
Arlene,	Gibb,	Long, Wm. Jos.,	Rutherford,
Auker,	Gibbons,	Lutty,	Sakulsky,
Bachman	Goldstein, J. H.,	Magee,	Scarcelli,
Backenstoe,	Goldstein, M. H.,	Manbeck,	Schaaf,
Blair,	Goodrich,	Markley,	Schuster,
Boies,	Gramlich,	Marsh,	Seltzer,
Bonner,	Gray,	Maxwell,	Shelton,
Bossert,	Greenlee,	May,	Sherman,
Bower,	Gremminger,	McCandless,	Shupnik,
Bowman,	Gross,	McCann,	Simmons,
Branca,	Guesman,	McCormack,	Slack,
Breth,	Guthrie,	McDevitt,	Snare,
Buchanan,	Hamilton,	McDonald	Stank,
Bush,	Hankins,	McKeever,	Steckel,
Capano,	Hartley,	McLaughlin,	Stimmel,
Capitolo,	Haudenshield,	McNally,	Stiteler,
Cianfrani,	Heavey,	Meholchick,	Stone,
Cioffi,	Heffner,	Merry,	Strausser,
Clarke,	Helm,	Miller,	Sullivan, J. A.,
Comer,	Henzel,	Mills,	Sullivan, T. F.,
Cooley,	Hocker,	Monroe,	Taylor,
Crossin,	Holl,	Morley,	Thompson,
Curwood,	Holliday,	Mullen,	Tomascik,
Davis,	Holman,	Munley,	Tompkins,
Dengler,	Horst,	Murphy,	Trusio,
Dennison,	Irvis,	Murray,	Ujobai,
Donaldson,	Jenkins,	Musto,	Varner,
Dougherty,	Jim,	Needham,	Verona,
Doughten,	Johnson, A. W.,	O'Dell,	Wall,
Down,	Johnson, R. P.,	O'Donnell, J. A.,	Walsh,
Edwards,	Jones,	O'Donnell, J. P.,	Wargo,
Eilberg,	Kamyk,	Ogilvie,	Welsh,
Elvey,	Keiser,	Parlante,	Wescott,
Eshback,	Kelly,	Pashley,	Whittaker,
Eshleman,	Kernaghan,	Perry,	Willard,
Ewing,	Kessler,	Petrosky,	Willaredt,
Farabaugh,	King,	Piper,	Williams, A. D.,
Fetterolf,	Kistler,	Polaski,	Williams, E. S.,
Filo,	Klein,	Polen,	Wilt,
Fineman,	Knecht,	Prendergast,	Wood,
Flynn,	Kooker,	Price.	Worley,
Foerster,	Kornick,	Pursley,	Wynd,
Foor,	Korns,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, K. B.,	Riley,	Andrews,
Fulmer,	Leonard,	Rovansek,	Speaker

NAYS—1

Isaacs,

NOT VOTING—10

Ashton,	Gelfand,	McInroy,	Odorisio,
Cauley,	Kramer,	Mihm,	Weidner,
Esler,	Lee, A. M.,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1456.

An Act amending the act of May 5, 1933 (P. L. 289), entitled, "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" requiring additional provisions to be included in the articles of incorporation of cemetery and burial companies and further providing for the establishment and operation of funds created by such companies.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 2, page 6, by inserting after line 1, the following:

Existing church-owned cemeteries may incorporate under the provisions of this act without complying with the provisions of this section.

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—199

Adams,	Gailey,	Limper,	Royer,
Anderson, J. H.,	Gallagher,	Lippincott,	Rubin,
Anderson, S. A.,	George,	Long, Wm. Jas.,	Rudisill,
Arlene,	Gibb,	Long, Wm. Jos.,	Rutherford,
Auker,	Gibbons,	Lutty,	Sakulsky,
Bachman,	Goldstein, J. H.,	Magee,	Scarcelli,
Backenstoe,	Goldstein, M. H.,	Manbeck,	Schaaf,
Blair,	Goodrich,	Markley,	Schuster,
Boies,	Gramlich,	Marsh,	Seltzer,
Bonner,	Gray,	Maxwell,	Shelton,
Bossert,	Greenlee,	May,	Sherman,
Bower,	Gremminger,	McCandless,	Shupnik,
Bowman,	Gross,	McCann,	Simmons,
Branca,	Guesman,	McCormack,	Slack,
Breth,	Guthrie,	McDevitt,	Snare,
Buchanan,	Hamilton,	McDonald,	Stank,
Bush,	Hankins,	McKeever,	Steckel,
Capano,	Hartley,	McLaughlin,	Stimmel,
Capitolo,	Haudenshield,	McNally,	Stiteler,
Cianfrani,	Heavey,	Meholchick,	Stone,
Cioffi,	Heffner,	Merry,	Strausser,
Clarke,	Helm,	Miller,	Sullivan, J. A.,
Comer,	Hocker,	Mills,	Sullivan, T. F.,
Cooley,	Holl,	Monroe,	Taylor,
Crossin,	Holliday,	Morley,	Thompson,
Curwood,	Holman,	Mullen,	Tomascik,
Davis,	Horst,	Munley,	Tompkins,
Dengler,	Irvis,	Murphy,	Trusio,
Dennison,	Isaacs,	Murray,	Ujobai,
Donaldson,	Jenkins,	Musto,	Varner,
Dougherty,	Jim,	Needham,	Verona,
Doughten,	Johnson, A. W.,	O'Dell,	Wall,
Down,	Johnson, R. P.,	O'Donnell, J. A.,	Walsh,
Edwards,	Jones,	O'Donnell, J. P.,	Wargo,
Eilberg,	Kamyk,	Ogilvie,	Welsh,
Elvey,	Keiser,	Parlante,	Wescott,
Eshback,	Kelly,	Pashley,	Whittaker,
Eshleman,	Kernaghan,	Perry,	Willard,
Ewing,	Kessler,	Petrosky,	Willaredt,
Farabaugh,	King,	Piper,	Williams, A. D.,
Fetterolf,	Kistler,	Polaski,	Williams, E. S.,
Filo,	Klein,	Polen,	Wilt,
Fineman,	Knecht,	Prendergast,	Wood,
Flynn,	Kooker,	Price,	Worley,
Forester,	Kornick,	Pursley,	Wynd,

Foor,	Korns,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, K. B.,	Riley,	Andrews,
Fulmer,	Leonard,	Rovansek,	Speaker

NAYS—1

Henzel,

NOT VOTING—10

Ashton,	Gelfand,	McInroy,	Odorisio,
Cauley,	Kramer,	Mihm,	Weidner,
Esler,	Lee, A. M.,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned the bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1599.

An Act amending the act of June 1, 1959 (P. L. 392), entitled, "An act relating to the retirement of State employes amending revising consolidating and changing the laws relating thereto" defining superannuation retirement age for retirement of enforcement personnel of the Pennsylvania Liquor Control Board as members of Class C.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 1, line 5, by striking out after the word "Board" the following: "and enforcement officers of State correctional and penal institutions";

Section 1, page 2, line 14, by striking out after the word "Commonwealth" the following: "and any enforcement officer in a State correctional or penal institution";

Section 5, page 6, by striking out all of lines 14 to 20, inclusive; page 7, by striking out all of lines 1 to 12, inclusive;

Section 8, page 9, line 5, by striking out after the figures "606" the word "a," and line 6, by striking out at the beginning of the line the following: "new section two new sections" and inserting in lieu thereof "a new section"; line 7, by striking out after the figures "606.1" the words "Liquor Control"; line 8, by striking out after the word "The" the words "liquor control"; line 15, by striking out after the word "officer" the following: "or investi-" and line 16 by striking out all of said line; page 10, line 3, by striking out after the word "the" the words "liquor control" and by striking out all of lines 5 to 19 inclusive; page 11, by striking out lines 1 to 7, inclusive;

Section 9, page 11, by striking out after the figures "79" the word "is" and inserting in lieu thereof the word "are."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. PETROSKY. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—199

Adams,	Galley,	Leonard,	Rovansek,
Anderson, S. A.,	Gallagher,	Limper,	Royer,
Anderson, J. H.,	George,	Lippincott,	Rubin,
Arlene,	Gibb,	Long, Wm. Jas.,	Rudisill,
Auker,	Gibbons,	Long, Wm. Jos.,	Rutherford,
Bachman,	Goldstein, J. H.,	Lutty,	Sakulsky,
Backenstoe,	Goldstein, M. H.,	Magee,	Scarcelli,
Blair,	Goodrich,	Manbeck,	Schaaf,
Boles,	Gramlich,	Markley,	Schuster,
Bonner,	Gray,	Marsh,	Seltzer,
Bossert,	Greenlee,	Maxwell,	Shelton,
Bower,	Gremminger,	May,	Sherman,
Bowman,	Gross,	McCandless,	Shupnik,
Branca,	Guesman,	McCann,	Simmons,
Breth,	Guthrie,	McCormack,	Slack,
Buchanan,	Hamilton,	McDevitt,	Snare,
Bush,	Hankins,	McDonald,	Stank,
Capano,	Hartley,	McKeever,	Steckel,
Capitolo,	Haudenshield,	McLaughlin,	Stimmel,
Cianfrani,	Heavey,	McNally,	Stiteler,
Cioffi,	Heffner,	Meholchick,	Stone,
Clarke,	Helm,	Merry,	Strausser,
Comer,	Henzel,	Miller,	Sullivan, J. A.,
Cooley,	Hocker,	Mills,	Sullivan, T. F.,
Crossin,	Holl,	Monroe,	Taylor,
Curwood,	Holliday,	Morley,	Thompson,
Davis,	Holman,	Mullen,	Tomascik,
Dengler,	Horst,	Munley,	Tompkins,
Dennison,	Irvis,	Murphy,	Truslo,
Donaldson,	Isaacs,	Murray,	Ujobai,
Dougherty,	Jenkins,	Musto,	Varner,
Doughten,	Jim,	Needham,	Verona,
Down,	Johnson, A. W.,	O'Dell,	Wall,
Edwards,	Johnson, R. P.,	O'Donnell, J. A.,	Walsh,
Ellberg,	Jones,	O'Donnell, J. P.,	Welsh,
Elvey,	Kamyk,	Ogilvie,	Wescott,
Eshback,	Keiser,	Parlante,	Whittaker,
Eshleman,	Kelly,	Pashley,	Willard,
Ewing,	Kernaghan,	Perry,	Willaredt,
Farabaugh,	Kessler,	Petrosky,	Williams, A. D.,
Fetterolf,	King,	Piper,	Williams, E. S.,
Filo,	Kistler,	Polaski,	Wilt,
Fineman,	Klein,	Polen,	Wood,
Flynn,	Knecht,	Prendergast,	Worley,
Forester,	Kooker,	Price,	Wynd,
Foor,	Kornick,	Pursley,	Yetter,
Fox,	Korns,	Reibman,	Zember,
Frascella,	Lamb,	Reidenbach,	Zimmerman,
Fry,	Lawson,	Renwick,	Andrews,
Fulmer,	Lee, K. B.,	Riley,	Speaker

NAYS—1

Wargo,

NOT VOTING—10

Ashton,	Gelfand,	McInroy,	Odorisio,
Cauley,	Kramer,	Mihm,	Weidner,
Esler,	Lee, A. M.,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1720.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending, revising, consolidating and changing the laws relating thereto," providing for forfeiture of funds by school districts or county boards of school directors for employing any person in a supervisory capacity who has not been certified for such position.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 3, line 5, by striking out after the word "after" the word and figures "June 30, 1961" and inserting in lieu thereof "the first Monday of July 1962"

Amend Section 2, page 3, line 8, by inserting after the word "employed" the following: provided that there shall not be any forfeiture for any uncertificated person who is employed in a supervisory capacity if such person was in the employ of any school district on or before July 1 1962. Forfeiture shall apply only to uncertificated persons who are hired in a supervisory capacity after July 1

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitutiion the yeas and nays were taken and were as follows:

YEAS—193

Anderson, S. A.,	George,	Limper,	Rovansek,
Arlene,	Gibb,	Lippincott,	Royer,
Auker,	Gibbons,	Long, Wm. Jas.,	Rubin,
Bachman,	Goldstein, J. H.,	Long, Wm. Jos.,	Rudisill,
Backenstoe,	Goldstein, M. H.,	Lutty,	Rutherford,
Blair,	Goodrich,	Magee,	Sakulsky,
Boles,	Gramlich,	Manbeck,	Scarcelli,
Bonner,	Gray,	Markley,	Schaaf,
Bower,	Greenlee,	Marsh,	Schuster,
Bowman,	Gremminger,	Maxwell,	Seltzer,
Branca,	Gross,	May,	Shelton,
Breth,	Guesman,	McCandless,	Sherman,
Buchanan,	Guthrie,	McCann,	Shupnik,
Bush,	Hamilton,	McCormack,	Simmons,
Capano,	Hankins,	McDevitt,	Slack,
Capitolo,	Hartley,	McDonald,	Snare,
Cianfrani,	Haudenshield,	McKeever,	Stank,
Cioffi,	Heavey,	McLaughlin,	Steckel,
Clarke,	Heffner,	McNally,	Stimmel,
Comer,	Helm,	Meholchick,	Stiteler,
Cooley,	Henzel,	Merry,	Stone,
Crossin,	Hocker,	Miller,	Strausser,
Curwood,	Holl,	Mills,	Sullivan, J. A.,
Davis,	Holliday,	Monroe,	Sullivan, T. F.,
Dengler,	Holman,	Morley,	Taylor,
Dennison,	Horst,	Mullen,	Thompson,
Donaldson,	Irvis,	Munley,	Tomascik,
Dougherty,	Jenkins,	Murphy,	Tompkins,
Doughten,	Jim,	Murray,	Trusio,
Down,	Johnson, A. W.,	Musto,	Ujobai,
Edwards,	Johnson, R. P.,	Needham,	Varner,
Ellberg,	Jones,	O'Dell,	Verona,
Elvey,	Kamyk,	O'Donnell, J. A.,	Wall,
Eshback,	Keiser,	O'Donnell, J. P.,	Walsh,
Eshleman,	Kelly,	Ogilvie,	Wescott,
Ewing,	Kernaghan,	Parlante,	Whittaker,
Farabaugh,	Kessler,	Pashley,	Willard,
Fetterolf,	King,	Perry,	Willaredt,
Filo,	Kistler,	Petrosky,	Williams, A. D.,
Fineman,	Klein,	Polaski,	Williams, E. S.,
Flynn,	Knecht,	Polen,	Wilt,
Foerster,	Kooker,	Prendergast,	Wood,
Foor,	Kornick,	Price,	Worley,
Fox,	Korns,	Pursley,	Wynd,
Frascella,	Lamb,	Reibman,	Yetter,
Fry,	Lawson,	Reidenbach,	Zember,
Fulmer,	Lee, K. B.,	Renwick,	Zimmerman,
Gailey,	Leonard,	Riley,	Andrews,
Gallagher,			Speaker

NAYS—5

Adams,	Bossert,	Isaacs,	Piper,
Anderson, J. H.,			

NOT VOTING—12

Ashton,	Gelfand,	McInroy,	Wargo,
Cauley,	Kramer,	Mihm,	Weidner,
Esler,	Lee, A. M.,	Odorisio,	Welsh,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1768.

An Act amending the act of January 5, 1952 (P. L. 1833), entitled as amended "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act as amended creating the State Agency and conferring powers and imposing duties upon the State Agency, authorizing the State Agency to enter into agreements with the Federal Secretary of Health Education and Welfare and with political subdivisions or instrumentalities thereof under certain terms and conditions, providing for the Commonwealth's contribution under agreements with the Federal Secretary of Health Education and Welfare and for the collection and payment of employer and employe contributions, authorizing interstate cooperation in certain cases creating a Contribution Fund and making appropriations," removing the limitation on retirement benefits.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend bill page 5, by adding Section 2, as follows: section 2. This act shall take effect immediately

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—199

Adams,	Gailey,	Leonard,	Rovansek,
Anderson, J. H.,	Gallagher,	Limper,	Royer,
Anderson, S. A.,	George,	Lippincott,	Rubin,
Arlene,	Gibb,	Long, Wm. Jas.,	Rudisill,
Auker,	Gibbons,	Long, Wm. Jos.,	Rutherford,
Bachman,	Goldstein, J. H.,	Lutty,	Sakulsky,
Backenstoe,	Goldstein, M. H.,	Magee,	Scarcelli,
Blair,	Goodrich,	Manbeck,	Schaaf,
Boles,	Gramlich,	Markley,	Schuster,
Bonner,	Gray,	Marsh,	Seltzer,
Bossert,	Greenlee,	Maxwell,	Shelton,
Bower,	Gremminger,	May,	Sherman,
Bowman,	Gross,	McCandless,	Shupnik,
Branca,	Guesman,	McCann,	Simmons,
Breth,	Guthrie,	McCormack,	Slack,
Buchanan,	Hamilton,	McDevitt,	Snare,
Bush,	Hankins,	McDonald,	Stank,
Capano,	Hartley,	McKeever,	Steckel,
Capitolo,	Haudenshield,	McLaughlin,	Stimmel,

Cianfrani,	Heavey,	McNally,	Stiteler,
Cioffi,	Heffner,	Meholchick,	Stone,
Clarke,	Helm,	Merry,	Strausser,
Comer,	Henzel,	Miller,	Sullivan, J. A.,
Cooley,	Hocker,	Mills,	Sullivan, T. F.,
Crossin,	Holl,	Monroe,	Taylor,
Curwood,	Holliday,	Morley,	Thompson,
Davis,	Holman,	Mullen,	Tomascik,
Dengler,	Horst,	Munley,	Tompkins,
Dennison,	Irvis,	Murphy,	Trusio,
Donaldson,	Isaacs,	Murray,	Ujobai,
Dougherty,	Jenkins,	Musto,	Varner,
Doughten,	Jim,	Needham,	Verona,
Down,	Johnson, A. W.,	O'Dell,	Wall,
Edwards,	Johnson, R. P.,	O'Donnell, J. A.,	Wargo,
Eilberg,	Jones,	O'Donnell, J. P.,	Welsh,
Elvey,	Kamyk,	Ogilvie,	Wescott,
Eshback,	Keiser,	Parlante,	Whittaker,
Eshleman,	Kelly,	Pashley,	Willard,
Ewing,	Kernaghan,	Perry,	Willaredt,
Farabaugh,	Kessler,	Petrosky,	Williams, A. D.,
Fetterolf,	King,	Piper,	Williams, E. S.,
Filo,	Kistler,	Polaski,	Wilt,
Fineman,	Klein,	Polen,	Wood,
Flynn,	Knecht,	Prendergast,	Worley,
Foerster,	Kooker,	Price,	Wynd,
Foor,	Kornick,	Pursley	Yetter,
Fox,	Korns,	Reibman,	Zember,
Frascella,	Lamb,	Reidenbach,	Zimmerman,
Fry,	Lawson,	Renwick,	Andrews,
Fulmer,	Lee, K. B.,	Riley,	Speaker

NAYS—0

NOT VOTING—11

Ashton,	Gelfand,	McInroy,	Walsh,
Cauley,	Kramer,	Mihm,	Weidner,
Esler,	Lee, A. M.,	Odorisio,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1771.

An Act amending the act of May 21, 1943 (P. L. 571), entitled as amended "An act relating to assessment for taxation in counties of the fourth, fifth, sixth, seventh and eighth classes, designating the subjects property and persons subject to and exempt from taxation for county, borough, town, township school, except in cities and county institution district purposes and providing for and regulating the assessment and valuation thereof for such purposes, creating in each such county a board for the assessment and revision of taxes, defining the powers and duties of such boards, providing for the acceptance of this act by cities, regulating the office of ward, borough, town and township assessors, abolishing the office of assistant triennial assessor in townships of the first class, providing for the appointment of a chief assessor, assistant assessors and other employes, providing for their compensation payable by such counties, prescribing certain duties of and certain fees to be collected by the recorder of deeds and municipal officers who issue building permits, imposing duties on taxables, making improvements on land and grantees of land, prescribing penalties and eliminating the triennial assessment," authorizing taxation of land owned by school districts for certain purposes.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 3, line 5, by striking out after the word "same" the words "except when"; line 6, by striking out after the word "district" the word "shall" and inserting in lieu thereof the word "may"; line 19, by striking out after the word "playgrounds" the words "except when" and by striking out after the word "board" the word "shall, and inserting in lieu thereof the word "may"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—196

Adams,	Gailey,	Leonard,	Riley,
Anderson, J. H.,	Gallagher,	Limper,	Rovansek,
Anderson, S. A.,	George,	Lippincott,	Royer,
Arlene,	Gibb,	Long, Wm. Jas.,	Rubin,
Auker,	Gibbons,	Long, Wm. Jos.,	Rudisill,
Bachman,	Goldstein, J. H.,	Lutty,	Rutherford,
Backenstoe,	Goldstein, M. H.,	Magee,	Sakulsky,
Blair,	Goodrich,	Manbeck,	Scarcelli,
Boies,	Gramlich,	Markley,	Schaaf,
Bonner,	Gray,	Marsh,	Schuster,
Bossert,	Greenlee,	Maxwell,	Seltzer,
Bower,	Gremminger,	May,	Shelton,
Bowman,	Gross,	McCandless,	Sherman,
Branca,	Guesman,	McCann,	Shupnik,
Breth,	Guthrie,	McCormack,	Simmons,
Buchanan,	Hamilton,	McDevitt,	Slack,
Bush,	Hankins,	McDonald,	Snare,
Capano,	Hartley,	McKeever,	Stank,
Capitolo,	Haudenshield,	McLaughlin,	Steckel,
Cianfrani,	Heavey,	McNally,	Stimmel,
Cioffi,	Heffner,	Meholchick,	Stiteler,
Clarke,	Helm,	Merry,	Stone,
Comer,	Henzel,	Miller,	Strausser,
Cooley,	Hocker,	Mills,	Taylor,
Crossin,	Holl,	Monroe,	Thompson,
Curwood,	Holliday,	Morley,	Tomascik,
Davis,	Holman,	Mullen,	Tompkins,
Dengler,	Horst,	Munley,	Trusio,
Dennison,	Irvis,	Murphy,	Ujobai,
Donaldson,	Isaacs,	Murray,	Varner,
Dougherty,	Jim,	Musto,	Verona,
Doughten,	Johnson, A. W.,	Needham,	Wall,
Down,	Johnson, R. P.,	O'Dell,	Walsh,
Edwards,	Jones,	O'Donnell, J. A.,	Wargo,
Eilberg,	Kamyk,	O'Donnell, J. P.,	Welsh,
Elvey,	Keiser,	Ogilvie,	Wescott,
Eshback,	Kelly,	Parlante,	Whittaker,
Ewing,	Kernaghan,	Pashley,	Willard,
Farabaugh,	Kessler,	Perry,	Willaredt,
Fetterolf,	King,	Petrosky,	Williams, A. D.,
Filo,	Kistler,	Piper,	Williams, E. S.,
Fineman,	Klein,	Polaski,	Wilt,
Flynn,	Knecht,	Polen,	Wood,
Foerster,	Kooker,	Prendergast,	Worley,
Foor,	Kornick,	Price,	Wynd,
Fox,	Korns,	Pursley,	Yetter,
Frascella,	Lamb,	Reibman,	Zember,
Fry,	Lawson,	Reidenbach,	Zimmerman,
Fulmer,	Lee, K. B.,	Renwick,	Andrews,
			Speaker

NAYS—3

Eshleman,	Sullivan, J. A.,	Sullivan, T. F.,

NOT VOTING—11

Ashton,	Gelfand,	Lee, A. M.,	Odorisio,
Cauley,	Jenkins,	McInroy,	Weidner,
Esler,	Kramer,	Mihm,	

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

The clerk of the Senate being introduced, presented extracts from the Journal of the Senate:

Amended House Bills returned for concurrence Nos. 911 and 1487.

REPORT OF COMMITTEE OF CONFERENCE TAKEN FROM TABLE

Mr. McCANN. Mr. Speaker, I move that the report of the Committee of Conference on House bill No. 81, printer's No. 2633, be taken from the table.

The motion was agreed to.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House bill No. 81, entitled: "An act amending the act of April 29, 1959 (P. L. 58), entitled 'An act consolidating the revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors', requiring certain commercial motor vehicles, truck tractors, trailers and semi-trailers to be marked with the names and addresses.

Respectfully submit the following bill as our report:

FRED B. ROONEY,
THOMAS P. McCREESH,
GEORGE N. WADE,
(Committee on the part of the Senate)

CHARLES D. HEAVEY,
AUSTIN M. LEE,
HARRY R. J. COMER,
(Committee on the part of the House of Representatives)

An Act amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," requiring certain commercial motor vehicles, truck tractors, trailers and semi-trailers to be marked with the names and addresses of the owners or operators and prescribing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," is amended by adding after section 830 a new section to read:

Section 830.1. Commercial Motor Vehicles, Truck Tractors, Trailers and Semi-trailers to Have Names and Addresses of Owners or Operators. Every commercial motor vehicle, truck tractor, trailer or semi-trailer when used on a highway shall be conspicuously marked or placarded in letters showing to the outside not less than three (3) inches in height with the name and address of the registered owner or operator. The provisions of this section shall not apply to (a) commercial motor vehicles, truck tractors, trailers or semi-trailers owned or operated by any public utility or contract carrier regulated by the Pennsylvania Public Utility Commission or the Interstate Commerce Commission (b) or to commercial motor vehicles, truck tractors, trailers or semi-trailers used in agriculture (c) or to commercial motor vehicles, truck tractors, trailers or semi-trailers which are clearly identified by the name or trade name of the registered owner or operator or to (d) commercial motor vehicles, truck tractors, trailers or semi-trailers being demonstrated or delivered by manufacturer or dealer thereof.

Penalty. Any owner or operator who shall fail to comply with any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten dollars ($10.00) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days.

Section 2. This act shall take effect June 30, 1962.

On the question,

Will the House adopt the report of the Committee of Conference?

RECONSIDERATION OF VOTE ON THE REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 81

Mr. WILT. Mr. Speaker, I move that the vote by which the Report of the Committee of Conference on House bill No. 81, printer's No. 2633, entitled:

"An Act amending the act of April 29, 1959 (P. L. 58), entitled 'An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors' requiring certain commercial motor vehicles, truck tractors, trailers and semi-trailers to be marked with the names and addresses of the owners or operators and prescribing penalties."

was not adopted on Monday, August 21, 1961, be reconsidered.

Mr. McDONALD. Mr. Speaker, I second the motion.

The SPEAKER pro tempore. How did the gentleman from Allegheny, Mr. Wilt, vote on the adoption of the report?

Mr. WILT. Mr. Speaker, I voted with the prevailing side.

The SPEAKER pro tempore. How did the gentleman from Schuylkill, Mr. McDonald, vote on the adoption of the report?

Mr. McDONALD. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. TOMPKINS. Mr. Speaker, in order that the members of the House may know what we are voting on, it is a conference report on House bill No. 81, which deals with the markings and signs which must be put on the outside of trucks. The conference report was defeated some short time ago and they are now asking for a revote on that particular conference report.

If there are any questions the members have in connection with the conference report, now is the time to interrogate, before the roll is called.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, this is the conference committee report I mentioned in caucus dealing with House bill 81. Mr. Heavey was the chairman of the conference committee on this report. The explanation is similar to

what Mr. Tompkins said, we agreed in the caucus that we would vote "aye" in support of the conference committee report.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—141

Anderson, J. H.,	Gallagher,	Manbeck,	Reidenbach,
Anderson, S. A.,	Gibb,	Markley,	Riley,
Arlene,	Gibbons,	Marsh,	Rovansek,
Bachman,	Goldstein, M. H.,	Maxwell,	Rubin,
Backenstoe,	Gray,	May,	Rudisill,
Boles,	Greenlee,	McCann,	Scarcelli,
Bonner,	Gremminger,	McCormack,	Schaaf,
Bossert,	Gross,	McDevitt,	Schuster,
Bower,	Guesman,	McDonald,	Shelton,
Bowman,	Hamilton,	McKeever,	Sherman,
Branca,	Hankins,	McLaughlin,	Shupnik,
Breth,	Hartley,	McNally,	Simmons,
Bush,	Haudenshield,	Meholchick,	Stank,
Capano,	Heavey,	Miller,	Steckel,
Capitolo,	Heffner,	Mills,	Stimmel,
Cianfrani,	Holliday,	Monroe,	Stiteler,
Cioffi,	Irvis,	Morley,	Stone,
Clarke,	Jenkins,	Mullen,	Sullivan, J. A.,
Comer,	Jim,	Munley,	Sullivan, T. F.,
Crossin,	Jones,	Murphy,	Taylor,
Curwood,	Kamyk,	Murray,	Thompson,
Dennison,	Keiser,	Musto,	Tomascik,
Donaldson,	Kelly,	Needham,	Ujobai,
Dougherty,	Kessler,	O'Donnell, J. A.,	Varner,
Doughten,	King,	O'Donnell, J. P.,	Verona,
Eilberg,	Klein,	Ogilvie,	Walsh,
Eshback,	Kooker,	Parlante,	Wargo,
Ewing,	Kornick,	Pashley,	Welsh,
Farabaugh,	Lamb,	Perry,	Williams, A. D.,
Filo,	Lawson,	Petrosky,	Williams, E. S.,
Fineman,	Leonard,	Piper,	Wilt,
Flynn,	Limper,	Polaski,	Worley,
Foerster,	Long, Wm. Jos.,	Polen,	Wynd,
Frascella,	Lutty,	Prendergast,	Yetter,
Fry,	Magee,	Reibman,	Andrews,
Gailey,			Speaker

NAYS—58

Adams,	George,	Kernaghan,	Rutherford,
Auker,	Goldstein, J. H.,	Kistler,	Seltzer,
Blair,	Goodrich,	Knecht,	Slack,
Buchanan,	Gramlich,	Korns,	Snare,
Cooley,	Guthrie,	Lee, K. B.,	Strausser,
Davis,	Helm,	Lippincott,	Tompkins,
Dengler,	Henzel,	Long, Wm. Jas.,	Trusio,
Down,	Hocker,	McCandless,	Wall,
Edwards,	Holl,	Merry,	Wescott,
Elvey,	Holman,	O'Dell,	Whittaker,
Eshleman,	Horst,	Price,	Willard,
Fetterolf,	Isaacs,	Pursley,	Willaredt,
Foor,	Johnson, A. W.,	Renwick,	Wood,
Fox,	Johnson, R. P.,	Royer,	Zember,
Fulmer,			Zimmerman,

NOT VOTING—11

Ashton,	Gelfand,	McInroy,	Sakulsky,
Cauley,	Kramer,	Mihm,	Weidner,
Esler,	Lee, A. M.,	Odorisio,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Heavey.

Mr. HEAVEY. Mr. Speaker, I want to sincerely thank the members of the House.

RECONSIDERATION OF VOTE ON SENATE BILL No. 805

Mr. McCANN. Mr. Speaker, I move that the vote by which Senate bill No. 805, printer's No. 1270, entitled:

"An Act amending the act of May 20, 1937 (P. L. 728), entitled 'An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth . . .' changing the compensation of members providing for the appointment of an executive secretary and other employes, changing the limitations on the filling of claims, increasing the powers of the board, further providing for rules of procedure before the board, providing for appeals and making an appropriation."

was defeated on final passage Wednesday, August 30, 1961, be reconsidered.

Mr. PETROSKY. Mr. Speaker, I second the motion.

The SPEAKER pro tempore. How did the gentleman from Greene, Mr. McCann, vote on the final passage of this bill?

Mr. McCANN. Mr. Speaker, I voted with the prevailing side.

The SPEAKER pro tempore. How did the gentleman from Westmoreland, Mr. Petrosky, vote on the final passage of this bill?

Mr. PETROSKY. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. McCANN asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Sec. 3 (Sec. 2.1), page 4, line 10, by striking out "AUDITOR GENERAL" and inserting: board

Amend Sec. 3 (Sec. 2.1), page 4, line 12, by striking out "HIS" and inserting: its

Amend Sec. 3 (Sec. 2.1), page 4, lines 13 and 14, by striking out "THE BOARD'S" and inserting: its

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1335

Mr. McCANN. Mr. Speaker, I present the report of the Committee of Conference on House bill No. 1335.

The SPEAKER pro tempore. The report will lie over for printing under the Rules.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1181

Mr. McCANN. Mr. Speaker, I present the report of the Committee of Conference on House bill No. 1181.

The SPEAKER pro tempore. The report will lie over for printing under the Rules.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 840.

An Act prohibiting the sale, transfer, purchase, ownership, possession and use of tear and noxious gas and tear gas guns, providing for certain exemptions and providing penalties.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 3, page 3, by striking out on line 1, "association or corporation lawfully" and by striking out all of line 2 and by striking out on line 3 "the sale of securities or valuables" and inserting in lieu thereof the following: person, association or corporation engaged in the sale, conveyance or storage of moneys, securities, valuables or stocks in trade.

Amend Section 3, page 3, by striking out on lines 11 and 12 the following: "conveyance of moneys, securities or valuables or the sale of securities or valuables" and inserting in lieu thereof the following: sale, conveyance or storage of moneys, securities, valuables or stocks in trade.

Amend Section 3, page 4, by inserting after line 2, the following:

(5) The purchase, possession or use of tear or noxious gases for pest control purposes or uses.

(6) Any person, association or corporation engaged in the manufacture, fabrication or distribution of munitions of war or other defense material on order from the government of the United States of America or any of its allies from obtaining, installing and using tear gas equipment for protection against sabotage or other forms of interference with the defense of the United States of America.

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I am asking that the House do not concur in the amendments so we can put this bill into a conference committee. The only amendments that have been added to this bill were to correct weaknesses in the bill as we saw it, fleetingly, when it was in the House:

Number one, you would destroy the exterminating business in the State;

And, secondly, those businesses in the State engaged in atomic energy, and so forth, where they use noxious gases, would be put out of business.

So what they have done in the bill is to eliminate the use of noxious gases for the control of pests and then defined defense industries, that in defense industries you can use noxious gases. In other words, I suppose, had we pointed them out, there are many, many other defects in the bill that would now be amended out of the bill.

Since this bill went to the Senate, we have learned of numerous instances all over Pennsylvania where in industry, not necessarily connected with defense, they use noxious gases.

You people do not realize what you are doing here. I know what you want to do; you want to stop the use of noxious gases in a labor dispute. As we said when the bill was here in the House in its inception, you should have just said that it is unlawful to use noxious gases or tear gas in a labor dispute. That is all you would have had to do, and that is all you are trying to accomplish.

Therefore, we think we should not concur. Put it into a conference committee and just say that it is unlawful to use tear gas in a labor dispute and you have accomplished your purpose, instead of now moving it out of here. Sign this bill, and you will find many, many industries in Pennsylvania that will not have the right to use the noxious gases that they are using in pursuit of their lawful business of manufacturing other things. I am telling you that you are doing industry a tremendous injustice here. We said when the bill was here, why do you not just do what you want to accomplish, say you shall not use tear gas in labor disputes. That is all there would have been to do, and we would vote for it, because we do not think that since the turn of the century, or even before it, they have used tear gas in a labor dispute in this State. Nobody was able to point out to us when tear gas was used in a labor dispute. But you are doing serious harm in this and you do not realize what you are doing.

I am asking the members on this side, in all justice to the people of this State, who are trying to employ people, to vote against concurrence.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, when House bill 840 passed here the same argument took place. When it went to the Senate they made the amendments that are there, and they are right, as Mr. Johnson states, and they passed the bill and sent it over.

I am asking the membership now to vote "aye."

You recall the debate on this for page after page, hour after hour, and I ask the membership to vote "aye" on concurrence on House bill 840.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—103

Anderson, S. A.,	Gailey,	McCann,	Prendergast,
Arlene,	Gallagher,	McCormack,	Reibman,
Bachman,	Gray,	McDevitt,	Reidenbach,
Boles,	Greenlee,	McDonald,	Renwick,
Bonner,	Gremminger,	McKeever,	Riley,
Branca,	Guesman,	McLaughlin,	Rovansek,
Breth,	Hamilton,	McNally,	Rubin,
Capano,	Hankins,	Meholchick,	Rudisill,
Capitolo,	Hartley,	Mills,	Scarcelli,
Cianfrani,	Heavey,	Monroe,	Schaaf,
Cioffi,	Irvis,	Morley,	Schuster,
Clarke,	Jenkins,	Mullen,	Shelton,
Comer,	Jim,	Munley,	Sherman,
Cooley,	Jones,	Murphy,	Shupnik,
Crossin,	Kamyk,	Murray,	Stank,
Curwood,	Kelly,	Musto,	Stone,
Dougherty,	Klein,	Needham,	Sullivan, J. A.,
Doughten,	Kornick,	O'Donnell, J. A.,	Sullivan, T. F.,

Eilberg,	Lamb,	O'Donnell, J. P.,	Taylor,
Farabaugh,	Lawson,	Parlante,	Tomascik,
Filo,	Leonard,	Pashley,	Trusio,
Fineman,	Limper,	Perry,	Verona,
Flynn,	Long, Wm. Jas.,	Petrosky,	Walsh,
Foerster,	Long, Wm. Jos.,	Polaski,	Wargo,
Frascella,	Lutty,	Polen,	Welsh,
Fry,	Maxwell,		Yetter,

NAYS—91

Anderson, J. H	Gibbons,	Knecht,	Snare,
Auker,	Goldstein, J. H.,	Kooker,	Steckel,
Backenstoe,	Goldstein, M. H.,	Korns,	Stimmel,
Blair,	Goodrich,	Lee, K. B.,	Stiteler,
Bossert,	Gramlich,	Lippincott,	Strausser,
Bower,	Gross,	Magee,	Thompson,
Bowman,	Guthrie,	Manbeck,	Tompkins,
Bush,	Haudenshield,	Markley,	Ujobai,
Davis,	Heffner,	Marsh,	Varner,
Dengler,	Helm,	May,	Wall,
Donaldson,	Henzel,	McCandless,	Wescott,
Down,	Hocker,	Merry,	Whittaker,
Edwards,	Holl,	Miller,	Willaredt,
Elvey,	Holliday,	O'Dell,	Williams, A. D.,
Eshback,	Holman,	Ogilvie,	Williams, E. S.,
Eshleman,	Horst,	Piper,	Wilt,
Ewing,	Isaacs,	Price,	Wood,
Fetterolf,	Johnson, A. W.,	Pursley,	Worley,
Foor,	Johnson, R. P.,	Royer,	Wynd,
Fox,	Keiser,	Rutherford,	Zember,
Fulmer,	Kernaghan,	Seltzer,	Zimmerman,
George,	King,	Simmons,	Andrews,
Gibb,	Kistler,	Slack,	Speaker

NOT VOTING—16

Adams,	Dennison,	Kramer,	Odorisio,
Ashton,	Esler,	Lee, A. M.,	Sakulsky,
Buchanan,	Gelfand,	McInroy,	Weidner,
Cauley,	Kessler,	Mihm,	Willard,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, that the clerk inform the Senate accordingly.

(During Roll Call)

The SPEAKER pro tempore. Before we announce the roll call, the Chair would like to inform the members that the gentleman who has repaired the roll call system has just returned from Montgomery, Alabama, to repair our roll call system and you might be interested in knowing that they have been in session for three days continuously on a surprising subject—congressional reapportionment.

Mr. TOMPKINS. Mr. Speaker, you mean that he has returned from Montgomery, Alabama, to repair the keys for the Montgomery County, Pennsylvania, boys?

The SPEAKER pro tempore. That is correct.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. PRENDERGAST, SCHAAF, GALLAGHER and KING. RESOLUTION No. 105.

In the House of Representatives, August 30, 1961.

Resolved, That the Rules of the House of Representatives be amended as follows:

RULE 14

INTRODUCTION OF HOSPITAL AND HOME APPROPRIATIONS AND HIGHWAY ROUTE BILLS

Rule 14 is hereby amended by inserting after the word "Route" in the title, the following:

AND FISH AND GAME

Rule 14 is hereby amended by inserting after the second paragraph the following:

"No bills concerning fish or game shall be introduced in the House except two bills, one of which shall contain all the changes to be made to the fish laws and the other which shall contain all the changes to be made to the game laws. Requests for changes to the fish laws shall be filed with the Chairman of the Committee on Fisheries and those for changes to the game laws shall be filed with the Chairman of the Committee on Game and Conservation. These requests shall be made on forms supplied by the Legislative Reference Bureau and shall be signed by the member making the request."

Referred to the Committee on Rules.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 191, entitled:

An Act amending the act of April 29, 1959, (P. L. 58), entitled "The Vehicle Code" including additional buses within the provisions relating to school buses, further providing for the operation of school buses and lights located thereon and providing penalties.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Potter, Mr. Goodrich.

Mr. GOODRICH. Mr. Speaker, a day or two ago this bill was recommitted and in committee it was amended. The bill was certainly vague when it was recommitted and there are parts of the bill I would like to have answers on now. I think it is vague; it is not a well-written bill and should have further study. Therefore, Mr. Speaker, I would like permission to interrogate a proponent of the bill.

The SPEAKER pro tempore. Will the gentleman from Westmoreland, Mr. Petrosky, permit himself to be interrogated?

Mr. PETROSKY. I shall, Mr. Speaker.

Mr. GOODRICH. Mr. Speaker, on page 12 of the bill, line 7, there is a statement concerning an established school-bus loading zone. This is in reference to the use of alternate flashing lights. To make it clear we will read part of the section starting at line 3:

"The driver of any school bus being used solely for the transportation of children between their homes and school shall activate the flashing red signal lamps only when approaching within one hundred (100) feet of an established school-bus loading zone."

Now could the gentleman tell me if every stop on a school bus route is an established school-bus loading zone?

Mr. PETROSKY. No, it is not.

Mr. GOODRICH. Then certainly this is vague, Mr. Speaker. Does it mean that the lights would not have to be turned on at a stop where it was not an established school-bus loading zone?

Mr. PETROSKY. Loading zones are specifically marked out on the highways that are traveled by the school bus. There are particular spots on the highway that have a sign on them and it is notated as "school bus loading zone."

Mr. GOODRICH. Mr. Speaker, that was my concept of a loading zone. If that is true in the wording of this bill, there is nothing in this bill, if it passes, that would require the use of flashing lights at any other stop. This is very vague, certainly not good legislation and not well-written, and I thought this should be brought out to other people.

A further question, Mr. Speaker: On line 10, page 12, starting with "The driver," we have another statement: "The driver shall not permit any pupil to board or alight from a school bus until approaching and overtaking traffic has stopped." Now I would like to have the gentleman define what is approaching and overtaking traffic.

Mr. PETROSKY. Mr. Speaker, this bill is a real safety precaution. This specifically spells out that the driver shall observe that approaching and overtaking traffic will be completely stopped and then he open the door to let the children either board the bus or alight from the bus.

Mr. GOODRICH. I am in accord with the gentleman's thought, but I am not sure that the bill is drafted so there is a workable wording in the bill. I will ask the question again, what is approaching and overtaking traffic?

Mr. PETROSKY. Approaching traffic is the traffic coming head on into the school bus and the overtaking traffic is the traffic that is following the school bus.

Mr. GOODRICH. Then, Mr. Speaker, on a straight stretch of road, if a school bus driver can see traffic for as much as one or two miles either in front or behind the bus he would have his bus stopped until such traffic caught up with his bus and stopped?

Mr. PETROSKY. This is not so. The word "visible" was taken out and it is to be noted that the bus will stop for such a situation only 100 feet away from this loading zone and only when boarding school children as passengers or discharging school children from the bus at the designated point.

Mr. GOODRICH. Mr. Speaker, I think that needs clarification. I do not follow the answer. How far from the bus did you say approaching traffic would have to be? Only 100 feet from the bus? I did not quite get the answer, Mr. Speaker.

Mr. PETROSKY. The flashing signal lamps would be turned on 100 feet before the bus entered a loading zone.

Mr. GOODRICH. Mr. Speaker, I cannot hear the gentleman's answer.

Mr. PETROSKY. Mr. Speaker, the bus driver would be required to turn on the flashing red signal lamps within 100 feet of an established loading zone only at the time that the bus was being driven to a stop to either receive or discharge school children at this loading zone. Once the bus was stopped he would observe that the overtaking and the approaching traffic were at a standstill before he either loaded the children or discharged the children.

Mr. GOODRICH. Mr. Speaker, I understand that, but this is vague. Does this mean all approaching and all overtaking traffic?

Mr. PETROSKY. Mr. Speaker, our school bus law requires such traffic to stop. This closes any possible loophole in the area of protecting or observing the safety of the children riding those buses.

Mr. GOODRICH. That is obvious, Mr. Speaker, but it still does not answer the question. I bring this out for a particular reason, Mr. Speaker.

Reading from line 15, Mr. Speaker, on the same page, there is a provision, and the only provision, in the bill pertaining to four-lane highways. The provision we are talking about now, approaching and overtaking traffic, would mean that on every four-lane or six-lane or multiple-lane highway, all traffic approaching or overtaking on all lanes would have to stop. This is a vague bill and I cannot get the answers from the gentleman. He does not answer the question. What regulates traffic on four-lane highways in the bill, Mr. Speaker? There is nothing. Mr. Speaker, is there a proponent of the bill who can answer the question?

Mr. PETROSKY. Mr. Speaker, I have read subsection (b) on page 12 and it very clearly indicates the intent and purpose of the safety features of this bill. The gentleman is asking me to say something that is not in the bill. It is plainly spelled out. The bus does not have to wait for approaching and overtaking traffic that is a mile away. This is definitely spelled out because the word "visible" was stricken out. This was the vague portion of the bill. It is now stricken out. So in my opinion, although the gentleman may differ with me, this does not occur in the realm of being vague.

Mr. GOODRICH. Then, Mr. Speaker, what is approaching and overtaking traffic? How far?

Mr. PETROSKY. I indicated to the gentleman that 100 feet is when the flashing red lamps were to be put on. The traffic approaching the bus at that point, when the flashing red lamps are put on, would be required, under our law, to stop until those children were boarded and the bus was in motion, or until they were discharged and reached a place of safety.

Mr. GOODRICH. I agree with the gentleman, Mr. Speaker, but it still does not determine what approaching traffic is.

The reason I bring this out is, the last section of the bill requires a penalty of $25 for violation of any provision of the section. Now, a school bus operator would be subject to a fine of $25 if he did not wait, as I read the bill, for approaching traffic to stop. That is not right, Mr. Speaker, and until we know what approaching traffic is, or overtaking traffic is, definitely, I do not think that is well written. Also, especially in relation to the fact that on multi-lane highways there is no provision in this bill to regulate the traffic.

Mr. PETROSKY. Mr. Speaker, I cannot answer the gentleman other than I have — approaching traffic is that which approaches the vehicle from its head. The overtaking traffic is that traffic that follows the bus. This is the traffic.

Mr. GOODRICH. Mr. Speaker, I thank the gentleman.

The SPEAKER, pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. McCormack.

Mr. McCORMACK. Mr. Speaker, it is obvious that the gentleman from Westmoreland is not an expert and rather than continue this cross-examination, may I suggest to the gentleman from Potter that, recognizing the weakness in this bill, he debate the bill and its weakness and maybe he can persuade other members of the House that it is a bad bill and they will vote against it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Potter, Mr. Goodrich.

Mr. GOODRICH. Mr. Speaker, some provisions of this bill are good.

This bill was defeated once and at that time I made the same statement. This bill is a vague, a cloudy or a fuzzy bill. There was no sincere effort to clear this bill up. I offered my help and it was not accepted.

On the basis that the bill is not in proper language, I ask the members of the House to vote against the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Farabaugh.

Mr. FARABAUGH. Mr. Speaker, I would like to point out just a couple paragraphs in this bill that I think denote something you should take notice of. On page 7, line 9:

> The provisions of clause (7) requiring labeling and the provision of clause (9) requiring flashing red lights shall not apply to any bus operated by a common carrier of passengers holding a certificate of public convenience issued by the Public Utility Commission when being used to transport school children within business or residential districts where there are curbs and sidewalks.

Now the proviso that every driver is supposed to know before he gets there if there is a curb or a sidewalk is one of the weak spots. Another is on page 11, line 19:

> If the flashing red signal lamps are not activated the driver of any approaching or overtaking vehicle shall be permitted to pass the school bus without stopping but at a speed not in excess of twenty-five (25) miles per hour.

Now what happens? If a school bus is stopped when the light happens to be going off, then you are allowed to go past at 25 miles an hour, according to this.

Now the point I would like to make is this: Some years back there was a law passed to protect school children by requiring everyone to stop when a school bus stopped and not pass it. As a result of that the children who ride on school buses have become somewhat careless because they know in this way they are protected.

Now you are going to allow traffic to drive more freely. This bill would allow them, under certain conditions, to drive past them, and the result is the safety measure is gone, resulting in killing a lot of school children.

I hope you will oppose this bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, I think maybe I can clarify the discussion here. Back in 1959 the school board, et cetera, decided that the so-called loading zones were costing too much to keep up. So those signs have disappeared. If you drive over the State of Pennsylvania, you will find very few of them anywhere along the highway. They had to be changed from one house to the next. A person would move out so we sent for the maintenance crew on the roads and they would move that sign to the next house where they moved to. This kept going on so the signs went. So there are not any.

I do not want to take up much of your time because we went over this rather well when we first defeated it at 57 to 145, or something like that on July 12th. It is practically as bad a bill as it was then. To go over it quickly, the much-hurt bus industry was given a very nice present in the $12 license to save them a few hundred dollars. This bill would make them pay over $100,000 as a group or industry so they could pick up a few pennies from some extra school-bus runs.

Now these buses are very expensive. They are lit up like a Christmas tree. They have not had any bad record of accidents. They very seldom travel outside of business and residential areas, where they would not be allowed to use these lights anyhow. They do not go out and drive the gravel roads that we do. They all have a wonderful accident rate.

I will ask you another thing: Why was this bill presented in the first place? Do you know that since 1949 we have been working under what is practically the uniform motor vehicle code. It has been adopted in many States. Our surrounding States have it, and this uniform motor code, I think, should be expanded to include all States so that people know what the school-bus laws are, what the traffic laws are, and I am very much for it and would like to see the whole motor code matched into it.

And we have, since that has been in effect, enjoyed the safest transportation of any industry, and I can prove that by my insurance policies, what they cost me today and what they cost me in 1949. That particular section, I think is 12-228 put in, in 1949 said that the school-bus lights shall be used whenever, but only whenever, the bus is stopped.

I do not want to take up a bit more of your time. Defeat this bill. It is not needed now.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Petrosky.

Mr. PETROSKY. Mr. Speaker, very briefly, I certainly must agree with several of the speakers who talked upon this measure and must advocate its adoption by this House on the basis of it being a safety measure. All this bill does at the present time is to remove the provisions requiring traffic to stop within residential and business districts where there are curbs and sidewalks.

This is a safety factor inasmuch as at the present time, in a congested residential and business area where a school bus stops to discharge, overtaking traffic and approaching traffic would be in violation of the law and, in the event they are in violation and would stop on a heavy traveled artery in the city or borough and then back up so badly in front of this bus at each stop that it becomes a tremendous traffic hazard, and the safety precautions here are for the children to be discharged safely at the sidewalks before the bus would move.

This also establishes a speed limit on these buses of 40 miles per hour on a two-lane highway and 50 miles per hour on a four-lane highway. Now it further does this and I am sorry to disagree with the gentleman from Cambria, but if he would read absolutely the provision referred to on page 11, line 19, it indicates that after the driver sees to it that the children are discharged in a place of safety, it cuts off the blinking lights for they are no longer needed and traffic can then proceed to move no faster than 25 miles or whatever the speed at that point. And the same thing, after the children have boarded the bus, and it does not impede traffic. It continues safety, the further safety, of our children on school buses, and I would advocate the passage of this bill. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Potter, Mr. Goodrich.

Mr. GOODRICH. Mr. Speaker, I would like to concur in the statements that the gentleman from Westmoreland, Mr. Petrosky, just made concerning features of the bill. They are good, but why one gem in a bucket of garbage? It is a mistake to pass the bill the way it is drafted.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—79

Anderson, S. A.,	Foerster,	Leonard,	Petrosky,
Arlene,	Frascella,	Limper,	Polaski,
Bachman,	Gailey,	Long, Wm. Jos.,	Polen,

Blair,	Gallagher,	Magee,	Reidenbach,
Boles,	George,	Markley,	Renwick,
Bonner,	Gray,	McCann,	Riley,
Branca,	Greenlee,	McDonald,	Rubin,
Breth,	Gremminger,	McKeever,	Rudisill,
Capano,	Hankins,	McLaughlin,	Scarcelli,
Capitolo,	Hartley,	Meholchick,	Schaaf,
Clarke,	Heavey,	Monroe,	Schuster,
Comer,	Helm,	Mullen,	Shelton,
Crossin,	Hocker,	Murphy,	Sherman,
Dougherty,	Irvis,	Musto,	Taylor,
Doughten,	Jim,	Needham,	Tomascik,
Eilberg,	Jones,	O'Dell,	Welsh,
Ewing,	Kelly,	O'Donnell, J. P.,	Williams, A. D.,
Filo,	Kornick,	Parlante,	Zimmerman,
Fineman,	Lamb,	Pashley,	Andrews,
Flynn,	Lawson,	Perry,	Speaker

NAYS—115

Adams,	Gibbons,	Lippincott,	Snare,
Anderson, J. H.,	Goldstein, J. H.,	Long, Wm. Jas.,	Stank,
Auker,	Goldstein, M. H.,	Manbeck,	Steckel,
Backenstoe,	Goodrich,	Marsh,	Stimmel,
Bossert,	Gramlich,	Maxwell,	Stiteler,
Bower,	Gress,	May,	Stone,
Bowman,	Guesman,	McCandless,	Strausser,
Buchanan,	Guthrie,	McCormack,	Sullivan, J. A.,
Bush,	Hamilton,	McDevitt,	Sullivan, T. F.,
Cianfrani,	Haudenshield,	McNally,	Thompson,
Cioffi,	Henzel,	Merry,	Tompkins,
Cooley,	Holl,	Miller,	Trusio,
Curwood,	Holliday,	Mills,	Ujobai,
Davis,	Holman,	Morley,	Varner,
Dengler,	Horst,	Munley,	Verona,
Dennison,	Isaacs,	Murray,	Wall,
Donaldson,	Jenkins,	O'Donnell, J. A.,	Walsh,
Down,	Johnson, A. W.,	Ogilvie,	Wargo,
Edwards,	Johnson, R. P.,	Piper,	Wescott,
Elvey,	Keiser,	Prendergast,	Whittaker,
Eshback,	Kernaghan,	Price,	Willaredt,
Eshleman,	Kessler,	Pursley,	Williams, E. S.,
Farabaugh,	King,	Reibman,	Wilt,
Fetterolf,	Kistler,	Rovansek,	Wood,
Foor,	Klein,	Royer,	Worley,
Fox,	Knecht,	Rutherford,	Wynd,
Fry.	Kooker,	Seltzer,	Yetter,
Fulmer,	Korns.	Simmons,	Zember,
Gibb,	Lee, K. B.,	Slack,	

NOT VOTING—16

Ashton,	Heffner,	Lutty,	Sakulsky,
Cauley,	Kamyk,	McInroy,	Shupnik,
Esler,	Kramer.	Mihm,	Weidner,
Gelfand,	Lee, A. M.,	Odorisio,	Willard,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 574, entitled:

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" increasing the portion of the fee received from learners' permits appropriated to the Department of Public Instruction for carrying out a standardized program of teaching safe driving of motor vehicles

On the question,

Will the House agree to the bill on third reading?

Mr. VARNER asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 1, last line of Title, by inserting after "vehicles" and defining and prohibiting the use of speed traps and prohibiting the use of evidence obtained thereby

Amend Bill, page 3, by inserting between lines 12 and 13

Section 2. The act is amended by adding after section 1002, a new section to read:

Section 1002.1. Speed Traps Defined and Prohibited. (a) A "speed trap," for the purposes of this section, shall mean a particular section of highway measured as to distance and with boundaries marked, designated or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel such known distance.

(b) No officer or other person shall use a speed trap in arresting or participating or assisting in the arrest of any person for any alleged violation under section 1002 of this act nor shall any speed trap be used in securing evidence as to the speed of any vehicle for the purpose of an arrest or prosecution under this act.

(c) No evidence as to the speed of a vehicle upon a highway shall be admitted in any court upon the trial of any person for an alleged violation of section 1002 of this act when such evidence is based upon or obtained from or by the maintenance or use of a speed trap.

Amend Sec. 2, page 3, line 13, by striking out "2" and inserting 3

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. Varner, who will explain his amendments since they were not read in full.

Mr. VARNER. Mr. Speaker, members of the House, these amendments, briefly, do what the amendments do that were offered by Representative King to Senate bill 191, or was it House bill 191? They eliminate speed traps in the municipalities of the Commonwealth. I ask you to support them.

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, I ask the membership to please vote "no" on the amendments offered by the gentleman from Clarion, Mr. Varner, to Senate bill 574. Senate bill 574 is the bill dealing with the additional moneys for the schools and the training program.

The Chair recognizes the gentleman from Clarion, Mr. Varner.

Mr. VARNER. Mr. Speaker, I ask for a roll call vote.

Mr. Speaker, I might say a few more words about it. I think the gentleman from York, Mr. Gailey, wants to be recognized.

The SPEAKER. Does the gentleman from York, Mr. Gailey, desire to be recognized?

Mr. GAILEY. I do, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from York.

Mr. GAILEY. Mr. Speaker, it seems to me that these are amendments which should be given the close attention of every member of this House. It is my undestanding that these amendments as they are drawn do not in any way affect the use of radar upon our highways, but in fact they are limited fully to the kind of mechanical testing which, unfortunately, we are too familiar with, in which policemen usually attached to small municipalities have trapped the unwary speeder, be he doing 38 miles in a 35-mile zone or 28 miles in a 25-mile zone. It has led in many sections of our Commonwealth, unfortunately, to what has been termed to be "fining mills." It seems to me that with the resources we have available today, not just to the State Police, but to all local officers for the regulation of speeds

within the limits of the municipalities which they should police, that this sort of device should be prohibited. In fact it leads to contempt for the law rather than acceptance of it as a means for saving lives on our highways. I would ask then that all members of the House give careful attention to these amendments and I would ask that they vote for them.

On the question recurring,

Will the House agree to the amendments?

(During Roll Call)

Mr. McCANN. Mr. Speaker, I know that it is not proper to speak on a bill when the roll call is up there, and it looks like these amendments will carry.

I have no right to say either way on this, but should this be concurred in, this is a bill that deals with changing from two dollars to three dollars for each learner's permit to go to schools for the driver-training program. If this amendment is in there and it has not been cleared, I would hate to think that we might lose this on this ground, but the amendment will carry by the vote. Therefore, I want you to think carefully as you vote.

The yeas and nays were required by Messrs. VARNER and McCANN and were as follows:

YEAS—97

Adams,	Gailey,	Kooker,	Sherman,
Anderson, J. H.,	George,	Korns,	Slack,
Auker,	Gibbons,	Lawson,	Snare,
Backenstoe,	Goldstein, J. H.,	Lee, K. B.,	Stank,
Blair,	Gramlich,	Lippincott,	Steckel,
Bossert,	Gross,	Magee,	Stimmel,
Bower,	Guthrie,	Manbeck,	Stiteler,
Bowman,	Heffner,	Markley,	Strausser,
Branca,	Helm,	Marsh,	Tompkins,
Buchanan,	Henzel,	May,	Ujobai,
Bush,	Hocker,	McCandless,	Varner,
Davis,	Holl,	Merry,	Wall,
Dengler,	Holliday,	Miller,	Whittaker,
Dennison,	Holman,	Mullen,	Willard,
Donaldson,	Horst,	Needham,	Willaredt,
Down,	Isaacs,	O'Dell,	Williams, A. D.,
Elvey,	Johnson, A. W.,	Ogilvie,	Williams, E. S.,
Eshback,	Johnson, R. P.,	Perry,	Wilt,
Eshleman,	Keiser,	Piper,	Wood,
Ewing,	Kernaghan,	Price,	Worley,
Fetterolf,	Kessler,	Riley,	Wynd,
Foor,	King,	Royer,	Zember,
Fox,	Kistler,	Rutherford,	Zimmerman,
Fry,	Knecht,	Seltzer,	Andrews,
Fulmer,			Speaker

NAYS—100

Anderson, S. A.,	Gibb,	Lutty,	Reibman,
Arlene,	Goldstein, M. H.,	Maxwell,	Reidenbach,
Boies,	Goodrich,	McCann,	Renwick,
Bonner,	Gray,	McDevitt,	Rovansek,
Breth,	Greenlee,	McDonald,	Rubin,
Capano,	Gremminger,	McKeever,	Rudisill,
Capitolo,	Guesman,	McLaughlin,	Scarcelli,
Cianfrani,	Hamilton,	McNally,	Schaaf,
Cioffi,	Hankins,	Meholchick,	Schuster,
Clarke,	Hartley,	Mills,	Shelton,
Comer,	Haudenshield,	Monroe,	Shupnik,
Cooley,	Heavey,	Morley,	Simmons,
Crossin,	Irvis,	Munley,	Stone,
Curwood,	Jenkins,	Murphy,	Sullivan, J. A.,
Dougherty,	Jim,	Murray,	Sullivan, T. F.,
Doughten,	Jones,	Musto,	Taylor,
Edwards,	Kamyk,	O'Donnell, J. A.,	Thompson,
Eilberg,	Kelly,	O'Donnell, J. P.,	Tomascik,
Farabaugh,	Klein,	Parlante,	Trusio,
Filo,	Kornick,	Pashley,	Verona,
Fineman,	Lamb,	Petrosky,	Walsh,
Flynn,	Leonard,	Polaski,	Wargo,
Foerster,	Limper,	Polen,	Welsh,
Frascella,	Long, Wm. Jos.,	Prendergast,	Wescott,
Gallagher,	Long, Wm. Jas.,	Pursley,	Yetter,

NOT VOTING—13

Ashton,	Gelfand,	McCormack,	Odorisio,
Bachman,	Kramer,	McInroy,	Sakulsky,
Cauley,	Lee, A. M.,	Mihm,	Weidner,
Esler,			

So the question was determined in the negative and the amendments were not agreed to.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman from Butler rise?

Mr. KING. Mr. Speaker, I rise to ask a point of order. The other night we introduced this same amendment and we got a long count on it.

The SPEAKER. What is the point of order?

Mr. KING. The point of order is, Mr. Speaker, can the Speaker or anyone else speak against the bill while the roll is being taken?

The SPEAKER. They cannot, but no point of order was raised from the floor. If any objection had been raised, the Chair would have had to rule that there was nothing in order but the roll call. The point was not raised.

Mr. KING. I ask to have a reconsideration of the motion.

The SPEAKER. It is not in order at this time.

Mr. KING. I make a motion that we reconsider.

On the question recurring,

Will the House agree to the bill on third reading?

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Sherman, rise?

Mr. SHERMAN. Mr. Speaker, I think the majority leader mentioned the fact that there were two sets of amendments, the one that was just defeated and one which I have here. I would like to ask their consideration and speak very briefly on the amendments.

Mr. SHERMAN asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 1, last line of Title, by inserting after "vehicles": and providing for the refund of operators' license fees in certain cases.

Amend Bill, page 3, by inserting between lines 12 and 13:

Section 2. The act is amended by adding, after section 717, a new section to read:

Section 717.1. Refund of Operators' License Fees.—In the event that a licensed operator dies after paying the fee for a two-year period and prior to the beginning of the second year of such period, then upon application of his personal representative, or if there be none then upon application of the surviving spouse the Department of Revenue shall refund the license fee for the second year of such period. The provisions of this section shall apply to licenses heretofore issued.

As much as may be necessary from time to time is appropriated from the Motor License Fund to the Department of Revenue for the purpose of making the refunds required by this section.

Amend Sec. 2, page 3, line 13, by striking out "2" and inserting: 3

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER. Will the gentleman from Philadelphia explain the amendments since they were not read in full.

Mr. SHERMAN. Mr. Speaker, I wish to speak briefly on the amendments as soon as I have order here, please.

The SPEAKER. The gentleman from Philadelphia appreciates the need for order and the lack of conversation when he has the floor. He is a missionary to help the Chair preserve order when any member is speaking. The gentleman will proceed and the House will please be in order, because the Chair would like to hear what the gentleman has to say.

Mr. SHERMAN. Mr. Speaker, the bill itself, Senate bill 574, refers to payments and receipts of moneys anywhere from fifty cents to $4.00, and as the result of the matter coming to my attention, I put these amendments in. Briefly it was this! A certain party died, say about the middle of January, after ordering an operator's license and paying the sum of $4.00 prior to the effective date of that operator's license. The widow came to me for help, she being very poor. Perhaps two dollars or four dollars or a dollar may mean nothing to most of you, but we are dealing often with people to whom the matter of two or three dollars does mean something. After preparing a certain bill which was gone over with the majority leader in the House to make sure there was no expense to the Commonwealth, and since it was ascertained by the majority leader that it would come to the sum of sixty-eight cents to get any rebate in this matter, that bill was prepared, and, since that bill has not come out of committee, these amendments really represent that particular bill.

The amendments state that where the license has been ordered and paid for and the party dies and no benefits whatsoever have accrued to the party, since he died before the effective date and has paid the four dollars, that the sum of two dollars be returned to the widow or the personal representative. A good many of you have had experience with, perhaps, a two-dollar summons or a three-dollar summons, where the summon's fee may have meant a great deal to the particular party concerned.

We all want to get out of here, but if you keep on talking I will wait until you are through and I mean I will wait. I do not care whether you vote for the bill or against the bill, but I am sincere in this bill. I feel that the sum of two dollars, three dollars, or a dollar, to certain individuals, whether they come to you as Republicans or Democrats, is immaterial, but when they come to you and ask you for something to which they are entitled, I feel that they are entitled to that rebate as long as it does not cost the Commonwealth of Pennsylvania one dime.

In this case the sum of two dollars will be returned to the widow or personal representative where the operator's license has been ordered and nothing was gained as the result thereof. By administrative action it cannot be done because the motor vehicle department insists that it cannot be done unless you have a law covering that subject. Therefore, I ask the support of both sides in favor of this amendment.

The SPEAKER. How does the gentleman desire the issue to be determined, by voice vote or a roll call?

Mr. SHERMAN. Roll call, Mr. Speaker.

The SPEAKER. For what purpose does the gentleman from Berks, Mr. Piper, rise?

Mr. PIPER. Mr. Speaker, may I interrogate the majority leader, please.

The SPEAKER. Will the majority leader permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. PIPER. Can the majority leader tell us whether or not these amendments have been cleared by the front office.

Mr. McCANN. Mr. Speaker, as I said on the other issue, neither one has been cleared. May I say to the gentleman, quite frankly, that I was one of the co-sponsors of this piece of legislation which I think carries great merit, where we are licensed only for two years and we do not get even one year's use out of it, or a refund of two dollars, but I cannot take the chance of jeopardizing Senate bill 574. You well know what it does now in providing money to your schools if you have a driver training program. I am in sympathy with this but I have not cleared either one of the amendments to the bill with the front office, if that is your question.

Mr. PIPER. May I ask how the schools obtain the money at the present time for the driver training program?

Mr. McCANN. Yes, that is very simple, Mr. Speaker. At the present time the law provides that two dollars of each learner's permit shall be set aside in the Department of Public Instruction for the schools that have the driver training program. Senate bill 574 strikes out "two" and inserts "three' which would be three dollars of each learner's permit that would go for that purpose.

Mr. PIPER. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. McCormack.

Mr. McCORMACK. After listening to the remarks by Mr. Sherman on this amendment, I think I can summarize it up very briefly by saying that the State in this situation has a moral obligation to return that money; the State has no right to keep that money. This bill is to make it not only a moral obligation but a legal obligation on the part of the State to return that money, and, although the amount is insignificant when we are dealing with millions of dollars in many instances, it is something that a widow or a family would be glad to get, so I am going to vote in favor of this amendment.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. SHERMAN and McCANN and were as follows:

YEAS—37

Adams,	Kessler,	Mullen,	Sherman,
Anderson, J. H.,	Kistler,	Murray,	Slack,
Bower,	Kooker,	O'Donnell, J. P.,	Stank,
Davis,	Korns,	Ogilvie,	Stiteler,
Eshback,	Lee, K. B.,	Perry,	Williams, A. D.,
Foor,	Markley,	Piper,	Worley,
Fox,	Marsh,	Price,	Zember,
Gross,	May,	Riley,	Zimmerman,
Hocker,	McCormack,	Rudisill,	Andrews,
Horst,			Speaker

NAYS—153

Anderson, S. A.,	Fry,	Klein,	Reidenbach,
Arlene,	Fulmer,	Kornick,	Renwick,
Auker,	Gailey,	Lamb,	Rovansek,
Backenstoe,	Gallagher,	Lawson,	Royer,
Blair,	George,	Leonard,	Rubin,
Boles,	Gibb,	Limper,	Rutherford,
Bonner,	Gibbons,	Lippincott,	Scarcelli,
Bossert,	Goldstein, J. H.,	Long, Wm. Jos.,	Schaaf,
Bowman,	Goldstein, M. H.,	Lutty,	Schuster,
Branca,	Goodrich,	Magee,	Seltzer,
Breth,	Gramlich,	Manbeck,	Shelton,

Buchanan,	Gray,	Maxwell,	Shupnik,
Bush,	Greenlee,	McCandless,	Simmons,
Capano,	Gremminger,	McCann,	Snare,
Capitolo,	Guesman,	McDevitt,	Steckel,
Cianfrani,	Guthrie,	McDonald,	Stimmel,
Cioffi,	Hamilton,	McKeever,	Stone,
Clarke,	Hankins,	McLaughlin,	Strausser,
Comer,	Hartley,	McNally,	Sullivan, J. A.,
Cooley,	Haudenshield,	Meholchick,	Sullivan, T. F.,
Crossin,	Heavey,	Merry,	Taylor,
Curwood,	Helm,	Miller,	Thompson,
Dengler,	Henzel,	Mills,	Tompkins,
Dennison,	Holl,	Monroe,	Trusio,
Donaldson,	Holliday,	Morley,	Ujobai,
Dougherty,	Holman,	Munley,	Varner,
Doughten,	Irvis,	Murphy,	Verona,
Down,	Isaacs,	Musto,	Wall,
Edwards,	Jenkins,	Needham,	Walsh,
Eilberg,	Jim,	O'Dell,	Wargo,
Elvey,	Johnson, A. W.,	O'Donnell, J. A.,	Welsh,
Eshleman,	Johnson, R. P.,	Parlante,	Wescott,
Ewing,	Jones,	Pashley,	Whittaker,
Farabaugh,	Kamyk,	Polaski,	Willaredt,
Fetterolf,	Keiser,	Polen,	Williams, E. S.,
Filo,	Kelly,	Prendergast,	Wood,
Flynn,	Kernaghan,	Pursley,	Wynd,
Foerster,	King,	Reibman,	Yetter,
Frascella,			

NOT VOTING—20

Ashton,	Gelfand,	Long, Wm. Jas.,	Sakulsky,
Bachman,	Heffner,	McInroy,	Tomascik,
Cauley,	Knecht,	Mihm,	Weidner,
Esler,	Kramer,	Odorisio,	Willard,
Fineman,	Lee, A. M.,	Petrosky,	Wilt,

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—192

Adams,	Gallagher,	Limper,	Riley,
Anderson, J. H.,	George,	Lippincott,	Rovansek,
Anderson, S. A.,	Gibb,	Long, Wm. Jas.,	Rubin,
Arlene,	Gibbons,	Long, Wm. Jos.,	Rudisill,
Backenstoe,	Goldstein, J. H.,	Lutty,	Rutherford,
Blair,	Goldstein, M. H.,	Magee,	Scarcelli,
Boles,	Goodrich,	Manbeck,	Schaaf,
Bonner,	Gramlich,	Markley,	Schuster,
Bower,	Gray,	Marsh,	Seltzer,
Bowman,	Greenlee,	Maxwell,	Shelton,
Branca,	Gremminger,	May,	Sherman,
Breth,	Gross,	McCandless,	Shupnik,
Buchanan,	Guesman,	McCann,	Simmons,
Bush,	Guthrie,	McCormack,	Slack,
Capano,	Hamilton,	McDevitt,	Snare,
Capitolo,	Hankins,	McDonald,	Stank,
Cianfrani,	Hartley,	McKeever,	Steckel,
Cioffi,	Haudenshield,	McLaughlin,	Stimmel,
Clarke,	Heavey,	McNally,	Stiteler,
Comer,	Helm,	Meholchick,	Stone,
Cooley,	Henzel,	Merry,	Strausser,
Crossin,	Hocker,	Miller,	Sullivan, J. A.,
Curwood,	Holl,	Mills,	Sullivan, T. F.,
Davis,	Holliday,	Monroe,	Taylor,
Dengler,	Holman,	Morley,	Thompson,
Dennison,	Horst,	Mullen,	Tomascik,
Donaldson,	Irvis,	Munley,	Tompkins,
Dougherty,	Isaacs,	Murphy,	Trusio,
Doughten,	Jenkins,	Murray,	Ujobai,
Down,	Jim,	Musto,	Varner,
Edwards,	Johnson, A. W.,	Needham,	Verona,
Eilberg,	Johnson, R. P.,	O'Dell,	Wall,
Elvey,	Jones,	O'Donnell, J. A.,	Walsh,
Eshback,	Kamyk,	O'Donnell, J. P.,	Wargo,
Eshleman,	Keiser,	Ogilvie,	Welsh,
Ewing,	Kelly,	Parlante,	Wescott,
Farabaugh,	Kernaghan,	Pashley,	Whittaker,
Fetterolf,	Kessler,	Perry,	Willaredt,
Filo,	King,	Petrosky,	Williams, A. D.,
Fineman,	Kistler,	Piper,	Williams, E. S.,
Flynn,	Klein,	Polaski,	Wilt,
Foerster,	Kooker,	Polen,	Wood,
Foor,	Kornick,	Prendergast,	Worley,
Fox,	Korns,	Price,	Wynd,
Frascella,	Lamb,	Pursley,	Yetter,
Fry,	Lawson,	Reibman,	Zember,
Fulmer,	Lee, K. B.,	Reidenbach,	Zimmerman,
Gailey,	Leonard,	Renwick,	Andrews, Speaker

NAYS—2

Auker,	Bossert,

NOT VOTING—16

Ashton,	Gelfand,	Lee, A. M.,	Royer,
Bachman,	Heffner,	McInroy,	Sakulsky,
Cauley,	Knecht,	Mihm,	Weidner,
Esler,	Kramer,	Odorisio,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 935, entitled:

An Act amending the act of April 28, 1937 (P. L. 417), entitled "Milk Control Law" further regulating the sale of milk on farms directly to consumers.

The first section was read.

On the question,

Will the House agree to the section?

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Down.

Mr. DOWN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. DOWN. Mr. Speaker, in conferring with the Legislative Reference Bureau and the parliamentarian, I have found that Senate bill 935, printer's No. 1263, and House bill 1448, printer's No. 2564, are similar; in fact, verbatim. According to House rule 49, when a bill has been defeated by the House it shall not be re-introduced, nor shall it be in order to consider a similar one or to act on a Senate bill of like import during the same session.

Mr. Speaker, I say that in considering this bill it is contradictory to rule 49. I would like to have a ruling.

The SPEAKER. The gentleman has read the rule correctly and his conclusion is a conclusion that under the rule the Chair must coincide with on the bills being identical, but it cannot be considered at this time. The only question is, are the two bills identical? The Chair would like to inquire—

Mr. McCANN. The question would also be involved that 1448 was once defeated in its original introduction form, was then reconsidered and amended to the form in which it was voted the second time. Does the question deal with the identity with the original bill or the amended bill, Mr. Speaker?

Mr. SPEAKER. What was the form of the amended bill? What was the fate of the amended bill?

Mr. McCANN. Mr. Speaker, before you give us the ruling, there is a question I want determined so it will be clear. We know the difference between the bills. Senate bill 935, printer's No. 1263, is here before us in this form. Is the question on the original bill as it was first defeated or on the amended bill which was defeated?

The SPEAKER. Is the Chair correct that the bill that was defeated, printer's No. 2563, was identical with Senate bill 935, printer's No. 1263? Is that so?

Mr. McCANN. Mr. Speaker,—

The SPEAKER. The point is well taken.

Mr. McCANN. Mr. Speaker, Senate bill 935, printer's No. 1263, and House bill 1448, the last one defeated, are identical. Mr. Schaaf has the bills in his hand and he will confirm that.

The SPEAKER. The Chair has already ruled that the point of order is well taken. The bill cannot be considered in its present form.

For what purpose does the gentleman from Philadelphia, Mr. McCormack, rise?

Mr. McCORMACK. Mr. Speaker, then can you take this bill off the calendar, or would it be considering the bill if you moved to recommit it?

The SPEAKER. The bill would automatically be removed from the calendar as having no proper place on the calendar.

The Chair recognizes the gentleman from Cambria, Mr. Farabaugh.

Mr. FARABAUGH. Mr. Speaker, in view of the fact that the other bill was defeated by 51 votes, and I know there is at least one member who was called out of the House after making the mistake of voting the opposite to what he intended, I ask that you suspend the rules and permit us to vote on this bill and I so move, Mr. Speaker.

The SPEAKER. Would the gentleman from Cambria come to the desk and, with the parliamentarian, frame for the record a written motion for the suspension of the rules so that it will be in order.

For what purpose does the gentleman from Mercer rise?

Mr. DOWN. Mr. Speaker, the bill, as I understood you to say, could not be considered and it is off the calendar?

The SPEAKER. It could only be considered as the result of suspension of the rules, and the gentleman from Cambria is preparing a motion for the suspension of the rules. If the House suspends the rules, the bill can be considered.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Erie, Mr. Schaaf, rise?

Mr. SCHAAF. I rise to a parliamentary inquiry, Mr. Speaker, pending the presentation of the motion by Mr. Farabaugh.

The SPEAKER. The gentleman will state it.

Mr. SCHAAF. Would the Speaker inform this house as to the scope of the debate on this motion?

The SPEAKER. The motion to suspend is not debatable unless you suspend the rules.

Mr. SCHAAF, Mr. Speaker, pending presentation of the motion, would you inform this House as to the last time we suspended the rules of this House.

The SPEAKER. For this particular operation, I think you would have to go back a good many years to get a similar situation where the same bill came over from the Senate that was defeated in the House. It was years and years ago. I said it was a long, long time ago, and the parliamentarian tells me you will find in your manual that one time was in 1865 and another time in 1891.

Mr. SCHAAF. Mr. Speaker, that being the case, upon presentation of this motion by the gentleman from Cambria, I would like to be recognized for the purpose of making a motion.

The SPEAKER. The only motion before the House will be on the suspension of the rules.

Mr. SCHAAF. Mr. Speaker, how then can I move to suspend the rules regarding the suspension of rules so we can debate it?

The SPEAKER. It would not have priority over the other motion. The other motion would take priority. It is like having two or three appeals from a decision of the Chair pending at the same time, which you cannot do.

Mr. SCHAAF. Mr. Speaker, I understood you to say that the only way this motion could be debated—

The SPEAKER. I said that more or less facetiously.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman from Mercer, Mr. Down, rise?

Mr. DOWN. I rise to a point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. DOWN. Mr. Speaker, I understood you to say that this bill is automatically dropped from the calendar. Now if it is automatically dropped from the calendar—

The SPEAKER. It would be automatically dropped unless there was a suspension of the rules.

Mr. DOWN. But if it is dropped from the calendar, we do not have a bill to suspend the rules on, that is my question. It is already removed.

Mr. McCANN. Mr. Speaker, that is not correct, what the gentleman is saying. He gave his point to the Chair and the Chair said the point of order was well taken. Actually, and the members of the House know this, when he received the ruling from the Chair a motion could have been made to appeal that ruling. The gentleman from Cambria is making a motion to suspend the rules, and under our House rules, when the motion is presented, it is not debatable, it is to be voted on.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Schaaf.

Mr. SCHAAF. Mr. Speaker, may I ask who has the floor at this time?

The SPEAKER. The gentleman from Cambria has the floor at this time for the presentation of his motion on suspension of the rules.

Mr. SCHAAF. I thank the Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Delaware, Mr. Isaacs, rise?

Mr. ISAACS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ISAACS. Mr. Speaker, it seems that this moonlight

must be affecting us. My parliamentary inquiry is, would a motion to adjourn take precedence?

The SPEAKER. It would, but the Chair is not ready to hear such a motion at the present time.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Bucks, Mr. Gallagher, rise?

Mr. GALLAGHER. I rise to a question of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GALLAGHER. Mr. Speaker, I wonder at this time, being so late in the session, if we would not extend the courtesy to the gentlemen who are concerned about this bill to allow it to come to a vote and vote it up or down.

I suggest that the members accept this as a solution to their problem.

The SPEAKER. The Chair recognizes the gentleman from Cambria.

Mr. FARABAUGH. Mr. Speaker, in view of the fact that the other bill they are talking about was not voted upon twice in the same form—

The SPEAKER. The Chair recognized the gentleman for the presentation of a motion.

MOTION TO SUSPEND RULE

Mr. FARABAUGH. I move that House rule 49 be suspended for the specific purpose of considering Senate bill 935 on second reading.

On the question,

Will the House agree to the motion?

The SPEAKER. For what purpose does the gentleman from Erie rise?

Mr. SCHAAF. Mr. Speaker, I ask unanimous consent of this House to debate this motion.

The SPEAKER. The gentleman asks for unanimous consent. The Chair would not agree; this is not debatable. The gentleman knows that it is not debatable, and the Chair himself objects.

The question is on the motion. It takes 106 votes to suspend the rules. The Chair will require a roll call. Those voting "aye" vote to suspend the rule; those voting "no" vote not to suspend the rule.

Mr. VARNER. Mr. Speaker, I would ask that the members of the House vote "no."

PARLIAMENTARY INQUIRY

Mr. TOMPKINS. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. After the result has been announced, the Chair will entertain any parliamentary inquiry, but there is nothing in order at the present time. We are taking the roll.

Mr. TOMPKINS. Mr. Speaker, I can raise a point concerning the roll.

The SPEAKER. The Chair recognizes the gentleman.

Mr. TOMPKINS. Mr. Speaker, my point of parliamentary inquiry is, how many votes does it take to suspend the rules?

The SPEAKER. One hundred six.

On the question recurring,

Will the House agree to the motion to suspend Rule 49?

The yeas and nays were required by Messrs. FARABAUGH and McCANN and were as follows:

YEAS—88

Adams,	Frascella,	Limper,	Pursley,
Anderson, S. A.,	Fry,	Long, Wm. Jos.,	Reibman,
Arlene,	Gailey,	Lutty,	Renwick,
Auker,	Gallagher,	Manbeck,	Riley,
Blair,	Goodrich,	McCandless,	Rovansek,
Branca,	Greenlee,	McCann,	Rubin,
Breth,	Gremminger,	McDevitt,	Rudisill,
Capitolo,	Gross,	McNally,	Rutherford,
Clarke,	Guthrie,	Meholchick,	Scarcelli,
Comer,	Hankins,	Miller,	Shelton,
Crossin,	Heavey,	Monroe,	Shupnik,
Davis,	Holliday,	Morley,	Snare,
Dennison,	Horst,	Mullen,	Stank,
Doughten,	Irvis,	Munley,	Stiteler,
Eilberg,	Jones,	Needham,	Tomascik,
Elvey,	Kelly,	O'Dell,	Verona,
Eshback,	Kessler,	O'Donnell, J. A.,	Walsh,
Farabaugh,	Kooker,	O'Donnell, J. P.,	Wescott,
Flynn,	Kornick,	Parlante,	Williams, E. S.,
Forester,	Korns,	Pashley,	Yetter,
Foor,	Lawson,	Petrosky,	Zimmerman,
Fox,	Lee, K. B.,	Polen,	Andrews, Speaker

NAYS—98

Anderson, J. H.,	Gibbons,	Lamb,	Slack,
Bachman,	Goldstein, J. H.,	Leonard,	Steckel,
Backenstoe,	Goldstein, M. H.,	Lippincott,	Stimmel,
Boles,	Gramlich,	Long, Wm. Jas.,	Stone,
Bossert,	Gray,	Magee,	Strausser,
Bower,	Guesman,	Markley,	Sullivan, J. A.,
Bowman,	Hamilton,	Marsh,	Sullivan, T. F.,
Buchanan,	Hartley,	May,	Taylor,
Bush,	Haudenshield,	McCormack,	Thompson,
Capano,	Helm,	McKeever,	Tompkins,
Cianfrani,	Henzel,	McLaughlin,	Trusio,
Cioffi,	Hocker,	Merry,	Ujobai,
Cooley,	Holl,	Murphy,	Varner,
Curwood,	Holman,	Murray,	Wall,
Dengler,	Isaacs,	Ogilvie,	Wargo,
Donaldson,	Jenkins,	Piper,	Welsh,
Down,	Jim,	Polaski,	Whittaker,
Edwards,	Johnson, A. W.,	Prendergast,	Willaredt,
Eshleman,	Johnson, R. P.,	Price,	Williams, A. D.,
Ewing,	Kamyk,	Reidenbach,	Wilt,
Fetterolf,	Keiser,	Schaaf,	Wood,
Filo,	Kernaghan,	Schuster,	Worley,
Fulmer,	King,	Sherman,	Wynd,
George,	Kistler,	Simmons,	Zember,
Gibb,	Klein,		

NOT VOTING—24

Ashton,	Gelfand,	McDonald,	Perry,
Bonner,	Heffner,	McInroy,	Royer,
Cauley,	Knecht,	Mihm,	Sakulsky,
Dougherty,	Kramer,	Mills,	Seltzer,
Esler,	Lee, A. M.,	Musto,	Weidner,
Fineman,	Maxwell,	Odorisio,	Willard,

So the question was determined in the negative and the motion was not agreed to.

BILL DROPPED FROM CALENDAR

Mr. McCANN. Mr. Speaker, could I inquire now if Senate bill 935 is automatically dropped from the calendar or does it not require a motion?

The SPEAKER. It does not. The bill is automatically dropped from the calendar under the rules at the direction of the Chair.

Mr. McCANN. Thank you, Mr. Speaker.

Mr. HELM IN THE CHAIR

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 254

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House Bill No. 254.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House bill No. 254, entitled: "An act amending the act of June 2, 1915 (P. L. 736), entitled, as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' employers to furnish employes with instructions on their rights in the event of an accident and requiring the Secretary of Labor and Industry to supply such instructions to employes."

Respectfully submit the following bill as our report:

PAUL W. MAHADY,
MARTIN L. MURRAY,
D. ELMER HAWBAKER,
(Committee on the part of the Senate.)
BARNET SAKULSKY,
A. V. CAPANO,
JAMES S. BOWMAN,

(Committee on the part of the House of Representatives.)

An Act Amending the act of June 2, 1915 (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" requiring employers to furnish employes with instructions on their rights in the event of an accident and requiring the Secretary of Labor and Industry to prepare such instructions to be printed by insurers and supplied to employers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows.

Section 1. The act of June 2, 1915 (P. L. 736) known as "The Pennsylvania Workmen's Compensation Act" reenacted and amended June 21, 1939 (P. L. 520) is amended by adding after section 304 a new section to read.

Section 304.1. The Secretary of Labor and Industry shall within ninety (90) days after the effective date of this amendatory act prepare a brochure of instructions setting forth the rights of an employe in the event of an accident and informing him of the time and manner in which claims should be filed A copy of such brochure shall be provided each insurance company authorized to write insurance policies covering workmen's compensation under this act. Such insurance companies shall prepare at their own expense copies of said brochure for distributions to such insured employers. Each insurance company shall prepare the brochures immediately upon receipt of the sample brochure from the Secretary of Labor and Industry in such quantity as required by employers for distribution to each employe. The employers shall distribute such brochures to each employe at the time of hiring and to each existing employe within thirty (30) days after the receipt of the brochure.

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—192

Adams,	Gailey,	Lee, K. B.,	Renwick,
Anderson, S. A.,	Gallagher,	Leonard,	Riley,
Anderson, J. H.,	George,	Limper,	Rovansek,
Arlene,	Gibb,	Long, Wm. Jas.,	Royer,
Auker,	Gibbons,	Long, Wm. Jos.,	Rubin,
Bachman,	Goldstein, J. H.,	Lutty,	Rudisill,
Backenstoe,	Goldstein, M. H.,	Magee,	Rutherford,
Blair,	Goodrich,	Manbeck,	Scarcelli,
Boles,	Gramlich,	Markley,	Schaaf,
Bonner,	Gray,	Marsh,	Schuster,
Bossert,	Greenlee,	May,	Seltzer,
Bower,	Gremminger,	Maxwell,	Shelton,
Bowman,	Gross,	McCandless,	Sherman,
Branca,	Guesman,	McCann,	Shupnik,
Breth,	Guthrie,	McCormack,	Simmons,
Buchanan,	Hamilton,	McDevitt,	Slack,
Bush,	Hankins,	McDonald,	Snare,
Capano,	Hartley,	McKeever,	Stank,
Capitolo,	Haudenshield,	McLaughlin,	Steckel,
Cianfrani,	Heavey,	McNally,	Stimmel,
Cioffi,	Heffner,	Meholchick,	Stiteler,
Clarke,	Helm,	Merry,	Stone,
Cooley,	Henzel,	Miller,	Sullivan, J. A.,
Crossin,	Hocker,	Mills,	Sullivan, T. F.,
Curwood,	Holl,	Monroe,	Taylor,
Davis,	Holliday,	Morley,	Thompson,
Dengler,	Holman,	Mullen,	Tomascik,
Dennison,	Horst,	Munley,	Tompkins,
Donaldson,	Irvis,	Murphy,	Trusio,
Dougherty,	Isaacs,	Murray,	Ujobai,
Doughten,	Jenkins,	Musto,	Varner,
Down,	Jim,	Needham,	Verona,
Edwards,	Johnson, A. W.,	O'Dell,	Wall,
Eilberg,	Johnson, R. P.,	O'Donnell, J. A.,	Walsh,
Elvey,	Jones,	O'Donnell, J. P.,	Wargo,
Eshback,	Kamyk,	Ogilvie,	Welsh,
Eshleman,	Keiser,	Parlante,	Wescott,
Ewing,	Kelly,	Pashley,	Whittaker,
Farabaugh,	Kernaghan,	Perry,	Willard,
Fetterolf,	Kessler,	Petrosky,	Williams, E. S.,
Filo,	King,	Piper,	Wilt,
Fineman,	Kistler,	Polaski,	Wood,
Flynn,	Klein,	Polen,	Worley,
Foerster,	Kooker,	Prendergast,	Zember,
Foor,	Kornick,	Price,	Zimmerman,
Frascella,	Korns,	Pursley,	Wynd,
Fry,	Lamb,	Reibman,	Yetter,
Fulmer,	Lawson,	Reidenbach,	Andrews, Speaker

NAYS—3

Lippincott,	Strausser,	Willaredt,

NOT VOTING—15

Ashton,	Fox,	Lee, A. M.,	Sakulsky,
Cauley,	Gelfand,	McInroy,	Weidner,
Comer,	Knecht,	Mihm,	Williams, A. D.,
Esler,	Kramer,	Odorisio,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 255

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House bill No. 255.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House bill No. 255, entitled: "An act amending the act of June 21, 1939 (P. L. 566), entitled 'An act defining the liability of an employer to pay damages for occupational disease contracted by an em-

ployе arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Reference and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation and prescribing penalties,' requiring employers to furnish employes with instructions on their rights in the event of disability or death caused by occupational disease and requiring the Secretary of Labor and industry to supply such instructions to employers."

Respectively submit the following bill as our report:

PAUL W. MAHADY,
MARTIN L. MURRAY,
D. ELMER HAWBAKER,
(Committee on the part of the Senate.)
BARNET SAKULSKY,
A. V. CAPANO,
JAMES S. BOWMAN,

(Committee on the part of the House of Representatives.)

An Act Amending the act of June 21, 1939 (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" requiring employers to furnish employes with instructions on their rights in the event of disability or death caused by occupational disease and requiring the Secretary of Labor and Industry to prepare such instructions to be printed by insurers and supplied to employers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of June 21, 1939 (P. L. 566), known as "The Pennsylvania Occupational Disease Act" is amended by adding after section 304 a new section to read.

Section 304.1. The Secretary of Labor and Industry shall within ninety (90) days after the effective date of this amendatory act prepare a brochure of instructions setting forth the rights of an employe in the event of disability or death caused by occupational disease and informing him of the time and manner in which claims should be filed. A copy of such brochure shall be provided each insurance company authorized to write insurance policies covering occupational diseases under this act. Such insurance companies shall prepare at their own expense copies of said brochure for distribution to such insured employers. Each insurance company shall prepare the brochures immediately upon receipt of the sample brochure from the Secretary of Labor and Industry in such quantity as required by employers for distribution to each employe. The employer shall distribute such brochures to each employe at the time of hiring and to each existing employe within thirty (30) days after the receipt of the brochure.

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—194

Adams,	Fulmer,	Leonard,	Riley,
Anderson, J. H.,	Gailey,	Limper,	Rovansek,
Anderson, S. A.,	Gallagher,	Long, Wm. Jas.,	Royer,
Arlene,	George,	Long, Wm. Jos.,	Rubin,
Auker,	Gibb,	Lutty,	Rudisill,
Bachman,	Gibbons,	Magee,	Rutherford,
Backenstoe,	Goldstein, J. H.,	Manbeck,	Scarcelli,
Blair,	Goldstein, M. H.,	Markley,	Schaaf,
Boles,	Goodrich,	Marsh,	Schuster,
Bonner,	Gramlich,	Maxwell,	Seltzer,
Bossert,	Gray,	May,	Shelton,
Bower,	Greenlee,	McCandless,	Sherman,
Bowman,	Gremminger,	McCann,	Shupnik,
Branca,	Gross,	McCormack,	Simmons,
Breth,	Guesman,	McDevitt,	Slack,
Buchanan,	Guthrie,	McDonald,	Snare,
Bush,	Hamilton,	McKeever,	Stank,
Capano,	Hankins,	McLaughlin,	Steckel,
Capitolo,	Hartley,	McNally,	Stimmel,
Cianfrani,	Haudenshield,	Meholchick,	Stitеler,
Cioffi,	Heavey,	Merry,	Stone,
Clarke,	Heffner,	Miller,	Sullivan, J. A.,
Comer,	Helm,	Mills,	Sullivan, T. F.,
Cooley,	Henzel,	Monroe,	Taylor,
Crossin,	Hocker,	Morley,	Thompson,
Curwood,	Holl,	Mullen,	Tomascik,
Davis,	Holliday,	Munley,	Tompkins,
Dengler,	Holman,	Murphy,	Truslo,
Dennison,	Horst,	Murray,	Ujobai,
Donaldson,	Irvis,	Musto,	Varner,
Dougherty,	Isaacs,	Needham,	Verona,
Doughten,	Jenkins,	O'Dell,	Wall,
Down,	Jim,	O'Donnell, J. A.,	Walsh,
Edwards,	Johnson, A. W.,	O'Donnell, J. P.,	Wargo,
Eilberg,	Johnson, R. P.,	Ogilvie,	Welsh,
Elvey,	Jones,	Parlante,	Wescott,
Eshback,	Kamyk,	Pashley,	Whittaker,
Eshleman,	Keiser,	Perry,	Willard,
Ewing,	Kelly,	Petrosky,	Williams, A. D.,
Farabaugh,	Kernaghan,	Piper,	Williams, E. S.,
Fetterolf,	Kessler,	Polaski,	Wilt,
Filo,	King,	Polen,	Wood,
Fineman,	Kistler,	Prendergast,	Worley,
Flynn,	Klein,	Price,	Wynd,
Forester,	Kooker,	Pursley,	Yetter,
Foor,	Kornick,	Reibman,	Zember,
Fox,	Korns,	Reidenbach,	Zimmerman,
Frascella,	Lawson,	Renwick,	Andrews,
Fry,	Lee, K. B.,		Speaker

NAYS—3

Lippincott,	Strausser,	Willaredt,

NOT VOTING—13

Ashton,	Knecht,	Lee, A. M.,	Odorisio,
Cauley,	Kramer,	McInroy,	Sakulsky,
Esler,	Lamb,	Mihm,	Weidner,
Gelfand,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 853

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House Bill No. 853.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House bill No. 853, entitled: "An Act amending the act of June 24, 1931 (P. L. 1206), entitled 'An act concerning townships of the first class; amending, revising, consolidating and changing the law

relating thereto,' authorizing a change in the compensation of certain township commissioners."

Respectfully submit the following bill as our report:
WILLIAM J. LANE,
JOHN H. DEVLIN,
GEORGE B. STEVENSON,
(Committee on the part of the Senate.)
JOHN J. MURRAY,
ARTHUR O. GUESMAN,
RONALD L. THOMPSON,

(Committee on the part of the House of Representatives.)

An Act amending the act of June 24, 1931 (P. L. 1206), entitled "An Act concerning townships of the first class amending revising consolidating and changing the law relating thereto" authorizing a change in the compensation of certain township commissioners.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows.

Section 1 Section 703 act of June 24 1931 (P L 1206) known as "The First Class Township Code" reenacted and amended May 27 1949 (P L 1955) amended September 29 1951 (P L 1621) is amended to read

Section 703 Compensation Each township commissioner shall receive a salary of not more than four hundred dollars per year in townships having a population of less than four thousand not more than six hundred dollars per year in townships having a population of four thousand and more but less than ten thousand not more than eight hundred dollars per year in townships having a population of ten thousand and more but less than fifteen thousand not more than one thousand five hundred dollars in townships having a population of not less than fifteen thousand [or more but less than twenty thousand and] and not more than thirty thousand and not more than [twelve] eighteen hundred dollars in townships having a population [of twenty thousand or more] in excess of thirty thousand Such salaries shall be payable quarterly as full compensation for the duties imposed by the provisions of this act.

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—192

Adams,	Fulmer,	Leonard,	Rovansek,
Anderson, J. H.,	Galley,	Limper,	Royer,
Anderson, S. A.,	Gallagher,	Lippincott,	Rubin,
Arlene,	Gibb,	Long, Wm. Jas.,	Rudisill,
Bachman,	Gibbons,	Long, Wm. Jos.,	Rutherford,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Magee,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Maxwell,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McKeever,	Steckel,
Capitolo,	Hartley,	McLaughlin,	Stimmel,
Cianfrani,	Haudenshield,	McNally,	Stiteler,
Cioffi,	Heffner,	Meholchick,	Stone,
Clarke,	Helm,	Merry,	Strausser,
Comer,	Heavey,	Miller,	Sullivan, J. A.,
Cooley,	Henzel,	Mills,	Sullivan, T. F.,
Crossin,	Hocker,	Monroe,	Taylor,
Curwood,	Holl,	Morley,	Thompson,
Davis,	Holliday,	Mullen,	Tomascik,
Dengler,	Holman,	Munley,	Tompkins,
Dennison,	Horst,	Murphy,	Trusio,
Donaldson,	Irvis,	Murray,	Ujobai,
Dougherty,	Isaacs,	Musto,	Varner,
Doughten,	Jenkins,	Needham,	Verona,
Down,	Jim,	O'Dell,	Wall,
Edwards,	Johnson, A. W.,	O'Donnell, J. A.,	Walsh,
Eilberg,	Johnson, R. P.,	O'Donnell, J. P.,	Wargo,
Elvey,	Jones,	Ogilvie,	Welsh,
Eshback,	Kamyk,	Parlante,	Wescott,
Eshleman,	Keiser,	Pashley,	Whittaker,
Ewing,	Kelly,	Petrosky,	Willard,
Farabaugh,	Kernaghan,	Piper,	Willaredt,
Fetterolf,	Kessler,	Polaski,	Williams, A. D.,
Filo,	King,	Polen,	Williams, E. S.,
Fineman,	Klein,	Prendergast,	Wood,
Flynn,	Kooker,	Price,	Worley,
Forester,	Kornick,	Pursley,	Wynd,
Foor,	Korns,	Reibman,	Yetter,
Fox,	Lamb,	Reidenbach,	Zember,
Frascella,	Lawson,	Renwick,	Zimmerman,
Fry,	Lee, K. B.,	Riley,	Andrews, Speaker

NAYS—2

Auker,	Wilt,

NOT VOTING—16

Ashton,	George,	Lee, A. M.,	Odorisio,
Cauley,	Kistler,	Marsh,	Perry,
Esler,	Knecht,	McInroy,	Sakulsky,
Gelfand,	Kramer,	Mihm,	Weidner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1407

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House bill No. 1407.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House bill No. 1407, entitled: "An act amending the act of June 3, 1937 (P. L. 1333), entitled 'An act concerning elections including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections' further regulating the affidavit of the circulator of a nomination petition."

Respectfully submit the following bill as our report:
PAUL W. MAHADY,
WILLIAM VINCENT MULLIN,
WILLIAM Z. SCOTT,
(Committee on the part of the Senate.)
ANTHONY J. PETROSKY,
JAMES J. A. GALLAGHER,
ALAN D. WILLIAMS, JR.

(Committee on the part of the House of Representatives.)

An Act amending the act of June 3, 1937 (P. L. 1333), entitled, "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" further regulating the affidavit of the circulator of a nomination petition.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows.

Section 1 Section 909 act of June 3 1937 (P L 1333) known as the "Pennsylvania Election Code" is amended to read.

Section 909 Petition May Consist of Several Sheets Affidavit of Circulator Said nomination petition may be on one or more sheets and different sheets must be used for signers resident in different counties If more than one sheet is used they shall be bound together when offered for filing if they are intended to constitute one petition and each sheet shall be numbered consecutively beginning with number one at the foot of each page Each sheet shall have appended thereto the affidavit of [some person not necessarily a signer and not necessarily the same person on] the circulator of each sheet setting forth (a) that [the affiant] he or she is a qualified elector duly registered and enrolled as a member of the designated party of the State or of the political district as the case may be referred to in said petition unless said petition relates to the nomination of a judicial candidate in which event the circulator need not be a duly registered and enrolled member of the designated party (b) his residence giving city borough or township with street and number if any (c) that the signers thereto signed with full knowledge of the contents of the petition (d) that their respective residences are correctly stated therein (e) that they all reside in the county named in the affidavit (f) that each signed on the date set opposite his name and (g) that to the best of affiant's knowledge and belief the signers are qualified electors and duly registered and enrolled members of the designated party of the State or of the political district as the case may be

Section 2 This act shall take effect August 1 1961.

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—106

Anderson, S. A.,	Gallagher,	McCormack,	Renwick,
Arlene,	Gray,	McDevitt,	Riley,
Bachman,	Greenlee,	McDonald,	Rovansek,
Boles,	Gremminger,	McKeever,	Rubin,
Bonner,	Guesman,	McLaughlin,	Rudisill,
Branca,	Hamilton,	McNally,	Scarcelli,
Breth,	Hankins,	Meholchick,	Schaaf,
Capano,	Hartley,	Mills,	Schuster,
Capitolo,	Heavey,	Monroe,	Shelton,
Cianfrani,	Irvis,	Morley,	Sherman,
Cioffi,	Jenkins,	Mullen,	Shupnik,
Clarke,	Jim,	Munley,	Stank,
Comer,	Jones,	Murphy,	Stiteler,
Cooley,	Kamyk,	Murray,	Stone,
Crossin,	Kelly,	Needham,	Sullivan, J. A.,
Curwood,	Klein,	O'Donnell, J. A.,	Sullivan, T. F.,
Dougherty,	Kooker,	O'Donnell, J. P.,	Taylor,
Doughten,	Kornick,	Parlante,	Tomascik,
Eilberg,	Lamb,	Pashley,	Trusio,
Farabaugh,	Lawson,	Perry,	Verona,
Filo,	Leonard,	Petrosky,	Walsh,
Fineman,	Limper,	Polaski,	Wargo,
Flynn,	Long, Wm. Jas.,	Polen,	Welsh,
Forester,	Long, Wm. Jos.,	Prendergast,	Williams, A. D.,
Frascella,	Lutty,	Reibman,	Yetter,
Fry,	Maxwell,	Reidenbach,	Andrews,
Gailey,	McCann.		Speaker

NAYS—90

Adams,	Fulmer,	Kernaghan,	Seltzer,
Anderson, J. H.,	George,	Kessler,	Simmons,
Auker,	Gibb,	King,	Slack,
Backenstoe,	Gibbons,	Kistler,	Snare,
Blair,	Goldstein, J. H.,	Korns,	Steckel,
Bossert,	Goldstein, M. H.,	Lee, K. B.,	Stimmel,
Bower,	Goodrich,	Lippincott,	Strausser,
Bowman,	Gramlich,	Magee,	Thompson,
Buchanan,	Gross,	Manbeck,	Tompkins,
Bush,	Guthrie,	Markley,	Ujobai,
Davis,	Haudenshield,	Marsh,	Varner,
Dengler,	Heffner,	May,	Wall,
Dennison,	Helm,	McCandless,	Wescott,
Donaldson,	Henzel,	Merry,	Whittaker,
Down,	Hocker,	Miller,	Willaredt,
Edwards,	Holl,	O'Dell,	Williams, E. S.,
Elvey,	Holliday,	Ogilvie,	Wilt,
Eshback,	Holman,	Piper,	Wood,
Eshleman,	Horst,	Price,	Worley,
Ewing,	Isaacs,	Pursley,	Wynd,
Fetterolf,	Johnson, A. W.,	Royer,	Zember,
Foor,	Johnson, R. P.,	Rutherford,	Zimmerman,
Fox,	Keiser,		

NOT VOTING—14

Ashton,	Knecht,	Mihm,	Sakulsky,
Cauley,	Kramer,	Musto,	Weidner,
Esler,	Lee, A. M.,	Odorisio,	Willard,
Gelfand,	McInroy,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 111

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on Senate bill numbered and entitled as follows:

SENATE BILL No. 111.

An Act revising the procedure to be followed concerning arrest detention and bail substituting criminal summons for warrant of arrest in certain criminal cases and fixing penalties.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 111

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on Senate bill No. 111.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate bill No. 111, entitled: "An act revising the procedure to be followed concerning arrest, detention and bail, substituting criminal summons for warrant of arrest in certain criminal cases and fixing penalties."

Respectfully submit the following bill as our report:

MARTIN SILVERT,
BENJAMIN R. DONOLOW,
WILLIAM Z. SCOTT

(Committee on the part of the Senate.)

JOHN R. GAILEY, JR.,
K. LEROY IRVIS,
JOSEPH H. GOLDSTEIN,

(Committee on the part of the House Representatives.)

An Act Revising the procedures to be followed in cities of the first class concerning arrest detention and bail substituting criminal summons for warrant of arrest in certain criminal cases and fixing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all criminal cases punishable by fine or

fine and imprisonment not exceeding two years or in case of larceny or fraudulent conversion where the amount in question is two hundred dollars ($200) or less where the defendant is a resident of a city of the first class and the offense is alleged to have occurred therein prosecution shall henceforth be begun by information as heretofore and a criminal summons which shall be issued by any judge or magistrate and in no such case shall any warrant of arrest be initially issued nor shall any such alleged offender be required to give bail for his appearance at the preliminary hearing or for his appearance at the trial of the case in the court of quarter sessions except upon affidavit presented to the judge or magistrate showing reasonable cause to believe that the defendant will probably flee the jurisdiction Such affidavit shall set forth the facts constituting such reasonable cause.

Section 2 (a) The criminal summons herein prescribed shall be in the following form

..... Court County .....
(Name of defendant)
To .....
(Name of complainant)

Complaint having been made this day by..... that you (here briefly state the nature of the offense regarding which the complaint is made). You are hereby summoned to appear before me (here insert the title of the official issuing the summons) at (location of the Court) on the ..... day of ..... 19..... at ..... o'clock .....M to the end that an investigation may be made of the said complaint and upon your failure to appear at the time and place herein mentioned you are liable to a fine not exceeding one hundred dollars ($100)

Date at ..... this ..... day of..... 19 .....

Signed .....

(b) Whoever shall without cause wilfully refuse or fail to appear at the time and place fixed by the criminal summons issued in the form prescribed by this section shall upon conviction thereof before the judge or magistrate issuing such summons be sentenced to pay a fine not exceeding one hundred dollars ($100)

Section 3 A record to be known as the Criminal Summons Docket shall be kept in the office of the issuing judge or magistrate of the issuance and disposition of all criminal summonses.

Section 4 The criminal summons and a copy of the complaint shall be served by the peace officer or other person designated designated by the issuing official in the same manner as original process in civil actions at law

Section 5 On defendants failure to appear in response to the criminal summons herein provided the official who issued such criminal summons shall forthwith issue a warrant for his arrest

Section 6 In any event in which the defendant fails to appear in court when required to do so as a result of proceedings pursuant to this act the court in which the defendant was required to appear shall issue a warrant for his arrest

Section 7 Nothing in this act shall be deemed to affect the right of a peace officer to arrest on sight for breach of the peace or for any other offense as heretofore

Section 8 All acts and parts of acts are hereby repealed in so far as they are inconsistent herewith

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—173

Adams,	Gailey,	Leonard,	Royer,
Anderson, J. H.,	Gallagher,	Limper,	Rubin,
Anderson, S. A.,	Gibb,	Lippincott,	Rudisill,
Arlene,	Gibbons,	Long, Wm. Jas.,	Rutherford,
Auker,	Goldstein, J. H.,	Long, Wm. Jos.,	Scarcelli,
Bachman,	Goldstein, M. H.,	Lutty,	Schaaf,
Backenstoe,	Goodrich,	Markley,	Schuster,
Blair,	Gray,	Marsh,	Shelton,
Bonner,	Greenlee,	May,	Sherman,
Bossert,	Gremminger,	McCann,	Shupnik,
Bower,	Gross,	McCormack,	Simmons,
Branca,	Guesman,	McDevitt,	Snare,
Breth,	Guthrie,	McDonald,	Stank,
Buchanan,	Hamilton,	McKeever,	Steckel,
Bush,	Hankins,	McLaughlin,	Stimmel,
Capano,	Hartley,	McNally,	Stiteler,
Capitolo,	Haudenshield,	Meholchick,	Stone,
Cianfrani,	Heavey,	Merry,	Sullivan, J. A.,
Cioffi,	Heffner,	Miller,	Sullivan, T. F.,
Clarke,	Helm,	Mills,	Taylor,
Comer,	Henzel,	Monroe,	Thompson,
Cooley,	Holl,	Morley,	Tomascik,
Crossin,	Holliday,	Mullen,	Tompkins,
Curwood,	Holman,	Munley,	Trusio,
Dengler,	Horst,	Murphy,	Varner,
Dennison,	Irvis,	Murray,	Verona,
Donaldson,	Jenkins,	Needham,	Wall,
Dougherty,	Jim,	O'Donnell, J. A.,	Walsh,
Doughten,	Johnson, A. W.,	O'Donnell, J. P.,	Wargo,
Down,	Johnson, R. P.,	Parlante,	Welsh,
Edwards,	Jones,	Perry,	Wescott,
Elberg,	Kamyk,	Petrosky,	Whittaker,
Elvey,	Kelly,	Piper,	Willaredt,
Eshleman,	Kessler,	Polaski,	Williams, A. D.,
Ewing,	King,	Polen,	Williams, E. S.,
Farabaugh,	Kistler,	Prendergast,	Wilt,
Filo,	Klein,	Price,	Wood,
Fineman,	Kornick,	Pursley,	Worley,
Flynn,	Kooker,	Reibman,	Wynd,
Foerster,	Korns,	Reidenbach,	Yetter,
Fox,	Lamb,	Renwick,	Zember,
Frascella,	Lawson,	Riley,	Zimmerman,
Fry,	Lee, K. B.,	Rovansek,	Andrews,
Fulmer,			Speaker

NAYS—21

Bowman,	Gramlich,	Magee,	Pashley,
Davis,	Hocker,	Manbeck,	Seltzer,
Eshback,	Isaacs,	McCandless,	Slack,
Fetterolf,	Keiser,	O'Dell,	Strausser,
Foor,	Kernaghan,	Ogilvie,	Ujobai,
George,			

NOT VOTING—16

Ashton,	Gelfand,	Maxwell,	Odorisio,
Boles,	Knecht,	McInroy,	Sakulsky,
Cauley,	Kramer,	Mihm,	Weidner,
Esler,	Lee, A. M.,	Musto,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 486

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on Senate bill numbered and entitled as follows:

SENATE BILL No. 486

An Act amending the act of June 25 1947 (P L 1145) entitled as amended "Local Tax Enabling Act" prescribing the effective date of taxes levied for the first time by any political subdivision limiting appeals by taxpayers to such first tax levies.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 486

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on Senate bill No. 486.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate bill No. 486, entitled "An act amending the act of June 25, 1947 (P. L. 1145), entitled, as amended, "An act empowering cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class and school districts of the fourth class to levy, assess and collect, or to provide for the levying, assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes; * * * placing a limitation on the flat rate occupation privilege taxes levied by any political subdivision and prescribing the effective date of taxes levied for the first time by any political subdivision limiting appeals by taxpayers to such first tax levies."

Respectfully submit the following bill as our report:

WILLIAM J. LANE,
JOHN H. DEVLIN,
GEORGE B. STEVENSON

(Committee on the part of the Senate.)

RICHARD L. ADAMS,
JULIAN POLASKI,
DANIEL F. McDEVITT,

(Committee on the part of the House of Representatives.)

An Act Amending the act of June 25 1947 (P L 1145) entitled as emended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs town townships of the first class townships of the second class districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" placing a limitation on flat rate occupational privilege taxes levied by any political subdivision and prescribing the effective date of taxes levied for the first time by any political subdivision limiting appeals by taxpayers to such first tax levies.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection e of section 1 act of June 25 1947 (P L 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" is amended by adding after clause (g) a new clause to read

Section 1 * * *

e Limitations on Rates of Specific Taxes No taxes levied under the provisions of this act shall be levied by any political subdivision on the following subjects exceeding the rates specified in this subsection

(h) Flat rate occupation and occupational privilege taxes not using a millage or percentage as a basis $10

* * *

Section 2 Section 3 of the act amended May 9 1949 (P L 898) is amended to read

Section 3 Appeals by Taxpayers No tax levied for the first time by any political subdivision to which this act applies shall [in any event] go into effect until thirty days from the time of the adoption of the ordinance or resolution levying the tax Within said thirty days taxpayers representing 25% or more of the total valuation of real estate in the political subdivision as assessed for taxation purposes or taxpayers of the political subdivision not less than 25 in number aggrieved by the ordinance or resolution shall have the right to appeal therefrom to the court of quarter sessions of the county upon giving bond with sufficient security in the amount of five hundred dollars ($500) approved by the court to prosecute the appeal with effect and for the payment of costs The petition shall set for the objections to the tax and the facts in support of such objections and shall be accompanied by the affidavit of at least five of the petitioners that the averments of the petition are true and the petition is not filed for the purpose of delay

No such appeal shall act as a supersedeas unless specifically allowed by the court to which the appeal is taken or a judge thereof

Immediately upon the filing of any such petition the petitioners shall serve a copy of the petition and any rule granted by the court upon the president chairman secretary or clerk of the legislative body levying the tax

The court shall fix a day for a hearing not less than 15 days nor more than 30 days after the filing of the petition Notice of the time of such hearing shall be given to all interested parties as the court shall direct The court shall promptly hear and dispose of the appeal

It shall be the duty of the court to declare the ordinance and the tax imposed thereby to be valid unless it concludes that the ordinance is unlawful or finds that the tax imposed is excessive or unreasonable but the court shall not interfere with the reasonable discretion of the legislative body in selecting the subjects or fixing the rates of the tax The court may declare invalid all or any portion of the ordinance or of the tax imposed or may reduce the rates of tax

Any party to the proceeding shall have the right to appeal from the decision of the court of quarter sessions to the Supreme or Superior Court as in the other cases but such appeal shall be taken within 30 days from the time the decree of the court was entered and not thereafter Any two or more parties may join in such appeal

Section 3 This act shall take effect immediately but section 1 shall not apply to any political subdivision which has prior to the effective date of this act adopted an ordinance imposing a flat rate occupation or occupational privilege tax in excess of $10 until the end of the fiscal year of the political subdivision current on the effective date of this act

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—186

Adams.	Galley,	Leonard,	Riley,
Anderson, J. H.,	Gallagher,	Limper,	Rovansek,
Anderson, S. A.,	George,	Lippincott,	Royer,
Arlene,	Gibb,	Long, Wm. Jas.,	Rubin,
Auker,	Gibbons,	Long, Wm. Jos.,	Rudisill,
Bachman,	Goldstein, J. H.,	Lutty,	Rutherford,
Backenstoe,	Goldstein, M. H.,	Magee,	Scarcelli,
Blair,	Goodrich,	Manbeck,	Schaaf,
Boles,	Gramlich,	Markley,	Schuster,
Bonner,	Gray,	Marsh,	Seltzer,
Bossert,	Greenlee,	Maxwell,	Shelton,
Bower,	Gremminger,	May,	Sherman,
Bowman,	Gross,	McCandless,	Shupnik,
Branca,	Guesman,	McCann,	Simmons,
Breth,	Guthrie,	McCormack,	Slack,
Buchanan,	Hamilton,	McDevitt,	Snare,
Bush,	Hankins,	McKeever,	Stank,

Capano,	Hartley,	McLaughlin,	Steckel,
Capitolo,	Heavey,	McNally,	Stimmel,
Cianfrani,	Heffner,	Meholchick,	Stiteler,
Cioffi,	Helm,	Merry,	Stone,
Clarke,	Henzel,	Miller,	Strausser,
Comer,	Hocker,	Mills,	Sullivan, J. A.,
Cooley,	Holl,	Monroe,	Sullivan, T. F.,
Crossin,	Holliday,	Morley,	Taylor,
Curwood,	Holman,	Mullen,	Thompson,
Davis,	Horst,	Munley,	Tompkins,
Dengler,	Irvis,	Murphy,	Trusio,
Dennison,	Isaacs,	Murray,	Ujobai,
Donaldson,	Jenkins,	Musto,	Varner,
Dougherty,	Jim,	Needham,	Verona,
Doughten,	Johnson, A. W.,	O'Dell,	Walsh,
Eilberg,	Johnson, R. P.,	O'Donnell, J. A.,	Wargo,
Elvey,	Jones,	O'Donnell, J. P.,	Welsh,
Eshleman,	Kamyk,	Ogilvie,	Wescott,
Ewing,	Keiser,	Parlante,	Whittaker,
Farabaugh,	Kelly,	Pashley,	Willard,
Fetterolf,	Kernaghan,	Perry,	Willaredt,
Filo,	King,	Petrosky,	Williams, A. D.,
Fineman,	Kistler,	Piper,	Williams, E. S.,
Flynn,	Klein,	Polaski,	Wilt,
Foerster,	Kooker,	Polen,	Wood,
Foor,	Kornick,	Prendergast,	Wynd,
Fox,	Korns,	Pursley,	Yetter,
Frascella,	Lamb,	Reidenbach,	Zember,
Fry,	Lawson,	Renwick,	Zimmerman,
Fulmer,	Lee, K. B.,		

NAYS—8

Down,	Eshback,	Kessler,	Wall,
Edwards,	Haudenshield,	Price.	Worley,

NOT VOTING—16

Ashton,	Knecht,	McInroy,	Sakulsky,
Cauley,	Kramer,	Mihm,	Tomascik,
Esler,	Lee, A. M.,	Odorisio,	Weidner,
Gelfand,	McDonald,	Reibman,	Andrews,
			Speaker

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 601

SENATE BILL No. 601.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" permitting motor vehicles owned and used by certain persons engaged in collecting news to be equipped with a warning light.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 601

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on Senate bill No. 601.

The report of the Committee of Conference was read as follows:

To the members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate bill No. 601, entitled: "An act amending the act of April 29, 1959 (P. L. 58), entitled 'An act consolidating and revising the Vehicle Code, the Tractor Code the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors,' permitting motor vehicles owned and used by certain persons engaged in collecting news to be equipped with a warning light."

Respectfully submit the following bill as our report:

JOHN H. DEVLIN,
LEONARD C. STAISEY,
GEORGE H. WADE,

(Committee on the part of the Senate.)

JULES FILO,
THOMAS J. FOERSTER,
EDWIN C. EWING,

(Committee on the part of the House of Representatives).

An Act amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code the Tractor Code the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership possession and use of vehicles and tractors" permitting motor vehicles owned and used by certain persons engaged in collecting news to be equipped with a warning light

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 820 act of April 29, 1959 (P. L. 58), known as "The Vehicle Code" is amended by adding after subsection (d) a new subsection to read

Section 820 Horns and Warning Devices

* * *

(e) Any motor vehicle owned by any natural person partnership association or corporation engaged exclusively on a full-time daily basis in the business of collecting and disseminating news through any news media may be equipped with not more than one (1) flashing amber warning light to be approved by the secretary Such light shall be in use and operation only when the motor vehicle is being used by such natural person or an employe of such a partnership association or corporation in the pursuit of his regular employment in covering news emergencies No motor vehicle shall be used for this purpose unless a certificate therefor has been issued by the Secretary of Revenue

* * *

On the question,

Will the House adopt the report of the Committee of Conference?

Mr. McCORMACK. Mr. Speaker, may I interrogate one of the conferees on this bill?

The SPEAKER pro tempore. Will one of the conferees permit himself to be interrogated?

Mr. McCANN. Mr. Filo, Mr. Foerster?

The SPEAKER pro tempore. Will the gentleman from Allegheny, Mr. Filo, permit himself to be interrogated?

Mr. FILO. I shall, Mr. Speaker.

Mr. McCORMACK. What did you change in the bill in the conference committee? What changes did you make?

Mr. FILO. Mr. Speaker, I believe the change was in the original bill. The original bill was drawn vaguely, and I would assume that a student on a student newspaper could possible get a light on his car and go out to get news for the school or for the newspaper. The bill as it reads now is ". . . owned by a natural person, partnership, association, or corporation engaged exclusively on a full-time daily basis in the business of collecting and disseminating news through any news media." I think the bill the way it is written now is a pretty fair bill.

Mr. McCORMACK. I see there is language here that you can only use that amber light when you are actually in pursuit of your regular employment going to an emergency, is that correct?

Mr. FILO. That is right.

Mr. McCORMACK. Suppose one of these newsmen should decide that he would operate that amber light all

the time, not only in covering news emergencies, but going to and from work, suppose he decided to do that, what could be done about it?

Mr. FILO. Well, knowing some of these newspapermen and the men that are in this field, I would say that they would not use the light to that extent. I think they would use good judgment.

Mr. McCORMACK. What I am trying to point out, Mr. Speaker, is this, is there any provision, any penal provision, in there that, in the event there was an abuse or misuse of this amber light, you could take this newsman before the minor judiciary?

Mr. FILO. I would not say that there would be any. I will say this, if they were to abuse this law, the Secretary of Revenue could withdraw their certificate.

Mr. McCORMACK. Why? Where does he get that authority?

Mr. FILO. It says here that this is issued to them through the Secretary of Revenue.

Mr. McCORMACK. How many times? It is only issued once to an individual, is it not? Right? Once he gets it, it is his?

Mr. FILO. Yes, that is right.

Mr. McCORMICK. And he does not have to reapply, but what I am trying to find out is whether or not there is a provision in the Vehicle Code that if this section is violated the person who violates it is subject to a penalty, a fine.

Mr. FILO. I am sorry, Mr. Speaker. We have been talking back and forth here, but, Mr. Speaker, I say this, if the Secretary of Revenue has the power to give, the Secretary has the power to take away.

Mr. McCORMACK. Do you or do you not know whether there is a penal provision in the Vehicle Code that would apply in the situation where the person, the newsman, uses the amber lights at all times?

Mr. FILO. Mr. Speaker, I say that the gentleman is well-versed in the law, he is an attorney and, if he can give us the answer, we will appreciate it. It is a good bill, Mr. Speaker.

Mr. McCORMACK. Well, Mr. Speaker, I suppose there would be no objection if I ask that this went over for a week until I amend it.

Mr. FILO. Mr. Speaker, I object.

Mr. McCORMACK. I do not think, Mr. Speaker, that there is anything in the Vehicle Code that would punish a newsman who continuously used that amber flashing light to go to and from his house, just like some of these happy firemen. Mr. Speaker, I have no quarrel with the bill, although I think it is essentially a silly bill, but I think there should be a penal provision in here to provide that, in the event a newsman misuses the privileges we are now giving him, he would be subjected to a fine of at least $5.00 or $10.00. As the bill stands now, if this becomes law, even though the bill requires that he uses this amber light only in pursuit of emergency news stories, there is nothing to prevent him from using it on a full-time basis, and for that reason I think we ought to hold this bill over and put that amendment in there providing for a fine of $10.00 and costs in the event a newsman misuses the privilege.

I, therefore, ask that this be placed on the postponed calendar.

Mr. FILO. To be serious, in my opinion, this is a fairly good piece of legislation. I honestly do not believe—and I respect—the newsmen and the people who will use this legislation to do the work they do in gathering news media. As we are going year by year, times and things have been changing. Presently I would say that TV is more or less on-the-spot reporting and this will help men in getting to and from scenes of accidents so that you can have the same picture and the news brought to you by the television cameras within maybe hours, or less than hours. I know, as I say, that the legislator, Mr. McCormack, is worried about the abuse of this and, as I stated before, the power to give also has the power to take away. So I think this is good legislation and I hope everybody votes for it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, I think this bill is very unnecessary. I think that the newspapermen, the real newspapermen who know how to gather the news, who know how to go out and bring the news home to the newspapers, can do this without any frills or lights on top of their vehicles.

It seems to me, Mr. Speaker, that the newspapermen of this State have done a very fine job of reporting, without coming to this Assembly, or any place else, without blinker lights on top of their vehicles.

I can look back into my own county where I have seen some individuals try to adjust the status of their vehicles to that of the police to attain the notoriety of being in an official capacity in trying to collect news or being there in a public position. I do not think there is enough of a need for us to be concerned about giving this use to those in the newspaper profession. I have talked to many newspaper people throughout this Commonwealth and they have all said to me this one very important thing, that a good newspaperman does not need a red light or an amber light on top of his car; if he is a good newspaperman, he can get the information without it.

I would suggest very seriously to all the members of the House that they vote this measure down.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Potter, Mr. Goodrich.

Mr. GOODRICH. Mr. Speaker, I hesitate to volunteer information to the eminent attorney from Philadelphia, Mr. McCormack. However, there is clearly a penalty involved that would apply to this section for the misuse of an amber light, a fine of $10.

This section amends section 820 of the Vehicle Code. The penalty section of that section states this:

> Any person violating any of the provisions of subsection . . .

Mr. Speaker, I knew that I should not offer information to the gentleman from Philadelphia, Mr. McCormack. The gentleman from Dauphin, Mr. Bowman, has corrected me. I am wrong. I find there is no penalty to this section.

The SPEAKER pro tempore. Does the gentleman from Berks, Mr. Piper, desire recognition?

Mr. PIPER. Mr. Speaker, may I interrogate Mr. Filo, please?

The SPEAKER pro tempore. Will the gentleman from Allegheny, Mr. Filo, permit himself to be interrogated?

Mr. FILO. I shall, Mr. Speaker.

Mr. PIPER. Would the use of these amber lights absolve

the driver of a news car, a news truck, from any liability as a result of going to an emergency?

Mr. FILO. I do not think so, Mr. Speaker.

Mr. PIPER. Is there a provision in this act, or should the other part of the Motor Vehicle Code be amended to take care of this matter the same as they do for fire apparatus or ambulances?

Mr. FILO. I do not think it is necessary, Mr. Speaker. I do not think they have any problem over fire apparatus. It does not say it in the bill.

Mr. PIPER. I think it should be spelled out in the bill the same as it is for your fire apparatus, your police, and your ambulances. Thank you, Mr. Speaker.

I would just like to say on record, Mr. Speaker, that the newspapers from Berks County are against this bill for the reason that our reporters feel they do not need such a bill. There is no emergency they would have to answer that they would need an amber light or a red light to clear traffic for them. I think it is one of the most silly and asinine bills to come before this House this year, and I ask every member to vote it down.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Guesman.

Mr. GUESMAN. Mr. Speaker, I realize it is late, I realize everybody is tired of this bill, but there has been one thing said tonight that is not actually correct.

It has been said news media are for it. I know most of the gentlemen sitting over there in the press gallery and I know other men of the press in Pittsburgh, and not one of them is for it. I realize that there are many members in this House tonight who have been angered by the gentlemen of the press and feel that this is one way to get even with them.

Mr. Speaker, this bill is recommended . . .

The SPEAKER pro tempore. Will the gentleman yield? For what purpose does the gentleman from Allegheny, Mr. Filo, rise?

Mr. FILO. Mr. Speaker, I think those remarks made by the gentleman should be stricken from the record.

Mr. GUESMAN. No, sir, Mr. Speaker.

The SPEAKER pro tempore. We cannot entertain a motion to strike from the record during consideration of the bill.

Mr. FILO. Mr. Speaker . . .

The SPEAKER pro tempore. The gentleman cannot impose on the members. The gentleman will proceed.

Mr. GUESMAN. Mr. Speaker, I will close only by saying this: This bill has been proposed, has been advocated, and it has been reported accurately by two television stations from the city of Pittsburgh. I would not question their motives, but I cannot agree with their ideas.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, let us carefully see what this bill says that you are going to vote on. It says that the vehicle must be owned by a corporation and must be used exclusively for that purpose.

Let us study the situation. Similar laws exist in other States. Let us take a factual case. You have in Pittsburgh Mike Levine's KDKA radio vehicle owned by the KDKA Broadcasting Corporation. It is used extensively daily, and you people from Pittsburgh and western Pennsylvania have many times heard the Mike Levine flashes as they come from the scene.

Now, the last section of the bill says that only on the approval of the Secretary of Revenue can this be used. There is not a vehicle owned by any individual newspaper person working for a newspaper, including any sitting in this House or the Senate, that is their own vehicle that falls in that category.

This bill is not a bill that causes an argument, as has been presented here in the debate, as to what it would do and who would have it. Read the bill and the conference report carefully, if you will, please, each of you, and tell me if the facts as stated here are not correct.

The conference committee has given you that report. To say that this bill is asinine is just like saying some other bills are asinine, depending upon your point of view. But perhaps it is not asinine to the KDKA Broadcasting Corporation, to WPAE, Channel 4, in Pittsburgh. Perhaps it is not asinine to the corporation that owns a news media which is also in those fields. News media is not exclusively a news media only in one field. That field is also in the field that I speak of. I mention it particularly since I am from the west, and I give it to you as an example, and those in the west know this. This bill and conference committee report is drawn in such a manner that it does fit that case. Whether the conference committee report passes or fails, it certainly should be voted on the merits and not on the personal feelings of a situation that it is being done for this reason or that. Consider the facts accurately and vote as you see fit.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Lippincott.

Mr. LIPPINCOTT. Mr. Speaker, I would like to interrogate the majority leader.

The SPEAKER pro tempore. Will the majority leader permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. LIPPINCOTT. Mr. Speaker, did I understand the gentleman to say he read the bill carefully and it only applied to motor vehicles owned by corporations?

Mr. McCANN. Corporations, a partnership or association or person engaged exclusively full time in that business, approved by the Secretary of Revenue.

Mr. LIPPINCOTT. Well, the bill says that any motor vehicle owned by any natural person engaged exclusively on a full-time basis. In other words, the reporter's own private automobile could have one of these lights if he worked full time for a newspaper, is that not true?

Mr. McCANN. Mr. Speaker, it is not my understanding that a vehicle owned by Mr. X, who is employed by a newspaper, used in that category, would fall in that particular section.

Mr. LIPPINCOTT. I thank the gentleman.

Mr. Speaker, I say that the bill originally did provide as the majority leader stated. However, this conference committee report clearly says that any motor vehicle owned by any natural person, partnership, association or corporation engaged exclusively on a full-time daily basis, and so on, in the business of collecting news. That would clearly and plainly mean, at least in my opinion, that a private car of a newspaper reporter who works full time for a newspaper could be equipped with this light.

I agree that it is an asinine bill, and I think we should defeat it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Farabaugh.

Mr. FARABAUGH. Mr. Speaker, this piece of legislation is certainly contrary to the wishes of many people throughout this State. We have so many flashing lights already on various types of vehicles that people are forgetting what those flashing lights are for. Now you want to add one more to it for the benefit of one corporation. The volunteer firemen of this State are seriously opposed to this type of legislation as many of you know. This does say, "The secretary shall determine who shall have a permit from the Secretary." Some years ago we passed a similar bill and gave the secretary the privilege of stating that, and the result is that you have hundreds of trucks throughout the State with flashing lights so you do not know whether it is a fire truck or what it is. I do not think you should pass any more such legislation as this.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Adams.

Mr. ADAMS. Mr. Speaker, I think a lot of people are thoroughly confused by this time on the bill.

When this bill was up before, I voted for it, and I thought I was being of service to the reporters who could put this light on their car, and for the use of trucks carrying newspapers and delivering them, but the first thing that happened to me when I met up with the two newspaper reporters from the Reading Eagle and the Reading Times, was that they jumped me and wanted to know why I voted for the "beanie" bill. I said, "I thought I was doing a service to the newspapers." They ridiculed this bill and I am trying to figure out who wants this bill at all. Apparently the newspapers in Berks County do not want to have it, or the fellows who gather the news. I am not going to make the mistake of voting for it again; I am going to vote against it this time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. McCormack.

Mr. McCORMACK. Mr. Speaker, originally I did not think this bill was too important, but since this has gone through the mill in the House and Senate and the conference committee, apparently it is very important to someone. Therefore, I think we should debate this bill. Otherwise, I would just let it come to a vote.

I would like to interrogate the majority leader.

The SPEAKER pro tempore. Will the majority leader permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. McCORMACK. Mr. Speaker, under the vehicle code at the present time, can you tell me what persons or what municipalities or political subdivisions have the right or privilege to use flashing lights on their vehicles?

Mr. McCANN. I believe the gentleman knows quite well, Mr. Speaker, that under the vehicle code the police department does, the volunteer firemen, the fire trucks of the fire companies, the firemen themselves have the blue light, the ambulance of an organization or an individual or a company has that right, and no others.

Mr. McCORMACK. Right, Now what is the reason they have that right?

Mr. McCANN. To go to the scene of an emergency or to actually assist in getting to a destination as quickly and as easily as possible, and to warn the other traffic to give them the necessary right-of-way.

Mr. McCORMACK. Is it fair to say the reason that we have given them that privilege or that right is because they are trying to protect lives and property?

Mr. McCANN. There would be no question, that would be correct.

Mr. McCORMACK. If we pass this bill, would the gentleman not say that is a departure from the present law that we are going into fields where there is no question about any lives or property being in danger?

Mr. McCANN. I would honestly say that no lives or property would either be saved or endangered in this situation by granting this. They certainly are not a part of the same category.

Mr. McCORMACK. And they would not in any way help to protect lives and property, would they, if they were given this privilege or right?

Mr. McCANN. I would again answer the same; they certainly would not.

Mr. McCORMACK. Right. Now how many people would you conclude to be affected, possibly be affected, if this right or privilege were granted? Do you have any idea of the number of newsmen?

Mr. McCANN. I do not, Mr. Speaker. Had I known, I certainly would have tried to get an estimate.

Mr. McCORMACK. Well, if I say there might possibly be a couple thousand, would that be a fair assumption, or do you not—

Mr. McCANN. I would not make any assumption that would be fair and accurate or inaccurate, or any kind of an assumption.

Mr. McCORMACK. Well now, a news emergency, as I understand it, would be a situation where there is a holocaust or a havoc such as a jet flying into the supermarket, something like that. Would you say that is a news emergency?

Mr. McCANN. I am not an authority on a news emergency, not being in that field, but I assume that getting to the scene or the source of the story as it is occurring, or as quickly as possible, dealing with all types of catastrophes in the city, would perhaps be in that category.

Mr. McCORMACK. And usually where you have catastrophes or news emergencies like that you have terrible traffic jams, do you not?

Mr. McCANN. Mr. Speaker, I am sure the gentleman is quite accurate in his statement. As a general rule, you have a far greater traffic jam than you should and it always occurs that way.

Mr. McCORMACK. Would the gentleman say that if this bill passed it would alleviate the traffic jams?

Mr. McCANN. Mr. Speaker, it certainly would not alleviate the traffic jam in any way because the gentlemen of the news media would be attempting to get there whether they had a red light or no lights, or even if they did not have a vehicle they would be trying to get there. That is their job.

Mr. McCORMACK. All right. I thank the gentleman, Mr. Speaker.

I think that as the result of the interrogation—

The SPEAKER pro tempore. For what purpose does the gentleman from Allegheny rise?

Mr. FILO. I move the previous question.

The SPEAKER pro tempore. The Chair would like to ask the indulgence of the House. We have one other person who desires recognition and would like the gentleman not to move the previous question. We have spent a long time

on this bill and I think we only have one other speaker who has asked for recognition. I do not know whether there are others.

Mr. McCORMACK. Mr. Speaker, if that question is going to be moved, I will sit down, but if it is not, I want to continue and conclude my remarks.

Mr. Speaker, may I conclude my remarks?

The SPEAKER pro tempore. The gentleman has the floor.

Mr. McCORMACK. Let us get down to the facts. I am going to conclude in just one minute.

The SPEAKER pro tempore. For what purpose does the gentleman from Blair, Mr. Auker, rise?

Mr. AUKER. Point of order, Mr. Speaker. Has not the previous question been moved and seconded?

The SPEAKER pro tempore. It is required that it be seconded by 20 members.

The Chair would like to request that this method not be used at this particular time. We have not used it this session nor for many sessions. During the tenure of the present Speaker and the present occupant of the Chair, I have never seen it used and would like to request that we not use it unless it is absolutely necessary.

Mr. FILO. Mr. Speaker, then I request that a limited debate be made on this bill.

The SPEAKER pro tempore. The Chair will try to limit the debate insofar as we possibly can. We have been trying to get to the question.

Mr. McCORMACK. Mr. Speaker, we are having a night session tonight to consider important legislation like this, and I think it is so important we ought to debate it fully. It is only 12 o'clock.

The SPEAKER pro tempore. The House is getting rather impatient, I am sure, and if the gentleman persists upon prolonging the debate I feel quite sure that someone will insist upon the previous question and the Chair will have to entertain the motion, so the Chair would like to caution the gentleman.

The Chair recognizse the gentleman from Bucks. Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, I would like to conclude this debate by offering a few remarks to the membership here to make them understand what is before us now. Each of these members of the press, radio, television, or newspapermen have special cards, special badges, special recognition to permit them easy access to the scene of any emergency. All they have to do is to identify themselves to any police official and show them that they are a bona fide member of the press. This gets them into any emergency situation very quickly. A flashing light on the top of the car is not necessarily the end to the means they are after. Maybe some people in this profession feel that it is, but it is not necessarily the end to the means of what they are trying to do. I have to reiterate again that I will finish my remarks and ask that we vote on this report with this statement, that a good newspaperman does not need and has never had a flashing light on the top of his automobile.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—131

Anderson, J. H.,	Flynn,	Lawson,	Reidenbach,
Anderson, S. A.,	Foerster,	Leonard,	Renwick,
Arlene,	Frascella,	Limper,	Riley,
Auker,	Fulmer,	Long, Wm. Jos.,	Rubin,
Bachman,	Gibb,	Lutty,	Rudisill,
Boles,	Goldstein, J. H.,	Manbeck,	Scarcelli,
Bonner,	Goodrich,	Markley,	Schaaf,
Bossert,	Gramlich,	Maxwell,	Schuster,
Branca,	Gray,	May,	Seltzer,
Breth,	Greenlee,	McCann,	Shelton,
Buchanan,	Gremminger,	McCormack,	Sherman,
Capano,	Guthrie,	McDonald,	Shupnik,
Capitolo,	Hamilton,	McKeever,	Simmons,
Cianfrani,	Hankins,	McLaughlin,	Stank,
Cioffi,	Hartley,	McNally,	Steckel,
Clarke,	Haudenshield,	Meholchick,	Stimmel,
Comer,	Heavey,	Merry,	Stone,
Cooley,	Holl,	Miller,	Sullivan, J. A.,
Crossin,	Holliday,	Mills,	Taylor,
Davis,	Horst,	Monroe,	Thompson,
Dengler,	Irvis,	Morley,	Tomascik,
Dennison,	Isaacs,	Mullen,	Trusio,
Donaldson,	Jim,	Murphy,	Varner,
Dougherty,	Jones,	Murray,	Wall,
Doughten,	Kamyk,	Needham,	Welsh,
Down,	Keiser,	O'Donnell, J. A.,	Wescott,
Edwards,	Kelly,	O'Donnell, J. P.,	Willaredt,
Eilberg,	Kernaghan,	Parlante,	Williams, A. D.,
Elvey,	Kessler,	Pashley,	Williams, E. S.,
Eshback,	Kistler,	Perry,	Wilt,
Ewing,	Klein,	Petrosky,	Yetter,
Filo,	Kornick,	Polaski,	Zimmerman,
Fineman,	Lamb,	Polen,	

NAYS—63

Adams,	Gibbons,	Long, Wm. Jas.,	Slack,
Backenstoe,	Goldstein, M. H.,	Magee,	Snare,
Blair,	Gross,	Marsh,	Stiteler,
Bower,	Guesman,	McCandless,	Strausser,
Bowman,	Helm,	McDevitt,	Sullivan, T. F.,
Bush,	Henzel,	Munley,	Tompkins,
Curwood,	Hocker,	O'Dell,	Ujobai,
Eshleman,	Holman,	Ogilvie,	Verona,
Farabaugh,	Jenkins,	Piper,	Wargo,
Fetterolf,	Johnson, A. W.,	Prendergast,	Whittaker,
Foor,	Johnson, R. P.,	Price,	Wood,
Fox,	King,	Pursley,	Worley,
Fry,	Kooker,	Reibman,	Wynd,
Gailey,	Korns,	Rovansek,	Zember,
Gallagher,	Lee, K. B.,	Royer,	Andrews,
George,	Lippincott,	Rutherford,	Speaker

NOT VOTING—16

Ashton,	Heffner,	McInroy,	Sakulsky,
Cauley,	Knecht,	Mihm,	Walsh,
Esler,	Kramer,	Musto,	Weidner,
Gelfand,	Lee, A. M.,	Odorisio,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

POINT OF ORDER

The SPEAKER pro tempore. For what purpose does the gentleman from Blair, Mr. Auker, rise?

Mr. AUKER. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. AUKER. Mr. Speaker, we are all tired, we all want to get away from here as soon as possible, and I sincerely believe that in any speaking on conference reports that the members ought to confine themselves to discussion on the conference report only and not debate the merits of the bills that have already been running in the House and have had a chance to be debated thoroughly and should have been raised at that time.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 99

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on Senate bill numbered and entitled as follows:

SENATE BILL No. 99.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" regulating the issuance of operators' licenses to persons between sixteen and eighteen years of age restricting their driving privileges and providing penalties.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 99

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on Senate bill No. 99.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate bill No. 99, entitled: "An act amending the act of April 29, 1959 (P. L. 58), entitled 'An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors,' regulating the issuance of operators' licenses to persons between sixteen and eighteen years of age, restricting their driving privileges, and providing penalties."

Respectfully submit the following bill as our report

WILLIAM J. LANE,
FRED B. ROONEY,
JOHN T. VAN SANT,

(Committee on the part of the Senate.)

HERBERT FINEMAN,
WILLIAM LIMPER,
MORTON H. FETTEROLF, JR.

(Committee on the part of the House of Representatives.)

An Act amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code the Tractor Code the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership possession and use of vehicles and tractors" regulating the issuance of operators' licenses to persons between sixteen and eighteen years of age restricting their driving privileges and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (1) of subsection (a) of section 604 act of April 29, 1959 (P. L. 58), known as "The Vehicle Code" is amended to read

Section 604 Persons Not to Be Licensed

(a) An operator's license or learner's permit shall not be issued to any person under the following conditions

(1) When he is less than eighteen (18) years of age unless he is sixteen (16) years of age or more and includes with his application for [an] a junior operator's license or learner's permit a statement of his parent or a person in loco parentis made under oath or affirmation that such applicant is sixteen (16) years of age or more and has the consent of such parent or person in loco parentis to obtain a learner's permit or junior operator's license unless such person was issued a learner's permit or operator's license before September 1 1961

* * *

Section 2 The act is amended by adding after section 604 a new section to read

Section 604.1 Junior Operator's License

(a) No operator's license shall be issued to any person under eighteen (18) years of age except that junior operators' licenses may be issued to minors who have arrived at the age of sixteen (16) years but who have not reached the age of eighteen (18) years under rules and regulations to be established by the secretary The secretary shall prescribe the form of application for a junior operator's license and each applicant for such a license shall submit with his application an affidavit of a parent or person in loco parentis indicating the age of the applicant and indicating his consent to the issuance of such license Upon receipt of a withdrawal of consent duly acknowledged by the parent or person in loco parentis who executed the consent on the basis of which a junior operator's license or a regular operator's license for a minor seventeen (17) years of age was issued the secretary shall provided the licensee has not reached the age of eighteen (18) years revoke such junior operator's license Where revocation is made pursuant to this provision no new license shall be issued by the secretary until the licensee has reached the age of eighteen (18) years In addition to the other provisions of this act relating to the suspension or revocation of operating privileges in the event that a licensed junior operator is involved in an accident for which he is partially or fully responsible in the opinion of the secretary pleads guilty or nolo contendere or is convicted of any violation of "The Vehicle Code" or violates subsection (c) hereof the secretary may after a hearing suspend the operating privileges of such junior operator until he has reached the age of eighteen (18) years or for any other period of time A junior operator's license shall automatically become a regular operator's license when the licensee reaches the age of eighteen (18) years

(b) Notwithstanding the foregoing provision relating to age a regular operator's license including all provisions of the act relating to the suspension or revocation of such licenses may be issued to a minor who has arrived at the age of seventeen (17) years and who has successfully completed a driver's training course which course has been approved by the Department of Public Instruction and the secretary and who has not been involved in any accident for which he is partially or fully responsible in the opinion of the secretary required to be reported under Section 1217 of this act or who has not pleaded guilty or nolo contendere or who has not been convicted of any violation of this act The secretary shall prescribe the form for such application and each applicant shall submit with his application (1) an affidavit of a parent or person in loco parentis indicating the age of the applicant and indicating his consent to the issuance of such license and (2) a diploma or other evidence to show that he has successfully completed a driver's training course which course has been approved by the Department of Public Instruction and the secretary

(c) No person possessing a junior operator's license shall operate any vehicle or tractor upon any public highway between the hours of midnight and five o'clock antemedidian unless he is accompanied by a parent or a person in loco parentis

(d) In addition to the other provisions of this act relating to the suspension or revocation of operating privileges in the event that a regular operator under the age of eighteen (18) is involved in an accident for which he is partially or fully responsible in the opinion of the secretary pleads guilty or nolo contendere or is convicted of any violation of "The Vehicle Code" the secretary may after a hearing suspend the operating privileges of such operator or issue him a junior operator's license in lieu of or in addition to said suspension

Penalty Any person violating the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five dollars ($25.00) and costs of prosecution

On the question,

Will the House adopt the report of the Committee of Conference?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. McCormack.

Mr. McCORMACK. Mr. Speaker, may I interrogate one of the conferees, Mr. Fineman?

The SPEAKER pro tempore. Will the gentleman from Philadelphia, Mr. Fineman, permit himself to be interrogated?

Mr. FINEMAN. Mr. Speaker, if the gentleman will be satisfied with Republican answers tonight, I yield to the gentleman from Montgomery, Mr. Fetterolf.

The SPEAKER pro tempore. Will the gentleman from Montgomery, Mr. Fetterolf, permit himself to be interrogated?

Mr. FETTEROLF. I shall, Mr. Speaker.

Mr. McCORMACK. On page 5 of the conference report there is a provision that the secretary may suspend the operating privileges of the junior operator if he is involved in an accident for which he is partially or wholly responsible, and the secretary may suspend the privileges of the operator until he has reached the age of 18 years—this is on lines 11 and 12—or for any other period of time. Now, for any other period of time, what does that mean, or how much time would that encompass?

Mr. FETTEROLF. As I understand it, he can either suspend the privileges until the operator reaches the age of 18 or for any period of time between the violation and the age of 18. In other words, he may limit it to perhaps a six-month suspension. In other words, the entire time may be taken up in suspension or it may be just a portion of that time.

Mr. McCORMACK. This suspension could go beyond his 18th year the way it reads, could it not?

Mr. FETTEROLF. Not the way I understand the report.

Mr. McCORMACK. Where is the language that would support what the gentleman just said?

Mr. FETTEROLF. The prerogative of the secretary is limited to the time the man reaches 18 years of age, according to the way I read it. Beyond that age he would have no right to take any action based on this act.

Mr. McCORMACK. Would not this language give the secretary the right to suspend his license for, say, a two-year period or longer than that?

Mr. FETTEROLF. It says "until he has reached the age of 18 years."

Mr. McCORMACK. —"Or for any period of time."

Mr. FETTEROLF. He is no longer a junior operator after he is 18, therefore this act would not take effect.

Mr. McCORMACK. He would not have the power to suspend after he reaches 18?

Mr. FETTEROLF. This act deals with junior operators' licenses. What you are talking about is after a man passes that age limit.

Mr. McCORMACK. All right. That is all I have. I thank the gentleman.

Mr. McCANN. Mr. Speaker, all I would like to say is that if the membership would just bear with us, there are only two more votes. I am as tired as the next person. I ask that they cut out all the side malarkey and let us vote these two conference committee reports and get done; I am ready to fall over.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—186

Adams,	Gallagher,	Lee, K. B.,	Renwick,
Anderson, J. H.,	George,	Leonard,	Riley,
Anderson, S. A.,	Gibb,	Lippincott,	Rovansek,
Arlene,	Gibbons,	Long, Wm. Jas.,	Royer,
Auker,	Goldstein, J. H.,	Long, Wm. Jos.,	Rubin,
Bachman,	Goldstein, M. H.,	Lutty,	Rudisill,
Backenstoe,	Goodrich,	Magee	Rutherford,
Blair,	Gramlich,	Markley,	Scarcelli,
Boles,	Gray,	Marsh,	Schaaf,
Bonner,	Greenlee,	May,	Schuster,
Bossert,	Gremminger,	Maxwell,	Seltzer,
Bower,	Gross,	McCandless,	Shelton,
Bowman,	Guesman,	McCann,	Sherman,
Branca,	Guthrie,	McCormack,	Shupnik,
Breth,	Hamilton,	McDevitt,	Simmons,
Buchanan,	Hankins,	McDonald,	Slack,
Bush,	Hartley,	McKeever,	Stank,
Capano,	Haudenshield,	McLaughlin,	Steckel,
Capitolo,	Heavey,	McNally,	Stimmel,
Cianfrani,	Heffner,	Meholchick,	Stiteler,
Cioffi,	Helm,	Merry,	Stone,
Clarke,	Henzel	Miller,	Sullivan, J. A.,
Comer,	Hocker,	Mills,	Taylor,
Cooley,	Holl,	Monroe,	Tomascik,
Crossin,	Holliday,	Morley,	Thompson,
Curwood,	Holman,	Mullen,	Tompkins,
Davis,	Horst,	Munley,	Trusio,
Dengler,	Irvis,	Murphy,	Ujobai,
Donaldson,	Isaacs,	Murray,	Varner,
Dougherty,	Jenkins,	Musto,	Verona,
Eilberg,	Jim,	Needham,	Walsh,
Doughten,	Johnson, A. W.,	O'Dell,	Wargo,
Down,	Johnson, R. P.,	O'Donnell, J. A.,	Welsh,
Eshback,	Jones,	Ogilvie,	Wescott,
Eshleman,	Kamyk,	Parlante,	Whittaker,
Ewing,	Keiser,	Pashley,	Willard,
Farabaugh,	Kelly,	Perry,	Willaredt,
Fetterolf,	Kernaghan,	Petrosky,	Williams, A. D.,
Filo,	Kessler,	Piper,	Williams, E. S.,
Flynn,	King,	Polaski,	Wilt,
Foerster,	Kistler,	Polen,	Wood,
Foor,	Klein,	Prendergast,	Wynd,
Fox,	Kooker,	Price,	Yetter,
Frascella,	Kornick,	Pursley,	Zember,
Fry,	Korns,	Reibman,	Zimmerman,
Fulmer,	Lamb,	Reidenbach,	Andrews,
Gailey,	Lawson,		Speaker

NAYS—10

Dennison,	Manbeck,	Strausser,	Wall,
Edwards,	O'Donnell, J. P.,	Sullivan, T. F.,	Worley,
Elvey,	Snare,		

NOT VOTING—14

Ashton,	Gelfand,	Limper,	Odorisio,
Cauley,	Knecht,	McInroy,	Sakulsky,
Esler,	Kramer,	Mihm,	Weidner,
Fineman,	Lee, A. M.,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, there are no more bills to be voted tonight. I ask for a meeting of the Committee on Rules. This House will convene tomorrow at 11 o'clock, d.s.t. I ask that any committee reports pending in the members' hands be issued, including the conference committee reports that are now available.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. McCANN asked and obtained permission for the Committee on Rules to meet during the session of the House.

REPORTS FROM COMMITTEES

Mr. McCANN from the Committee on Rules, reported as committed, Senate bill No. 230, entitled:

An Act authorizing the Department of Highways with the approval of the Governor to erect and maintain a bridge over the Ohio River in Beaver County and to provide the necessary approaches and connections with State highways and empowering counties to pay certain damages.

Mrs. S. A. ANDERSON from the Committee on Education, reported as committed, Senate bill No. 696, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" designating certain schools senior high schools and junior high schools.

Mr. ESHLEMAN from the Committee on Education, reported as committed, Senate bill No. 920, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further regulating the election and term of office of school directors when districts are formed into union or merged districts.

Mr. McCANN from the Committee on Rules, reported as amended, Senate bill No. 345, entitled:

An Act regulating sewage disposal systems in the interest of preserving the health of the people of the Commonwealth requiring permits to be issued to persons installing sewage disposal systems imposing certain duties on the Department of Health and on municipalities and providing penalties.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 230, entitled:

An Act authorizing the Department of Highways with the approval of the Governor to erect and maintain a bridge over the Ohio River in Beaver County and to provide the necessary approaches and connections with State highways and empowering counties to pay certain damages.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 696, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" designating certain schools senior high schools and junior high schools.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate bill No. 920, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further regulating the election and term of office of school directors when districts are formed into union or merged districts.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 195, entitled:

An Act providing for group life insurance for State employes establishing a schedule providing for payment providing for reduction of insurance upon retirement authorizing the Secretary of the Commonwealth to act as exclusive agent for the purpose of contracting for insurance and providing for administration and advisory services by the Department of State.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. EILBERG. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. EILBERG asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Title, page 1, third and fourth lines of Title by striking out "the Commonwealth" and inserting Property and Supplies

Amend Title, page 1, last line of Title by striking out "State" and inserting Property and Supplies

Amend Sec. 1, page 2, line 2, by striking out "State" and inserting Property and Supplies

Amend Sec. 6, page 5, line 10, by striking out "the Commonwealth" and inserting Property and Supplies

Amend Sec. 6, page 5, line 11, by striking out "the Commonwealth" and inserting Property and Supplies

Amend Sec. 6, page 5, line 19, by striking out "the Commonwealth" and inserting Property and Supplies

Amend Sec. 6, page 6, line 1, by striking out "State" and inserting Property and Supplies

Amend Sec. 7, page 6, line 5, by striking out "the Commonwealth" and inserting Property and Supplies

Amend Sec. 7, page 6, line 6, by striking out "State" and inserting Property and Supplies

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 775

Mr. POLEN. Mr. Speaker, I present the report of the Committee of Conference on House bill No. 775.

The SPEAKER pro tempore. The report will lie over for printing under the Rules.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 781

Mr. POLEN. Mr. Speaker, I present the report of the Committee of Conference on House bill No. 781.

The SPEAKER pro tempore. The report will lie over for printing under the Rules.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 785

Mr. POLEN. Mr. Speaker, I present the report of the Committee of Conference on House bill No. 785.

The SPEAKER pro tempore. The report will lie over for printing under the Rules.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 787

Mr. POLEN. Mr. Speaker, I present the report of the Committee of Conference on House bill No. 787.

The SPEAKER pro tempore, The report will lie over for printing under the Rules.

BILL DROPPED FROM CALENDAR

Mr. McCANN. Mr. Speaker, I move that House bill No. 1845, printer's No. 2680 on page 9, bills on third reading, be dropped from the calendar.

The motion was agreed to.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 65.

An Act providing for pension for war veterans blinded through service connected injuries conferring powers and imposing duties on the Department of Military Affairs and the Adjutant General and making an appropriation.

HOUSE BILL No. 283.

An Act requiring persons employed or engaged for compensation to advocate the passage or defeat of legislation to submit registration statements and imposing a penalty.

HOUSE BILL No. 350.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), eliminating residence requirements for board secretaries.

HOUSE BILL No. 669.

An Act amending "The Borough Code" approved May 4, 1927 (P. L. 519), providing for the appointment of special school police defining their powers and duties and providing for their compensation by the borough.

HOUSE BILL No. 1001.

An Act amending "The Realty Transfer Tax Act" approved December 27, 1951 (P. L. 1742), redefining documents so as to exclude certain transfers from industrial development agencies.

HOUSE BILL No. 1273.

An Act amending the "State Employes' Retirement Code of 1959" approved June 1, 1959 (P. L. 392), providing a disability retirement allowance for disability incurred by officers and employes of the Pennsylvania State Police while engaging in law enforcement activities.

HOUSE BILL No. 1337.

An Act amending the act of April 24, 1947 (P. L. 89), entitled "Wills Act of 1947" providing a rule of interpretation regarding the source of payment of inheritance tax.

HOUSE BILL No. 1338.

An Act amending the act of April 24, 1947 (P. L. 100), entitled "Estates Act of 1947" providing a rule of interpretation regarding the source of payment of inheritance tax.

HOUSE BILL No. 1427.

An Act amending the act of April 26, 1933 (P. L. 89), entitled "An act authorizing any city of the second class in this Commonwealth to sell or dispose of its interest in property condemned for public park or for any public use to the holder of the reversionary interest when the property is no longer needed for park purposes or for said public use" authorizing the property to be leased or to be used for other city purposes and removing certain limitations on sale and disposition of the city's right title and interest in property.

HOUSE BILL No. 1456.

An Act amending the act of May 5, 1933 (P. L. 289), entitled "Nonprofit Corporation Law" requiring additional provisions to be included in the articles of incorporation of cemetery and burial companies and further providing for the establishment and operation of funds created by such companies.

HOUSE BILL No. 1552.

An Act amending the "Public School Code of 1940" approved March 10, 1949 (P. L. 30), changing eligibility for State scholarships.

HOUSE BILL No. 1599.

An Act amending the act of June 1, 1959 (P. L. 392), entitled "State Employes' Retirement Code of 1959" defining superannuation retirement age for retirement of enforcement personnel of the Pennsylvania Liquor Control Board as members of Class C.

HOUSE BILL No. 1720.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for forfeiture of funds by school districts or county boards of school directors for employing any person in a supervisory capacity who has not been certified for such position.

HOUSE BILL No. 1768.

An Act amending the act of January 5, 1952 (P. L. 1833), entitled as amended "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act as amended creating the State Agency and conferring powers and imposing duties upon the State Agency authorizing the State Agency to enter into agreements with the Federal Secretary of Health Education and Welfare and with political subdivisions or instrumentalities thereof . . ." removing the limitation on retirement benefits.

HOUSE BILL No. 1771.

An Act amending the act of May 21, 1943 (P. L. 571), entitled as amended "The Fourth to Eighth Class County Assessment Law" authorizing taxation of land owned by school districts for certain purposes.

HOUSE BILL No. 1827.

An Act authorizing the Department of Property and Supplies with the approval of the Department of Forests and Waters to lease land in Valley Forge State Park to

the United States Post Office Department for the purpose of the construction and operation of a post office.

SENATE BILL No. 96.

An Act authorizing the Department of Highways with the approval of the Governor to construct a highway and to erect and maintain a bridge over the Kiskiminetas River in Westmoreland and Armstrong Counties and to provide the necessary approaches and connections with State highways empowering counties to pay certain damages.

SENATE BILL No. 225.

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes' Retirement Code of 1959" further defining contributory service and further regulating contributions on account of past service.

SENATE BILL No. 238.

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes' Retirement Code of 1959" providing credit for school service for certain contributors who make additional contributions into the fund.

SENATE BILL No. 247.

An Act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift on behalf of the Commonwealth certain land located in the Borough of Cornwall Lebanon County.

SENATE BILL No. 351.

An Act amending the act of April 12, 1961 (P. L. 90), entitled "Liquor Code" authorizing licensed establishments to sell until two o'clock antemeridian on Sundays.

SENATE BILL No. 354.

An Act authorizing business corporations engaged in community industrial development whose stock is owned exclusively by a nonprofit corporation to amend their charters to be converted into nonprofit corporations engaged in similar purposes with court approval and prescribing procedure.

SENATE BILL No. 361.

An Act concerning the ownership of securities by minors providing for the transfer of and dealing with such securities and prescribing the powers duties liabilities and immunities of certain persons in their transactions in connection therewith.

SENATE BILL No. 413.

An Act amending the act of August 24, 1961 (P. L. 1304), entitled as amended "Local Health Administration Law" changing the number of signatures required on a petition to dissolve or withdraw from certain departments of health changing the time for circulating petitions in certain cases and changing the form of the question to be submitted to electors.

SENATE BILL No. 603.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for payment of contributions to the school employes retirement fund on account of school employes on leave of absence for professional study.

SENATE BILL No. 644.

An Act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties.

SENATE BILL No. 750.

An Act amending the act of July 27, 1955 (P. L. 288), entitled as amended "An act making it unlawful for owners of certain property in cities of the first class and in cities of the second class to sell or agree to sell such property without first delivering to the purchases a certification of the District classification . . ." requiring certification and disclosure of outstanding notices of fire building safety and housing ordinance violations.

SENATE BILL No. 811.

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" removing the prohibition against Sunday sales of liquor or malt or brewed beverages by public service licensees.

SENATE BILL No. 843.

An Act amending the act of April 18, 1949 (P. L. 512), entitled "Fiduciaries Act of 1949" increasing the amount of minor's estate which may be received held or disposed of without the appointment of a guardian or the entry of security.

SENATE BILL No. 867.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further classifying school districts and providing for the reorganization of school districts.

SENATE BILL No. 869.

An Act amending the act of October 2, 1959 (P. L. 1251), entitled "An act relating to officers and employes of the General Assembly fixing the number qualifications compensation mileage and duties of the officers and employes of the Senate and of the House of Representatives . . ." further providing that one postmaster shall be employed on an annual basis and providing for the appointment of stenographers by the President pro tempore of the Senate.

SENATE BILL No. 871.

An Act amending the act of June 26, 1931 (P. L. 1379), entitled "Third Class County Board Assessment Law" requiring counties of the fifth class advanced in classification to counties of the third class to operate a tax assessment system and to continue a permanent system of records pursuant to "The Fourth to Eighth Class County Assessment Law."

SENATE BILL No. 876.

An Act amending the act of July 15, 1957 (P. L. 901), entitled "Optional Third Class City Charter Law" to permit cities adopting an optional charter plan under said act to provide for the hearing of appeals from assessments and the revision thereof by an administrative procedure.

Whereupon,

The Speaker, in the presence of the House, signed the same.

BILLS AND RESOLUTIONS PASSED OVER

Mr. McCANN. Mr. Speaker, I request that all other bills and resolutions not acted upon on today's calendar be passed over.

The SPEAKER pro tempore. The Chair hears no objection.

ADJOURNMENT

Mr. AUKER. Mr. Speaker, I move that this House do now adjourn until Thursday, August 31, 1961 at 10 a.m., e. s. t.

The motion was agreed to, and (at 11:36 p.m., e.s.t.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1961. 145th of the General Assembly.

Vol. 38. HARRISBURG, PA., THURSDAY, AUGUST 31, 1961. No. 97.

SENATE

THURSDAY, AUGUST 31, 1961

The Senate met at 11:00 a.m., Eastern Standard Time.

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

PRAYER

The Chaplain, Rev. JACK P. WISE. Assistant Pastor of Market Square Presbyterian Church, Harrisburg, offered the following prayer:

God of power and might, we praise Thee this day that Thou art a God Who has called us to a life of service; a life of service for Thee and for other people. We thank Thee for the satisfaction of public service, and the joy of knowing that we have tackled a job and have done it well.

We thank Thee for the men in this Chamber, for their dedication to their task, and for their untiring labors in the face of a full schedule.

In the final days of this Session, we ask that Thou wilt grant to each Senator the resources he will need to complete his tasks in a first-class manner. Grant each man the strength of body, the clarity of mind, and the sincerity of purpose he needs. May his fatigue and the pressure of the schedule be overcome through the resources which Thou hast granted him through faith.

We pray in the name of our living Lord, Amen.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WEINER and Mr. MAHADY, further reading was dispensed with, and the Journal was approved.

REPORTS OF COMMITTEES OF CONFERENCE SUBMITTED

Mr. WEINER submitted the Reports of Committees of Conference on **HB 775, 781, 785, 787** and **1335,** which were laid over for printing under the rules.

HOUSE MESSAGES

HOUSE INSISTES UPON ITS NONCONCURRENCE IN AMENDMENTS TO **HB 840,** AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 840,** and has appointed Messrs. WELSH, SCHAAF and O'DELL as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO **HB 1259,** AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 1259,** and has appointed Messrs. COMER, McNALLY and A. M. LEE, as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate, **SB 851** and **885,** with the information that the House has passed the same without amendments.

HOUSE ADOPTS REPORTS OF COMMITTEES OF CONFERENCE

He also informed the Senate that the House has adopted Reports of Committees of Conference on **SB 99, 111, 312, 486** and **601.**

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

ALDERMAN

August 30, 1961.

To the Honorable, The Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John Roche, 324 Cherry Street, Scranton, Lackawanna County, for appointment as Alderman in and for the Twentieth Ward of the City of Scranton, Lackawanna County, for appointment as Alderman in and for the Twentieth Ward of the City of Scranton, Lackawanna County, to serve until the first Monday of January 1962, vice Thomas Roche, resigned.

DAVID L. LAWRENCE.

The PRESIDENT pro tempore (Anthony J. DiSilvestro) in the Chair.

BILLS SIGNED

The President pro tempore (Anthony J. DiSilvestro) in the presence of the Senate signed the following bills:

HB 283, 1337, 1338, 1427, 1456, 1599, 1720, 1768 and **1771.**

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Mr. WEINER submitted the Report of Committee of Conference on **HB 795,** which was laid over for printing under the rules.

STATEMENT BY THE CHAIR

The PRESIDING OFFICER. May the Chair request the Sergeant-at-Arms to keep the rail enclosure clear? There were some objections by the Senators in being called to the railing during yesterday's Session.

CALENDAR

HB 1707 CALLED UP OUT OF ORDER

HB 1707 (Pr. No. 2721)—Without objection, the bill was called up out of order, from page 11 of the Third Reading Calendar, by Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1707 (Pr. No. 2721)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. STEVENSON. Mr. President, having voted under a misapprehension, I desire to change my vote from "no" to "aye."

The PRESIDING OFFICE. The gentleman will be so recorded.

Mr. MALLERY. Mr. President, also having voted under a misapprehension, I desire to change my vote from "no" to "aye."

The PRESIDING OFFICER. The gentleman from Blair will be so recorded.

Mr. LANE. Mr. President, I wish to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz.:

YEAS—46

Bell,	Hays,	Murray,	Stevenson,
Berger,	Kalman,	Pechan,	Stiefel,
Camiel,	Keller,	Ripp,	Stroup,
Confair,	Kromer,	Rooney,	Taylor,
Chapman,	Lane,	Sarraf,	Van Sant,
Devlin,	Mahady,	Scott,	Wade,
DiSilvestro,	Mallery,	Sesler,	Wagner,
Ehrgood,	McCreesh,	Seyler,	Ware, III,
Flack,	McGinnis,	Shafer,	Weiner,
Fleming,	McMenamin,	Silvert,	Yatron,
Haluska,	Miller,	Stalsey,	Donolow,
Hawbaker,	Mullin,		Presiding Officer

NAYS—3

Kessler,	Madigan,	Propert,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

HB 1541 CALLED UP OUT OF ORDER

HB 1541 (Pr. No. 2717)—Without objection, the bill was called up out of order, from page 10 of the Third Reading Calendar, by Mr. WEINER.

BILL ON THIRD READING AMENDED

HB 1541 (Pr. No. 2717)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendments:

Amend Sec. 2, page 4, line 6, by striking out "ON THE PACKAGE" and inserting: in the labeling

Amend Sec. 2, page 5, line 11, by striking out "promal" and inserting: bromal

Amend Sec. 2, page 9, line 1, by inserting after "DISTRIBUTE": nonproprietary

Amend Sec. 4, page 16, line 15, by striking out "DANGEROUS OR".

Amend Sec. 4, page 18, line 8, by striking out "5" and inserting: 6

Amend Sec. 4, page 18, line 14, by striking out "FIVE" and inserting: two

Amend Sec. 6, page 23, line 2, by striking out "ITS" and inserting: his

Amend Sec. 9, page 26, line 13, by inserting after "sells": or otherwise

Amend Sec. 9, page 26, lines 13 and 14, by striking out "administers, dispenses or prescribes".

Amend Sec. 9, page 26, line 15, by inserting after "regulation": except practitioners licensed by law to administer, dispense or prescribe such drugs

Amend Sec. 10, page 27, line 16, by inserting after "SECRETARY": either on his own initiative or on petition of an interested party

Amend Sec. 11, page 28, line 5 by inserting after "act": with the Secretary

Amend Sec. 11, page 28, line 10 by striking out "REGISTER AS RETAILERS EACH" and inserting: file in lieu of registration with the Secretary the names and address

Amend Sec. 11, page 28, lines 12 and 13 by striking out all of said lines and inserting: and shall promptly inform the Secretary of any changes in said list

Amend Sec. 11, page 28, lines 14 and 15 by striking out "DEPARTMENT OF HEALTH" and inserting: Secretary

Amend Sec. 11, page 28, lines 17 and 18 by striking out "EXCEPT IN THE CASE OF REGISTERED SALESMEN OR DETAILMEN".

Amend Sec. 11, page 29, line 11 by inserting after "Secretary" or of sales representatives or detailmen of manufacturers or wholesalers not operating an establishment within this Commonwealth whose names and addresses are on file with the Secretary

Amend Sec. 11, page 30, lines 12 to 19 by striking out all of said lines.

Amend Sec. 11, page 31, line 1 by striking out "(E)" and inserting: (d)

Amend Sec. 11, page 31, line 6 by striking out "(f)" and inserting: (e)

Amend Sec. 11, page 31, line 9 by striking out "(F)" and inserting: (e)

Amend Sec. 11, page 32, line 16 by striking out "(G)" and inserting: (f)

Amend Sec. 11, page 33, line 12 by inserting

after "DRUGS": if such suspension or revocation shall be necessary for the protection of the public health and safety

Amend Sec. 11, page 34, line 4 by inserting after "VIOLATION": if such suspension or revocation shall be necessary for the protection of the public health and safety

Amend Sec. 11, page 34, line 5 by striking out "(H)" and inserting: (g)

Amend Sec. 11, page 34, line 7 by striking out "(F)" and inserting: (e)

Amend Sec. 11, page 34, line 7 by striking out "(G)" and inserting: (f)

Amend Sec. 11, page 35, line 4 by striking out "(I)" and inserting: (h)

Amend Sec. 13, page 38, lines 17 to 20; page 39, lines 1 to 13 by striking out "EXCEPT THAT WHENEVER TESTS OR METHODS" in line 17, all of lines 18 to 20, page 38, all of lines 1 to 12 and "QUALITY OR PURITY SHALL BE MADE" in line 13, page 39 and inserting: or in the absence of or inadequacy of such tests or methods of assay those prescribed under the authority of the Federal Act

Amend Sec. 14, page 44, line 19; page 45, lines 1 to 5 by striking out "UNTIL THE BOARD SECRETARY SHALL" in line 19, page 44 and all of lines 1 to 5, page 45 and inserting: or for any drug which regulations specifying precautions against deterioration have been promulgated by the secretary of health education and welfare under the Federal Act

Amend Sec. 14, page 46, lines 5 and 6 by striking out all of line 5 "THE PRESCRIPTION" in line 6 and inserting: dispenser

Amend Sec. 17, page 50, line 10 by striking out "purchase and sale" and inserting: receipt and distribution

Amend Sec. 25, page 66, line 15 by striking out "drug advisory board" and inserting: Board

Amend Sec. 27, page 68, line 10 by inserting after "regulation" or by the refusal to promulgate amend or repeal a regulation

Amend Sec. 27, page 68, line 16 by striking out "BOARD" and inserting: Secretary

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order temporarily at the request of Mr. WEINER.

HB 566 CALLED UP OUT OF ORDER

HB 566 (Pr. No. 2735)—Without objection, the bill was called up out of order, from page 13 of the Second Reading Calendar, by Mr. WEINER.

EDUCATION BILL ON SECOND READING AMENDED

HB 566 (Pr. No. 2735)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. WEINER offered the following amendments:

Amend Section 3 (Section 1372), page 5, lines 12 to 15 by striking out all of said lines.

Amend Section 3 (Section 1372), page 5, line 16, by striking out "OF THIS ACT."

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order temporarily at the request of Mr. WEINER.

HB 386 CALLED UP OUT OF ORDER

HB 386 (Pr. No. 2320)—Without objection, the bill was called up out of order, from page 5 of the Third Reading Calendar, by Mr. WEINER.

BILL REREFERRED

HB 386 (Pr. No. 2320)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER, on behalf of Mr. DEVLIN, by unanimous consent, offered the following amendments:

Amend Title, page 2, last line of title, by inserting after "COUNTIES": in counties of the second class and in certain cities and school districts

Amend Sec. 1 (Sec. 4.1), page 2, line 12, by inserting after "COUNTIES": in counties of the second class and in cities and school districts located in counties of the second class

On the question,

Will the Senate agree to the amendments?

Mr. DEVLIN. Mr. President, at this time, I would like to withdraw the amendments offered on my behalf by the Majority Leader.

The PRESIDING OFFICER. At the request of the gentleman from Allegheny, Senator Devlin, the amendments are withdrawn.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. LANE. Mr. President, I now move that House Bill No. 386, Printer's No. 2320, be rereferred to the Committee on Finance.

Mr. DEVLIN. I second the motion, Mr. President.

The motion was agreed to and the bill was rereferred.

ANNOUNCEMENTS BY THE CHAIR

The PRESIDING OFFICER. May the Chair direct the attention of the Senators to page 5 of the Calendar, House Bill No. 216? There is an error in the Printer's Number. The correct Printer's Number on House Bill No. 216 is No. 2729.

The Chair would also like to advise the Chairmen of all Committees to return the bills which were not reported out of their respective committees to the Senate Librarian as soon as possible.

CALENDAR

HB 1522 CALLED UP OUT OF ORDER

HB 1522 (Pr. No. 1878)—Without objection, the bill was called up out of order, from page 9 of the Third Reading Calendar, by Mr. WEINER.

BILL ON THIRD READING AMENDED

HB 1522 (Pr. No. 1878)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendment:

Amend Bill, page 3, by inserting after line 4:
Section 2 This act shall take effect January 1 1962

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

HB 644 CALLED UP OUT OF ORDER

HB 644 (Pr. No. 700)—Without objection, the bill was called up out of order, from page 6 of the Third Reading Calendar, by Mr. WEINER.

BILL REREFERRED

HB 644 (Pr. No. 700)—Mr. WEINER. Mr. President, I move that House Bill No. 644 be rereferred to the Committee on Appropriations.

Mr. LANE. Mr. President, I second the motion.

A voice vote having been taken, the question was determined in the affirmative and the bill was rereferred.

UNANIMOUS CONSENT GRANTED FOR CONSIDERATION OF SECOND READING CALENDAR

Mr. WEINER. Mr. President, I request unanimous consent that we now proceed to the consideration of today's Second Reading Calendar.

The PRESIDING OFFICER. Hearing no objection, the Senate will proceed to the consideration of today's Second Reading Calendar.

SECOND READING CALENDAR

BILLS ON SECOND READING

HB 156 (Pr. No. 156) and **SB 473 (Pr. No. 518)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER TEMPORARILY

HB 773—Without objection, the bill was passed over in its order temporarily at the request of Mr. WEINER.

BILLS ON SECOND READING

HB 812 (Pr. No. 1494), HB 814 (Pr. No. 2726), HB 816 (Pr. No. 2188) and **HB 819 (Pr. No. 1691)**—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL DROPPED FROM CALENDAR

HB 1008 (Pr. No. 2734)—Mr. BERGER. Mr. President, I move that House Bill No. 1008 be dropped from the Calendar.

Mr. PECHAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WEINER. Mr. President, I wish to merely state here that this is a measure which is needed very badly in times of emergency to employ the proper people to do this type of work; to wit., the steel strike of 1959. To remove this, does not let people who are retired do the kind of work they are trained to do, without them losing their benefits.

This is a service to the Commonwealth, without having to hire new people or obtain new people who are needed during an emergency.

I ask my colleagues to consider their action very carefully.

And the question recurring,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative and the bill was dropped from the Calendar.

BILLS ON SECOND READING

HB 1109 (Pr. No. 1239), HB 1513 (Pr. No. 2663), HB 1642 Pr. No. 2076), HB 1802 (Pr. No. 2670), HB 1824 (Pr. No. 2456), HB 1849 (Pr. No. 2705), HB 1850 (Pr. No. 2706), and **HB 1854 (Pr. No. 2700)**—

Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REGULAR CONSIDERATION OF CALENDAR RESUMED

Mr. WEINER. Mr. President, having completed most of the Second Reading Calendar, I would request that we now revert to the regular consideration of the Calendar, beginning with page 1.

The PRESIDING OFFICER. There being no objection, we will revert to page 1 of today's Calendar.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 923 (Pr. No. 1265)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 923.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Donolow,
Hawbaker,	Miller,	Staisey,	Presiding Officer
Hays,	Mullin,		

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS OF COMMITTEES OF CONFERENCE

HB 81 (Pr. No. 2633)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 81, entitled:

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58) requiring commercial motor vehicles and truck tractors to be marked with the names and addresses of the owners or operators.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Pechan,	Stiefel,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Donolow,
Hawbaker,	Miller,	Stalsey,	Presiding Officer
Hays,	Mullin,		

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HB 254 (Pr. No. 2686)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 254, entitled:

An Act amending "The Pennsylvania Workmen's Compensation Act" approved June 2, 1915 (P. L. 736) requiring employers to furnish employes with instructions on their rights in the event of an accident.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bell,	Hays,	Mullin,	Stalsey,
Berger,	Kalman,	Murray,	Stevenson,
Camiel,	Keller,	Pechan,	Stiefel,
Chapman,	Kromer,	Ripp,	Stroup,
Confair,	Lane,	Rooney,	Taylor,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Donolow,
Hawbaker,	Miller,		Presiding Officer

NAYS—3

Kessler,	Propert,	Van Sant,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HB 255 (Pr. No. 2685)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 255, entitled:

An Act amending "The Pennsylvania Occupational Disease Act" approved June 21, 1939 (P. L. 566) requiring employers to furnish employes with instructions on their rights in the event of disability or death caused by occupational disease.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bell,	Hays,	Mullin,	Stalsey,
Berger,	Kalman,	Murray,	Stevenson,
Camiel,	Keller,	Pechan,	Stiefel,
Chapman,	Kromer,	Ripp,	Stroup.
Confair,	Lane,	Rooney,	Taylor,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Donolow,
Hawbaker,	Miller,		Presiding Officer

NAYS—3

Kessler,	Propert,	Van Sant,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HB 853 (Pr. No. 2664)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 853, entitled:

An Act amending "The First Class Township Code" approved June 24, 1931 (P. L. 1206), authorizing a change in the compensation of certain township commissioners.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Mullin,	Stalsey,
Berger,	Keller,	Murray,	Stevenson,
Camiel,	Kessler,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,	Miller,	Silvert,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HB 1407 (Pr. No. 2708)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 1407, entitled:

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333), further regulating the affidavit of the circulator of a nomination petition.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Mullin,	Stalsey,
Berger,	Keller,	Murray,	Stevenson,
Camiel,	Kessler,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,

Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,	Miller,	Silvert,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

FINAL PASSAGE CALENDAR

BILL ON FINAL PASSAGE DEFEATED

HB 382 (Pr. No. 2532)—On the question

Shall the bill pass finally?

Mr. SEYLER. Mr. President, I just want to remind the Members of the Senate that this is the bill which we began to consider yesterday and it was then put over in its order.

It is a bill which removes from The Penal Code several provisions which were put in as a result of labor strikes before the turn of the century, at a time when the situation was much different than it is today. I consider both of these provisions obsolete under present day labor relations.

Therefore, Mr. President, I would urge my colleagues to vote "aye" on this bill.

Mr. WEINER. Mr. President, I do not believe that I have to remind everyone here that we are now living in the Twentieth Century. I think we are all aware of that fact. All we have to do is to look at the date.

Both of these sections were passed in the Nineteenth Century, at a time when the law was used to help the companies break the strikes. This acted as a pretty persuasive club. To show you how progressive we have become, we have never enacted this against any other industy. We have never enacted it against the people who travel by air, which is certainly in the same category, and we have never enacted it against those who travel by bus and things of that nature.

The purpose of these sections was to prevent any railroad employee from refusing to carry on his employment after a strike had been called in order for him to make known that he was unhappy with the labor or wage conditions that might have existed in the industry.

These two sections go pretty far and they place a very heavy burden. Although it may not sound like a great deal of money,—in the one instance, a $200 fine and six months imprisonment—the other section imposes a heavier burden. It goes to $1,000 or three years imprisonment, or both. That is pretty harsh, when you consider that in the Nineteenth Century people did not earn that kind of money. Two thousand dollars a year was considered a great deal of money. They were then asking a workingman to pay a $1,000 fine if he committed any of these acts.

It is peculiar that this exists only in the railroad industry and not in any other industry or area. In recent years, maybe there has been one railroad strike and this has been so concerned with the national interest and the national picture that the President himself has stepped into it. We now have arbitration boards which we have not had in the past. We now have procedures for negotiations and arbitration. Therefore, it is no longer necessary to hold this kind of a club. I think this is unfair to the people who work in the railroad industry and to the workingmen who earn their livelihood in this area. I believe laws are not made to be used as a club or punishment against some individual because he happens to choose a certain industry.

If these are correct, and you gentlemen vote this bill down, I would respectfully suggest to you that you enact the same thing for the airlines, for the bus companies and for the automobile people who hire out chauffeurs with their cars. I am sure that if it is apropos in this area, it certainly should be appropriate in the others, if this is your thinking. I am going to ask my colleagues to vote "aye". I respectfully suggest that you do the same and vote for this bill and update the law. My reason for doing so on this measure is that I think we have come a long have the machinery, both at local, State and Federal way. We have the procedures, we have the courts and we levels, to deal with this matter.

Mr. President, I ask my colleagues to vote "aye" on this bill and update the law. We have been doing this right along in our Penal Code to take out these archaic provisions that were put in back in the 1800's.

Mr. BERGER. Mr. President, without desiring to get too deeply into this area, I merely wish to call attention to the fact that in spite of what has been said about the prior century, this bill is to repeal Sections 663 and 730 of the Act of 1939. Furthermore, Mr. Persident, Section 730, which is sought to be repealed, does not confine it to one type of transportation company. It states as follows:

> ". . . whoever being in the service or employ of a railroad or other transportation company refuses or neglects to obey any rule or regulation by such company or by reason of negligence or willful conduct fails to observe any precaution or rule which it was his duty to obey and observe and injury or death to any person shall result thereby . . ."

Mr. President, it does apply to other transportation companies, and it was in the Penal Code of 1939. Whether or not some of the other arguments made concerning the bill are in order, I have nothing to say. However, I do wish to correct that impression.

Mr. WEINER. Mr. President, I cannot let this go by without making the record perfectly clear. I have great regard for my friend as a good lawyer and I certainly think he would like us to know that in 1939, they codified the entire Penal Code. This took in Acts such as the Act of 1740, which would not permit you to eat oysters during the months in which R's did not appear. After many, many years, we have corrected that during this Session.

There are many Acts in the 1939 Code which were just brought up-to-date by people who were not legislators, but by lay people, in the sense that they were not Members of the General Assembly. They were lawyers, judges and people sitting in an advisory capacity, who took all these laws and tried to put them together and present them to the Legislature in order to have a rounded picture presented. It then was up to the Legislature to remove some of these. There is now another movement afoot and there is a study being made—we have allocated money for it over the years—for another recodification of our criminal laws to try to streamline them and bring them up-to-date.

I think all of us are sophisticated enough, and I believe most of us are knowledgeable enough in the area dealing with strikes, secondary boycotts and the violation of company rules, to know that you do not use The Penal Code as a means or a method to persuade people not to do what they think is best for their own economic interest when they have no other recourse of action left to them. The economic sanction that you put against anyone is stronger than any other kind of court rule or any other sanction that you can put against them. We are asking you to not only correct a legal wrong, but a moral wrong as well, and remove the legalistic handcuffs from the hands of these people who happen to work in this industry.

Mr. President, I ask all of my colleagues to vote "aye" on this measure.

Mr. BERGER. Mr. President, in connection with the statement made by the Majority Leader, as I said, I did not care to explore this very deeply. However, I must say that the committee which operated, in my experience at any rate,—and I cannot speak for the committee which acted on the codification of the Criminal Code of 1939, but certainly the one which operated within my memory—was composed almost entirely of lawyers.

Mr. SEYLER. Mr. President, regarding the repeal of this section to which Senator Berger called attention, I would also call to his attention, and to the attention of the other Members of the Senate, that this law, in effect, places these particular employees in double jeopardy, inasmuch as there is ample provision within The Penal Code for prosecution under other sections for this type of negligence. This is a unique thing and I think is certainly, therefore, aimed at a particular end and at a particular type of employee. For that reason, it is grossly unfair and I would think, perhaps, even unconstitutional. In my opinion, we should erase this from the books.

Mr. WEINER. Mr. President, I just want to point out that this will be the last chance to correct this during the present Session. We will not have another opportunity until 1963.

Please give heed to how you vote on this measure.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. WEINER. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow,
Lane,			Presiding Officer

NAYS—24

Bell,	Fleming,	Mallery,	Stroup,
Berger,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILL OVER IN ORDER

SB 688—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL OVER IN ORDER TEMPORARILY

HB 1789—Without objection, the bill was passed over in its order temporarily at the request of Mr. WEINER.

THIRD READING CALENDAR

EDUCATION BILL OVER IN ORDER

HB 610—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

EDUCATION BILL ON THIRD READING AND FINAL PASSAGE

SB 769 (Pr. No. 917)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Mullin,	Staisey,
Berger,	Keller,	Murray,	Stevenson,
Camiel,	Kessler,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,	Miller,	Silvert,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

EDUCATION BILLS OVER IN ORDER TEMPORARILY

SB 819 and **820**—Without objection, the bills were passed over in their order temporarily at the request of Mr. WEINER.

EDUCATION BILLS OVER IN ORDER

HB 1283 and **1560**—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 56 (Pr. No. 2682)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Mullin,	Staisey,
Berger,	Keller,	Murray,	Stevenson,
Camiel,	Kessler,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,	Miller,	Silvert,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 112 (Pr. No. 2434)—Read at length the third time and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bell,	Hays,	Miller,	Silvert,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Taylor,
Confair,	Kromer,	Propert,	Van Sant,
Devlin,	Lane,	Ripp,	Wade,
DiSilvestro,	Madigan,	Rooney,	Wagner,
Flack,	Mallery,	Sarraf,	Ware, III,
Fleming,	McCreesh,	Scott,	Weiner,
Haluska,	McGinnis,	Sesler,	Yatron,
Hawbaker,	McMenamin,	Shafer,	Donolow,
			Presiding Officer

NAYS—5

Ehrgood,	Seyler,	Staisey,	Stroup,
Mahady,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 216 (Pr. No. 2729)—Read at length the third time and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

Mr. WEINER. Mr. President, this bill has been placed on each Member's desk and the Printer's Number is different than that which appears on page 5 of the Calendar.

If the Members want to take time to read it, I would suggest that the Senate be at ease for a moment while that be done.

Mr. BERGER. Mr. President, I certainly appreciate the opportunity just accorded to us by the Majority Leader. The bill has 39 pages in it.

Mr. WEINER. Mr. President, we could pass the bill over in its order and return to it later.

The PRESIDING OFFICER. Are you requesting that the bill be passed over in order?

Mr. WEINER. No, sir. I am waiting to hear from the gentleman who would like to read the 39 pages.

The PRESIDING OFFICER. The Senate will be at ease for a moment.

(The Senate was at ease.)

Mr. BERGER. Mr. President, I am already at the top of page 2.

The PRESIDING OFFICER. The Chair takes notice that Senator Berger is a fast reader. The Senate will remain at ease a few moments.

(The Senate was at ease.)

Mr. BERGER. Mr. President, I have now reached page 39 of the bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Camiel,	Lane,	Propert,	Stiefel,
Devlin,	Mahady,	Ripp,	Van Sant,
DiSilvestro,	McCreesh,	Rooney,	Wade,
Haluska,	McGinnis,	Sarraf,	Ware, III,
Hays,	McMenamin,	Sesler,	Weiner,
Kalman,	Miller,	Seyler,	Yatron,
Keller,	Mullin,	Silvert,	Donolow,
Kromer,	Murray,	Staisey,	Presiding Officer

NAYS—18

Bell,	Flack,	Mallery,	Stevenson,
Berger,	Fleming,	Pechan,	Stroup,
Chapman,	Hawbaker,	Scott,	Taylor,
Confair,	Kessler,	Shafer,	Wagner,
Ehrgood,	Madigan,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER TEMPORARILY

HB 260—Mr. WEINER. Mr. President, I request that House Bill No. 260 go over in its order temporarily.

Mr. STIEFEL. Mr. President, I wonder whether the Majority Leader will agree to withdraw his request so that I can move to send this bill back to committee.

Mr. WEINER. Mr. President, may the Senate be at ease for a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDING OFFICER. Hearing no objection, the bill will go over in its order temporarily.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 337 (Pr. No. 2723)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bell,	Lane,	Murray,	Stiefel,
Camiel,	Mahady,	Propert,	Stroup,
Confair,	Mallery,	Ripp,	Taylor,
Devlin,	McCreesh,	Rooney,	Van Sant,
DiSilvestro,	McGinnis,	Sarraf,	Wade,
Flack,	McMenamin,	Silvert,	Weiner,
Haluska,	Miller,	Staisey,	Yatron,
Kalman,	Mullin,	Stevenson,	Donolow,
Kromer,			Presiding Officer

NAYS—15

Berger,	Hawbaker,	Madigan,	Shafer,
Chapman,	Hays,	Pechan,	Wagner,
Ehrgood,	Keller,	Sesler,	Ware, III,
Fleming,	Kessler,	Seyler,	

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 400 (Pr. No. 437)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. WEINER. Mr. President, I would like to have this bill voted upon. However, I would like to bring to the attention of the Members of the Senate that an identical bill has been passed in the Senate a number of times. It passed back in the Sessions of 1957 and 1959. The Governor refused to sign it on the advice of the Attorney General that this is unconstitutional.

The reason for the Governor not signing it has been because of the bond issue that is out, through which the Turnpike Commission operates. The contracts which are made are made by the Executive Director, based on the action taken by the Commission. We cannot authorize them to take any action because of the bond issue which must be filed in order to pay for this kind of work.

My predecessor, Senator Dent, was one of the great speakers for this and he believed it had great merit. This was based on his own experience where he had seen many accidents which occurred due to the fact that there were no medical strips.

I think this bill has great merit. I also think the way to handle it is by passing a resolution, memorializing the members of the Turnpike Commission to do this job and to do it correctly. We should probably call them in here to appear before one of our committees and advise them of our attitude and position on this matter.

However, I think to pass this Act is doing a useless thing because the Governor will have to veto it since it is unconstitutional for us to do so.

Mr. BERGER. Mr. President, there has been a great deal of study and a great deal of information developed upon whether or not the maintenance of medical barriers or guards on highways such as the Pennsylvania Turnpike are effective in preventing loss of life or preventing the cars from running over into the opposite lanes of traffic. As to the conclusions to be reached, nobody can definitely say what would be the actual safety result.

However, if it is a safety measure, Mr. President, I would like to observe that it seems rather absurd that the Legislature of Pennsylvania cannot pass an Act which would require safety, through any kind of a measure whatsoever, upon any highway which traverses the Commonwealth of Pennsylvania, bond counsel or anything else to the contrary.

Mr. WEINER. Mr. President, I guess it is proper for a father to tell his children what they should do. However, this child is completely independent of us because we have so created him. That is the only reason for this measure.

I think this is a good bill and I would like to vote for it. However, the problem is that it will be unconstitutional and the Governor will not be able to sign it.

Mr. BELL. Mr. President, recently we confirmed a new Attorney General. It is possible there could be a new decision.

Everytime I drive on the Pennsylvania Turnpike, I am very happy when I reach the part of it which has the medial strip. I think it is only fair to the people who drive the Turnpike that we pass this bill and let the Attorney General decide whether or not it is constitutional.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bell,	Hawbaker,	Pechan,	Stroup,
Berger,	Kalman,	Propert,	Taylor,
Chapman,	Keller,	Ripp,	Van Sant,
Confair,	Kessler,	Rooney,	Wade,
Devlin,	Kromer,	Scott,	Wagner,
DiSilvestro,	Madigan,	Shafer,	Ware, III,
Ehrgood,	Mallery,	Silvert,	Weiner,
Flack,	Miller,	Staisey,	Yatron,
Fleming,	Mullin,	Stevenson,	Donolow,
Haluska,	Murray,	Stiefel,	Presiding Officer

NAYS—6

Camiel,	Lane,	Sesler,	Seyler,
Hays,	McGinnis,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

HB 527 and 626—Without objection, the bills were passed over in their order at the request of Mr. WEINER.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 670 (Pr. No. 2484)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Mullin,	Staisey,
Berger,	Keller,	Murray,	Stevenson,
Camiel,	Kessler,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,	Miller,	Silvert,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 749 (Pr. No. 2713)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. PECHAN. Mr. President, I would like to make a statement concerning this bill before we take a vote on it.

I was very much opposed to this measure as it came over from the House. As it came from the House, it would have cost the Commonwealth some twenty-two to thirty millions of dollars. However, after discussing this with the sponsors in the House and the Chairman of the Military Affairs Committee, amendments were offered which make the bill more palatable.

I want to say that when we had the World War II adjusted compensation, the word "bonus" was used very loosely. Actually, the people of Pennsylvania are not giving a bonus to these people who served in the Armed Services, but they are giving an adjusted compensation. Many boys and girls left good jobs to serve their Country and a grateful Commonwealth gave them an adjusted compensation.

The Korean Bonus then came along and excluded those people who were career soldiers. However, a career soldier, if he served in the Korean Theater, was given a bonus. In many cases, a career soldier who served in World War II and also served in the Korean Theater received both bonuses, in the amount of as much as $500, which was the maximum.

Therefore, Mr. President, the way the bill has been amended, I think it seems only fair to those people who were excluded, and it will cost the Commonwealth less than $2,000,000 as I understand it.

While I am still speaking on the bill, I would suggest that these applications be expedited as quickly as possible because we still have a bureau which takes care of World War II bonuses and it is costing much, much more money than they pay out each year.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. SEYLER. Mr. President, I desire to be recorded as voting "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Ripp,	Van Sant,
DiSilvestro,	Madigan,	Rooney,	Wade,
Ehrgood,	Mahady,	Sarraf,	Wagner,
Flack,	Mallery,	Scott,	Ware, III,
Fleming,	McCreesh,	Sesler,	Weiner,
Haluska,	McGinnis,	Shafer,	Yatron,
Hawbaker,	McMenamin,	Silvert,	Donolow, Presiding Officer

NAYS—1

Seyler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

SB 761—Mr. BERGER. Mr. President, I request that Senate Bill No. 761 go over in its order.

Mr. WEINER. Mr. President, I object to this bill going over in order.

This bill is a Senate Bill, Mr. President, and it cannot possibly pass or get through here. However, I think a vote should be taken on the matter of reapportionment. I think a full dress discussion should be had on it in order for us to know exactly where we are going. If there is a Special Session or a Concurrent Special Session to deal with the problem of reapportionment, we, at least, will have the benefit of what the Members have to say in regard to this problem. We will come back here within three or four months from now and I think that will be a good time to also discuss this problem, if there is a Concurrent Special Session on reapportionment. I think if we do not have a full picture or at least get the reaction of each man's community in regard to this, we will have been remiss in our duty.

I ask that we vote on this measure, Mr. President. I can only take a vote against this being heard today as a vote against the principle of reapportionment and against this measure. We are in favor of reapportionment. The Democratic Members and the Democratic Caucus are in favor of reapportionment. We are asking that this measure be brought before us so we can vote on it.

Mr. BERGER. Mr. President, that argument would hold a great deal of water in regard to the fact that it is a Senate Bill, except that the Majority Leader has already requested that several Senate Bills go over in their order, which has been done.

Therefore, Mr. President, I would renew my request, and I will make it in the form of a motion that the bill go over in its order.

Mr. President, I now move that Senate Bill No. 761, Printer's No. 1283, go over in its order.

Mr. EHRGOOD. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative and the motion was agreed to.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

SB 799 (Pr. No. 1258)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. ROONEY. Mr. President, having voted under a misapprehension, I desire to change my vote from "no" to "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. STAISEY. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—19

Camiel,	Mahady,	Rooney,	Van Sant,
Devlin,	McCreesh,	Seyler,	Weiner,
DiSilvestro,	McGinnis,	Silvert,	Yatron,
Hays,	Mullin,	Staisey,	Donolow,
Kalman,	Ripp,	Stiefel,	Presiding Officer

NAYS—25

Bell,	Haluska,	Mallery,	Stevenson,
Berger,	Hawbaker,	Pechan,	Stroup,
Chapman,	Keller,	Propert,	Taylor,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Sesler,	Wagner,
Flack,	Madigan,	Shafer,	Ware, III,
Fleming,			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILLS ON THIRD READING AND FINAL PASSAGE

SB 890 (Pr. No. 1149)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Mullin,	Stevenson,
Berger,	Keller,	Murray,	Staisey,
Camiel,	Kessler,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,	Miller,	Silvert,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 899 (Pr. No. 1177)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Mullin,	Staisey,
Berger,	Keller,	Murray,	Stevenson,
Camiel,	Kessler,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,	Miller,	Silvert,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 900 (Pr. No. 1178)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Mullin,	Staisey,
Berger,	Keller,	Murray,	Stevenson,
Camiel,	Kessler,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,	Miller,	Silvert,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 903 (Pr. No. 1181)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Mullin,	Staisey,
Berger,	Keller,	Murray,	Stevenson,
Camiel,	Kessler,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,	Miller,	Silvert,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 907 (Pr. No. 1189)— Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bell,	Kalman,	Mullin,	Staisey,
Berger,	Keller,	Murray,	Stevenson,
Camiel,	Kessler,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Van Sant,
Devlin,	Madigan,	Rooney,	Wade,
DiSilvestro,	Mahady,	Sarraf,	Wagner,
Ehrgood,	Mallery,	Scott,	Ware, III,
Flack,	McCreesh,	Sesler,	Weiner,
Haluska,	McGinnis,	Seyler,	Yatron,
Hawbaker,	McMenamin,	Silvert,	Donolow,
Hays,	Miller,		Presiding Officer

NAYS—3

Fleming,	Shafer,	Taylor,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING, DEFEATED ON FINAL PASSAGE

SB 929 (Pr. No. 1246)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. WADE. Mr. President, having voted against direction, I desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman from Cumberland will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow,
Lane,			Presiding Officer

NAYS—24

Bell,	Fleming,	Mallery,	Stroup,
Berger,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

HB 942 (Pr. No. 1784)—Read at length the third time and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow,
Lane,			Presiding Officer

NAYS—21

Bell,	Keller,	Pechan,	Stroup,
Berger,	Kessler,	Propert,	Taylor,
Chapman,	Kromer,	Scott,	Wade,
Confair,	Madigan,	Shafer,	Wagner,
Ehrgood,	Mallery,	Stevenson,	Ware, III,
Fleming,			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILL OVER IN ORDER

HB 1028—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 1030 (Pr. No. 2687)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Ripp,	Van Sant,
DiSilvestro,	Madigan,	Rooney,	Wade,
Ehrgood,	Mahady,	Sarraf,	Wagner,
Flack,	Mallery,	Scott,	Ware, III,
Fleming,	McCreesh,	Sesler,	Weiner,
Haluska,	McGinnis,	Shafer,	Yatron,
Hawbaker,	McMenamin,	Silvert,	Donolow,
			Presiding Officer

NAYS—1

Seyler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1048 (Pr. No. 1640)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bell,	Kalman,	Mullin,	Silvert,
Berger,	Keller,	Murray,	Staisey,
Camiel,	Kromer,	Ripp,	Stiefel,
Chapman,	Lane,	Rooney,	Taylor,
Confair,	Mahady,	Sarraf,	Van Sant,
Devlin,	McCreesh,	Scott,	Weiner,
DiSilvestro,	McGinnis,	Sesler,	Yatron,
Ehrgood,	McMenamin,	Seyler,	Donolow,
Haluska,			Presiding Officer

NAYS—14

Flack,	Madigan,	Shafer,	Wade,
Fleming,	Mallery,	Stevenson,	Wagner,
Hays,	Pechan,	Stroup,	Ware, III,
Kessler,	Propert,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1059 (Pr. No. 1176)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	**Kalman,**	**Mullin,**	**Staisey,**
Berger,	**Keller,**	**Murray,**	**Stevenson,**
Camiel,	**Kessler,**	**Pechan,**	**Stiefel,**
Confair,	**Kromer,**	**Propert,**	**Stroup,**
Devlin,	**Lane,**	**Ripp,**	**Taylor,**
DiSilvestro,	**Madigan,**	**Rooney,**	**Van Sant,**
Ehrgood,	**Mahady,**	**Sarraf,**	**Wade,**
Flack,	**Mallery,**	**Scott,**	**Wagner,**
Fleming,	**McCreesh,**	**Sesler,**	**Ware, III,**
Haluska,	**McGinnis,**	**Seyler,**	**Weiner,**
Hawbaker,	**McMenamin,**	**Shafer,**	**Yatron,**
Hays,	**Miller,**	**Silvert,**	**Donolow,** **Presiding Officer**

NAYS—1

Chapman,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1080 (Pr. No. 1197)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	**Kalman,**	**Mullin,**	**Staisey,**
Berger,	**Keller,**	**Murray,**	**Stevenson,**
Camiel,	**Kessler,**	**Pechan,**	**Stiefel,**
Chapman,	**Kromer,**	**Propert,**	**Stroup,**
Confair,	**Lane,**	**Ripp,**	**Taylor,**
Devlin,	**Madigan,**	**Rooney,**	**Van Sant,**
DiSilvestro,	**Mahady,**	**Sarraf,**	**Wade,**
Ehrgood,	**Mallery,**	**Scott,**	**Wagner,**
Flack,	**McCreesh,**	**Sesler,**	**Ware, III,**
Fleming,	**McGinnis,**	**Seyler,**	**Weiner,**
Haluska,	**McMenamin,**	**Shafer,**	**Yatron,**
Hawbaker,	**Miller,**	**Silvert,**	**Donolow,** **Presiding Officer**
Hays,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1340 (Pr. No. 2715)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	**Kalman,**	**Mullin,**	**Staisey,**
Berger,	**Keller,**	**Murray,**	**Stevenson,**
Camiel,	**Kessler,**	**Pechan,**	**Stiefel,**
Chapman,	**Kromer,**	**Propert,**	**Stroup,**
Confair,	**Lane,**	**Ripp,**	**Taylor,**
Devlin,	**Madigan,**	**Rooney,**	**Van Sant,**
DiSilvestro,	**Mahady,**	**Sarraf,**	**Wade,**
Ehrgood,	**Mallery,**	**Scott,**	**Wagner,**
Flack,	**McCreesh,**	**Sesler,**	**Ware, III,**
Fleming,	**McGinnis,**	**Seyler,**	**Weiner,**
Haluska,	**McMenamin,**	**Shafer,**	**Yatron,**
Hawbaker,	**Miller,**	**Silvert,**	**Donolow,** **Presiding Officer**
Hays,			

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

HB 1463 (Pr. No. 1796)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. MAHADY. Mr. President, I am in need of a lawyer on this bill. If there is a good one around, I would like him to interpret what it means. They drew out for me what they intended to do, but I am certain they have not accomplished it.

The PRESIDING OFFICER. Is there a lawyer on the floor who would help Senator Mahady?

Mr. SESLER. Mr. President, I am somewhat in a quandary as to what to do about this bill.

This bill was framed with the intention that the sewer authorities in the first class townships would be able to collect a fair share from each property owner. Briefly, the bill intends to do the following:

For example, let us say that you have three lots abutting on the street, each being fifty feet in width. The sewer passes by two of those lots and then stops after it has only gone, say, ten feet in front of the third lot. Yet, the third lot is able to attach itself to the new sewer, thereby getting the benefits of the sewer.

Under the present law, the first two owners would be assessed for fifty feet. Let us say that the third lot only went to ten feet, thereby making that property owner pay for only ten feet of sewer in front of his house, even though he was receiving the full benefit. The idea of the bill is then that this lot owner would also be assessed for the full frontage of his lot. You would, therefore, take to total frontage of all lots which were using the sewer to arrive at the assessment per front foot. To do so, the language of the bill states as follows:

> ". . . The words'frontage abutting on the sewer' shall mean the entire width of the property at the point where the property abuts the sewer and not just that portion of the property which actually abuts on the sewer . . ."

As you can see, Mr. President, it is somewhat confusing, I believe. However, I have been advised by Members of the House that this was prepared by an attorney who is very conversant on these matters. In their opinion, they feel that most of the attorneys who deal in these matters

and who are conversant with this language will understand it.

I merely state these remarks by way of legislative intent. As Senator Mahady said, there is good reason to believe that this may breed some litigation. However, I think the intent is just what I tried to explain.

Mr. BELL. Mr. President, this bill is very confusing. I think we should pass bills which we can understand and not bills which people who specialize in sewerage and frontage on sewers can understand.

Here is the point I do not like about the bill. If there are three lots on a street, two of them being fifty feet in front and the sewer passes in front of them, and the third lot has 500 feet in front and the sewer just reaches the 500 feet in the front lot, the fellow who owns that big tract of land would have to pay for full frontage.

The motive behind the bill is good, but the writing of the language is very, very poor and it would lead to a miscarriage of justice. Until the bill is properly written, I ask everybody to join me in voting "no."

Mr. SESLER. Mr. President, because of the nature of this bill and because I believe it is needed, I ask at this time that the bill go over in order, with the intention that we confer with the Members of the House as to the possibility of inserting amendments on the matter.

The PRESIDING OFFICER. There being no objection, the bill will go over in its order.

REPORTS FROM COMMITTEE

Mr. McGINNIS, by unanimous consent, from the Committee on Appropriation, reported, as committed, **HB 1575** and rereported, as committed, **HB 1796.**

REPORTS OF COMMITTEES OF CONFERENCE SUBMITTED

Mr. MULLIN submitted the Report of Committee of Conference on **HB 1259,** which was laid over for printing under the rules.

Mr. CAMIEL submited the Report of Committee on Conference on **HB 840,** which was laid over for printing under the rules.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. DEVLIN, by unanimous consent, from the committee on Executive Nominations, reported the following nominations, made by his Excellency, the Governor, which were laid on the table:

MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

August 22, 1961

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Dean R. Fisher, 1 Cliffside Drive, Williamsport, Lycoming County, for appointment as a member of the Pennsylvania Liquor Control Board, until March 7, 1966, and until his successor shall have been appointed and qualified, vice Patrick E. Kerwin, Lykens, resigned.

DAVID L. LAWRENCE

MEMBER OF THE DELAWARE RIVER PORT AUTHORITY

August 28, 1961

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ted Schlanger, New Britain Road, Doylestown, Bucks County, for reappointment as a member of the Delaware River Port Authority, until July 5, 1966, and until his successor is appointed and qualifies.

DAVID L. LAWRENCE

MEMBER OF THE DELAWARE RIVER PORT AUTHORITY

August 21, 1961

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frank M. Steinberg, 404 Latches Lane Apartment, Merion, Merion Station, Montgomery County, for reappointment as a member of the Delaware River Port Authority, until July 5, 1966, and until his successor is appointed and qualifies.

DAVID L. LAWRENCE

ALDERMAN

August 29, 1961

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Henry R. Ryan, 7438 Race Street, Pittsburgh 8, Allegheny County, for appointment as Alderman in and for the Thirteenth Ward of the City of Pittsburgh, Allegheny County, to serve until the first Monday of January 1962, vice Mrs. Sarah R. Kirk, resigned.

DAVID L. LAWRENCE

MEMBERS OF THE BOARD OF TRUSTEES OF HAZLETON STATE HOSPITAL

August 30, 1961

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as members of the Board of Trustees of Hazleton State Hospital, until the third Tuesday of January 1967, and until their successors are appointed and qualified:

Robert J. Brogan, 52½ South Wyoming Street, Hazleton, Luzerne County.

Joseph A. Zola, 873 North Church Street, Hazleton, Luzerne County.

DAVID L. LAWRENCE

JUSTICE OF THE PEACE

July 11, 1961

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Wesley R. Ozias, 114 Hill Avenue, Cheswick, Allegheny County, for appointment as Justice of the Peace in and for the Borough of Cheswick, Allegheny County, to serve until the first Monday of January 1962, vice Andrew Snyder, deceased.

DAVID L. LAWRENCE

JUSTICE OF THE PEACE

March 21, 1961

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Loyal V. Dunkle, Prospect, Butler County, for appointment as Justice of the Peace in and for the Borough of Prospect, Butler County, to serve until the first Monday of January 1962, vice Wayne Allen, resigned.

DAVID L. LAWRENCE

JUSTICE OF THE PEACE

April 24, 1961

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Earl Dean Ramsey, 322 North Washington Street, Evans City, Butler County, for appointment as Justice of the Peace in and for the Borough of Evansburg, Butler County, to serve until the first Monday of January 1962, to fill a vacancy.

DAVID L. LAWRENCE

JUSTICE OF THE PEACE

May 22, 1961

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Eugene W. Shaeffer, 2022 Pleasant View Drive Ford City, Armstrong County, for appointment as Justice of the Peace in and for the Borough of Ford City, Armstrong County, to serve until the first Monday of January 1962, vice Julius Steiner, deceased.

DAVID L. LAWRENCE

JUSTICE OF THE PEACE

April 24, 1961

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Dennis D. Tiger, R. D. 1, Harmony, Butler County, for appointment as Justice of the Peace in and for the Township of Lancaster, Butler County, to serve until the first Monday of January 1962, to fill a vacancy.

DAVID L. LAWRENCE

MEMBER OF THE
STATE TAX EQUALIZATION BOARD

January 3, 1961

James L. McWherter, Derry, from November 17, 1960, until November 14, 1963, and until his successor shall be duly appointed and shall have qualified.

DAVID L. LAWRENCE

MEMBER OF THE BOARD OF TRUSTEES OF
DIXMONT STATE HOSPITAL

August 30, 1961

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate David J. Strizzi, 209 Frazier Drive, New Castle, Lawrence County, for appointment as a member of the Board of Trustees of Dixmont State Hospital, until the third Tuesday of January 1965, and until his successor is appointed and qualified, vice Mrs. Minnie Greenberg, Coraopolis, whose term expired.

DAVID L. LAWRENCE

MEMBER OF THE
LAWRENCE COUNTY BOARD OF ASSISTANCE

August 30, 1961

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas Crenney (Republican), 314 East Maitland Lane, New Castle, Lawrence County for appointment as a member of the Lawrence County Board of Assistance, until December 31, 1961, and until his successor is duly appointed and qualified, vice Samuel Taylor, New Castle, whose term expired.

DAVID L. LAWRENCE

ALDERMAN

August 30, 1961

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John Roche, 324 Cherry Street Scranton, Lackawanna County, for appointment as Alderman in and for the Twentieth Ward of the City of Scranton, Lackawanna County, to serve until the first Monday of January 1962, vice Thomas Roche, resigned.

DAVID L. LAWRENCE

MEMBER OF THE DELAWARE RIVER
JOINT TOLL BRIDGE COMMISSION

January 3, 1961

Jack Sirott, Levittown, from November 15, 1960, until terminated.

DAVID L. LAWRENCE

JUSTICE OF THE PEACE

August 28, 1961

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Fred C. Rapp, 323 Main Street Sharpsville, Mercer County, for appointment as Justice of the Peace in and for the Borough of Sharpsville, Mercer County, to serve until the first Monday of January 1962, vice William O. Weldon, Sr., deceased.

DAVID L. LAWRENCE

MEMBERS OF THE BOARD OF TRUSTEES OF
HARRISBURG STATE HOSPITAL

May 10, 1961

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for appointment as members of the Board of Trustees of Harrisburg State Hospital:

Edward M. Green, Riverview Manor Apartments, Front and Harris Streets, Harrisburg, Dauphin County, until the third Tuesday of January 1965, and until his successor is appointed and qualified, vice Rev. Wayne M. Wagenseller, Harrisburg, deceased.

James D. Novinger, 125 Shell Street, Progress, Harrisburg, Dauphin County, until the third Tuesday of January 1967, and until his successor is appointed and qualified. (Reappointment)

DAVID L. LAWRENCE

ELECTION OF PRESIDENT PRO TEMPORE FOR THE INTERIM

The PRESIDING OFFICER. At this time, we will proceed with the election of the President pro tempore, for the interim.

Mr. WEINER. Mr. President, in accordance with the requirements set forth in Article II, Section 9 of the Constitution of the Commonwealth of Pennsylvania, I wish at this time to place in nomination the name of the Honorable Anthony J. DiSilvestro for the office of pro tempore of the Senate, for the interim.

Mr. President and Members of the Senate, Senator DiSilvestro has been a Member of this Senate for a great number of years. He is a man of great learning, who is not only a graduate pharmacist, but a graduate lawyer, and has served here with honor and distinction. He is very well thought of in his community. He is a man of rare talents, both in the field of journalism and the field of pharmacy, as well as other areas of community endeavor.

I think it is a rare privilege that we have within our midst an opportunity to elect a man of such remarkable talents. He is the man who has served in the office of President pro tempore during the present Session. I think all of us have great love and affection for his abilities, his talents and, most of all, for the one thing which exceeds all the other things I have said, his capability of being a human being who has thoughts for his fellow man.

Therefore, Mr. President, it is with great joy, on behalf of myself and the Members of the Democratic Caucus, that I place the name of Senator Anthony J. DiSilvestro in nomination for the office of President pro tempore, for the interim.

Mr. TAYLOR. Mr. President, I want to congratulate the gentlemen on the other side of the aisle for using such good judgment. I have enjoyed the fellowship of the gentleman whom you have just nominated for the office of President pro tempore, for the interim, for many years. You could not have selected a better man for the interim. I know that next year, when I get back in, he will second my nomination.

Therefore, Mr. President, it is with a great deal of pleasure that I second the nomination of the Honorable Anthony J. DiSilvestro for the office of President pro tempore of the Senate, for the interim.

NOMINATIONS CLOSED

Mr. RIPP. Mr. President, I move that the nominations for the office of President pro tempore of the Senate, for the interim, be closed.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDING OFFICER. On the election of the President pro tempore, for the interim, the Clerk will call the roll.

The roll was called and resulted as follows:

FOR Mr. DiSILVESTRO—49

Bell,	Keller,	Murray,	Stevenson,
Berger,	Kessler,	Pechan,	Stiefel,
Camiel,	Kromer,	Propert,	Stroup,
Chapman,	Lane,	Ripp,	Taylor,
Confair,	Madigan,	Rooney,	Van Sant,
Devlin,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Wolfe,
Hawbaker,	Miller,	Silvert,	Yatron,
Hays,	Mullin,	Stalsey,	Donolow,
Kalman,			Presiding Officer

PRESENT—1

DiSilvestro,

The PRESIDING OFFICER. The Honorable Anthony J. DiSilvestro having received forty-nine votes, with one voting "present," the Chair declares the Honorable Anthony J. DiSilvestro duly elected President pro tempore of the Senate of Pennsylvania for the interim.

The Chair also understands that the newspapermen concur in the vote.

COMMITTEE APPOINTED TO ESCORT PRESIDENT PRO TEMPORE-ELECT, FOR THE INTERIM, TO THE ROSTRUM

The PRESIDING OFFICER. The Chair takes pleasure in naming as the Committee to Escort the President pro tempore-elect, for the interim, to the rostrum: the gentleman from Philadelphia, Mr. Weiner; the gentleman from Washington, Mr. Lane; and the gentleman from Dauphin, Mr. Taylor.

The committee will proceed in the performance of its duty.

(Whereupon, the President pro tempore-elect for the interim, was escorted to the rostrum of the Senate.)

ADMINISTRATION OF OATH OF OFFICE TO PRESIDENT PRO TEMPORE-ELECT, FOR THE INTERIM

The PRESIDING OFFICER. The oath of office will be administered to the newly elected President pro tempore of the Senate, for the interim, by a former Member of this Senate, who I understand entered the Senate of Pennsylvania at the same time as the President pro tempore-elect did. Since that time, he has been elevated as Judge of the Court of Common Pleas of Cumberland County, the Honorable Robert Lee Jacobs.

JUDGE JACOBS. Senator DiSilvestro, this takes on added significance for me, when I remember that I was elected for the first and last time in 1936. You were elected in 1936 for the first of many times. Therefore, it is an extreme pleasure for me to administer the oath of office to you.

(The oath of office was administered accordingly.)

REMARKS BY THE PRESIDENT PRO TEMPORE

Mr. DiSILVESTOR. Mr. President, colleagues of the Senate and Ladies and Gentlemen: I am grateful for the cooperation I have received in my first term as President pro tempore. I want you to know that I love you all—all of you on both sides of the aisle. I challenge anyone to say at this moment that my affection is greater for those on one side than on the other. My love for now is nonpartisan. Thanks a lot.

I also want to thank Judge Jacobs for administering to me the oath of office.

THIRD READING CALENDAR

BILLS ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 1528 (Pr. No. 1894)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—16

Camiel,	Kalman,	Sarraf,	Stalsey,
Devlin,	Mullin,	Sesler,	Stiefel,
DiSilvestro,	Ripp,	Seyler,	Weiner,
Haluska,	Rooney,	Silvert,	Yatron,

NAYS—32

Bell,	Hays,	McGinnis,	Stevenson,
Berger,	Keller,	McMenamin,	Stroup,
Chapman,	Kessler,	Miller,	Taylor,
Confair,	Kromer,	Murray,	Van Sant,
Ehrgood,	Lane,	Pechan,	Wade,
Flack,	Madigan,	Propert,	Wagner,
Fleming,	Mallery,	Scott,	Ware, III,
Hawbaker,	McCreesh,	Shafer,	Donolow, Presiding Officer

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

HB 1539 (Pr. No. 2727)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—22

Camiel,	Lane,	Murray,	Silvert,
Devlin,	Mahady,	Ripp,	Stiefel,
DiSilvestro,	McGinnis,	Sarraf,	Weiner,
Haluska,	McMenamin,	Sesler,	Yatron,
Hays,	Miller,	Seyler,	Donolow, Presiding Officer
Kalman,	Mullin,		

NAYS—27

Bell,	Hawbaker,	Pechan,	Stroup,
Berger,	Keller,	Propert,	Taylor,
Chapman,	Kessler,	Rooney,	Van Sant,
Confair,	Kromer,	Scott,	Wade,
Ehrgood,	Madigan,	Shafer,	Wagner,
Flack,	Mallery,	Stalsey,	Ware, III,
Fleming,	McCreesh,	Stevenson,	

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1957 (Pr. No. 2426)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

(During the calling of the roll the following occurred:)

Mr. MALLERY. Mr. President, having voted under a misapprehension, I desire to change my vote from "no" to "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. BERGER. Mr. President, also having voted under a misapprehension, I desire to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Bell,	Lane,	Pechan,	Stalsey,
Camiel,	Mahady,	Propert,	Stiefel,
Confair,	Mallery,	Ripp,	Taylor,
Devlin,	McCreesh,	Rooney,	Wade,
DiSilvestro,	McGinnis,	Sarraf,	Wagner,
Fleming,	McMenamin,	Sesler,	Ware, III,
Haluska,	Miller,	Seyler,	Weiner,
Hays,	Mullin,	Shafer,	Yatron,
Kalman,	Murray,	Silvert,	Donolow, Presiding Officer
Kessler,			

NAYS—12

Berger,	Flack,	Kromer,	Stevenson,
Chapman,	Hawbaker,	Madigan,	Stroup,
Ehrgood,	Keller,	Scott,	Van Sant,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER TEMPORARILY

HB 1598—Mr. SEYLER. Mr. President, I request that House Bill No. 1598 go over in its order very temporarily, because I have amendments to offer which are on their way from the Reference Bureau and they should be here in a very few minutes.

The PRESIDING OFFICER. There being no objection, the bill will go in its order temporarily.

HB 1622 and **1638**—Mr. BERGER. Mr. President, I request that House Bill No. 1622 and House Bill No. 1638 go over in their order.

The PRESIDING OFFICER. Is there objection?

Mr. WEINER. Mr. President, I ask that House Bill No. 1622, Printer's No. 2711, and House Bill No. 1638, Printer's No. 2719, go over in their order temporarily because there are amendments being prepared.

Mr. BERGER. Mr. President, I thought I had a good request.

The PRESIDING OFFICER. We have one request offsetting the other. There has been a request that the bills go over in their order. Now, we have a request that they go over in their order temporarily. It seems to me that one request—

Mr. WEINER. Mr. President, I will now make a motion that House Bill No. 1622, Printer's No. 2711, and House Bill No. 1638—

Mr. BERGER, Mr. President, I will withdraw my request that the bills go over in their order.

The PRESIDING OFFICER. There being no objection, the bills will go over in order temporarily.

BILL OVER IN ORDER

HB 1678—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 1781 (Pr. No. 2335)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Mullin,	Staisey,
Berger,	Keller,	Murray,	Stevenson,
Camiel,	Kessler,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,	Miller,	Silvert,	Donolow,
Hays,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1818 (Pr. No. 2679)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. BERGER. Mr. President, in discussing this bill out of order yesterday, I directed a question to the Majority Leader concerning the amendment which exempts from coverage family corporations which employ three or less people. I am afraid that I am losing my audience over on the other side.

Mr. WEINER. Mr. President, I am listening to the gentleman.

The PRESIDING OFFICER. May we please have some order in the Senate? We cannot hear what is going on up here.

Mr. WEINER. Mr. President, I want to advise the gentleman that I am paying attention.

Mr. BERGER. Very well, Mr. President.

At that time, I asked the gentleman why it was limited to family corporations, when there are numerous instances where people engaged in a seasonal employment, or a similar line of endeavor, incorporate for the purpose, almost, of being able to receive unemployment compensation under the same circumstances that these employees of family corporations receive it.

I would like to be enlightened on that subject because I think this amendment is a very good one. However, I believe it does not go far enough.

Mr. WEINER. Mr. President, I can answer the gentleman by saying that the statistics show that the cause of the problem is not the family relationship, as was asked by the gentleman, but they show there has been a large percentage of malpractices concentrated in the small family business organizations. The gentleman is absolutely correct when he states that the blood relationship is not what causes or prevents this kind of manipulation under the law.

There have been studies made by the bureau and I can present them to the gentleman. There is someone here from the department who has brought studies of this problem to me. These studies show that when a malpractice does exist, it is in the area of where the corporations are made up of employees who are all members of the same family. This is the case of where it is not the relationship which causes it, but it just so happen that where the problem lies is in this very same area. That is the reason why they are trying to correct this thing. This is not directed against any one group or any one person. However, the studies have found that this is where the greatest amount of abuse is.

Mr. BERGER. Mr. President, I was not complaining against the amendment. I was saying that the situation which is desired to be corrected should be corrected. However, I would like to find out why it is limited to family corporations.

Mr. WEINER. Mr. President, I am advised that the studies are being continued by the department. If the data which is gathered indicates that there are other entities, groups or areas where this is happening, then they will also introduce legislation to prevent this kind of abuse as well.

Mr. BERGER. I thank the gentleman, Mr. President.

I did bring this to the attention of a gentleman who is associated in this government and pointed out this particular type of corporation which should be covered by this amendment. I admit I did not follow it up. I assumed that some attention would be paid to it.

However, Mr. President, I do believe there are probably as many corporations formed for that purpose, which are not family-held corporations, as there are those in which families only own fifty per cent of the stock. I just simply cannot understand why they stopped at that point.

Mr. WEINER. Mr. President, I would just like to point out that this bill contains three amendments to the unemployment compensation program. For me to discuss unemployment compensation in a group such as this, I believe would be superfluous and I will not take the time. However, I would like to point out that this is the vehicle we use to prevent or diminish the impact on our economic and financial well-being, which affects all of us, by a person being jobless through no fault of his own. As we become more sophisticated and as our society moves ahead in the areas of automation and other places, we find that these laws must be altered in order to meet the changing requirements or needs.

This fund is the same as any other insurance fund and it must be kept at a certain level and not be permitted to become run-down. At the same time, there are many abuses which creep in merely because you are dealing with human beings. When you have all the different problems that human beings have, you must constantly be careful of these things and make the necessary changes from time to time.

This bill, House bill No. 1818, deals in three areas. The first area is where you have a person who is employed and belongs to a union and works side by side with someone who does not belong to a union, and when the business either goes out of business or a person is laid off, through no fault of his own, the person in the union receives severance pay. The people who are nonunion may receive severance pay because the employer may recognize the fact that these people could join a union. In order to keep them from doing so, they give them all the benefits which are received by the unions and, therefore, they have no reason to join a union.

The way the law strictly interprets unemployment compensation is that any person who is not a member of a

union and receives severance pay could go in and collect unemployment compensation. The gentleman who belongs to a union, however, cannot receive this because it is considered additional pay or income. Therefore, he would be disqualified from receiving any kind of benefits.

The other facet of it is the training and retraining. You have many people who are laid off in industry, through no fault of their own. In a very short time, it becomes apparent that they are never going to be re-employed. This is based on the fact that either automation takes place, there may be a cutback, there may be changes occur in the type of industry and there may be changes made in the entire setup. Therefore, this man is never going to go back to work and yet he still is in the productive years of his life when he does have a skill but no one now has a need for it. They then retrain or reschool these people. We have an entire program set up in the Department of Labor and Industry which deals with this problem. Where this man is able to qualify, under the Department of Labor, and where he is able to meet the requirements and qualifications to go to a school, even though he is on unemployment compensation, he would now be disqualified because if he is unavailable for a job, under the present law, he could no longer receive unemployment compensation. Therefore, what we are doing is providing here that if a man is eligible for retraining and he is receiving unemployment compensation, he will not lose his unemployment compensation and he can receive this retraining if he meets the qualifications and is approved by the department.

The third area which we go into here is the family corporation, which I believe we have discussed very briefly. In this area, we find there is a corporation where a person works for his mother or father who may have a business. They may lay him off or fire him, through no fault of his own, and he is then unable to obtain unemployment compensation because he belongs to the family unit. However, if his mother and father form a corporation and then lay him off, he can then qualify for unemployment compensation.

There is nothing sacred about this. There is nothing which says that because a man is a corporation he can or cannot receive it. Human beings do not change. The corporate entity is something created and goes back to the time before this Country was founded, when the king would grant letters patent to incorporate people or the parliament gave them to someone. We still do that today in this Commonwealth. The corporate entity is one created by the State. They have decided to recognize that there are abuses in this area.

As I pointed out a moment ago, the statistics show the greatest malpractice or abuse which occurs is in this area. They feel that just by closing up this loophole in the law, they will save at least a half-million dollars a year, if not more. Therefore, they have extended this thing to where there must be four or more people employed before you can qualify. In that way, it will be impossible or, at least, it will limit the possibility of having it solely a family entity where someone can abuse this fund.

It is for the integrity of the workingman and for the integrity of the Commonwealth to make sure that this fund maintains the level at which it is so that all of us can benefit, who might be working people and who might lose our jobs through no fault of our own and need the kind of help we can get over this period when our well-being and that of our family might be affected. Actually, we are only preventing these people from going on public assistance. In years past, people used to be left to look toward the poor houses when this type of situation hit them. We are more enlightened and hope, by moving in these areas, that we recognize these enlightenments that we live in. This is the Twentieth Century and the workingman must be protected because there is plenty that all of us can do to help him. This is the basic fundamental of insurance.

Mr. BERGER. Mr. President, I am a little bit sorry I asked the question. I am glad, however, to receive the human relations, human being, social concepts speech again.

Mr. President, I am in favor of the bill. I merely asked the question as to why they did not extend the corporate prohibition to corporations which are set up and designed only for the purpose of getting the people who own the corporation on unemployment compensation. That amendment is good and the other amendment, in my opinion, is good.

I received a very lucid and excellent explanation of this bill from the Secretary of Labor and Industry. It somewhat is at variance with what the Majority Leader said. The purpose of it is explained very nicely here, wherein it states as follows:

> ". . . The recent closing of the Ford automobile plant in Chester, Pennsylvania is an example of the type of situation covered by this amendment. In the Ford case, claimants who had spent their entire working life with the Ford plant suddenly found themselves unemployed because the plant was closed in the process of modernization. The company made serious efforts to ease the burden of the workers and provided severance payments. The public, in general, applauded this action on the part of management, and while it was possible for this Department to rule that these payments, under these conditions, did not affect unemployment compensation benefits, we feel that the language of the law should be clarified to make sure that in similar circumstances, there will be no question that unemployment compensation benefits will not be disturbed where the closing of a plant is permanent, and the anticipated unemployment is long-term. . . ."

Mr. President, I am very glad to vote for the bill.

Mr. KESSLER. Mr. President, as I tried to point out last night, at the late hour of about 11:00 p.m., the Unemployment Compensation Fund in Pennsylvania is in dire straits. We are practically bankrupt.

It is my impression that certain features of this bill will save an estimated $500,000 a year. However, there are other features of the bill which will cost an estimated figure of from two to four million dollars a year. It seems to me that any of us who are interested in protecting our Unemployment Compensation Fund, getting it on a sound basis and not encouraging more plants to close up, as was the case with the Ford Motor Company, in Chester, should vote "no" on this bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bell,	Hays,	Mullin,	Stevenson,
Berger,	Kalman,	Murray,	Stiefel,

Camiel,	Keller,	Pechan,	Stroup,
Chapman,	Kromer,	Ripp,	Taylor,
Confair,	Lane,	Rooney,	Van Sant,
Devlin,	Madigan,	Sarraf,	Wade,
DiSilvestro,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Donolow,
Hawbaker,	Miller,	Staisey,	Presiding Officer

NAYS—2

Kessler,	Propert,

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 1828 (Pr. No. 2489)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Camiel,	Mahady,	Murray,	Silvert,
Devlin,	McCreesh,	Ripp,	Staisey,
DiSilvestro,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,	Mullin,	Seyler,	Donolow,
Lane,			Presiding Officer

NAYS—24

Bell,	Fleming,	Mallery,	Stroup,
Berger,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

PERMISSION TO ADDRESS SENATE

Mr. MULLIN asked and obtained unanimous consent to address the Senate.

Mr. MULLIN. Mr. President, when I hear people talking about home rule and then look at the vote on the previous bill,—House Bill No. 1828, Printer's No. 2489—I think they are only interested in home rule when it benefits them.

THIRD READING CALENDAR

BILL OVER IN ORDER

HB 1831—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILL OVER IN ORDER TEMPORARILY

HB 1841—Without objection, the bill was passed over in its order temporarily at the request of Mr. WEINER.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

By unanimous consent, a motion was made by Mr. DEVLIN and Mr. LANE, that the Senate do now resolve itself into Executive Session for the purpose of considering nominations made by the Governor.

Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. DEVLIN asked and obtained unanimous consent for immediate consideration of certain nominations made by His Excellency, the Governor, and reported from committee at today's Session.

NOMINATIONS TAKEN FROM THE TABLE

Mr. DEVLIN. Mr. President, I call from the table for consideration the nominations reported from committee today, with the exception of the nomination of Ted Schlanger for reappointment as a member of the Delaware River Port Authority.

I also call from the table, Mr. President, the nomination of John Bevec for reappointment as a member of the State Tax Equalization Board, which was reported from committee on February 27, 1961 and laid on the table at that time.

The PRESIDING OFFICER. The Clerk will read the nominations.

The nominations were read by the Clerk as follows:

MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

August 22, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Dean R. Fisher, 1 Cliffside Drive, Williamsport, Lycoming County, for appointment as a member of the Pennsylvania Liquor Control Board, until March 7, 1966, and until his successor shall have been appointed and qualified, vice Patrick E. Kerwin, Lykens, resigned.

DAVID L. LAWRENCE.

MEMBER OF THE DELAWARE RIVER PORT AUTHORITY

August 21, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frank M. Steinberg, 404 Latches Lane Apartment, Merion, Merion Station, Montgomery County, for reappointment as a member of the Delaware River Port Authority, until July 5, 1966, and until his successor is appointed and qualifies.

DAVID L. LAWRENCE.

ALDERMAN

August 29, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Henry R. Ryan, 7438 Race Street, Pittsburgh 8, Allegheny County, for appointment as Alderman in and for the Thirteenth Ward of the City of Pittsburgh, Allegheny County, to serve until the first Monday of January 1962, vice Mrs. Sarah R. Kirk, resigned.

DAVID L. LAWRENCE.

MEMBERS OF THE BOARD OF TRUSTEES OF HAZLETON STATE HOSPITAL

August 30, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as members of the Board of Trustees of Hazleton State Hospital, until the third Tuesday of January 1967, and until their successors are appointed and qualified:

Robert J. Brogan, 52½ South Wyoming Street, Hazleton, Luzerne County.

Joseph A. Zola, 873 North Church Street, Hazleton, Luzerne County.

DAVID L. LAWRENCE.

JUSTICE OF THE PEACE

July 11, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Wesley R. Ozias, 114 Hill Avenue, Cheswick, Allegheny County, for appointment as Justice of the Peace in and for the Borough of Cheswick, Allegheny County, to serve until the first Monday of January 1962, vice Andrew Snyder, deceased.

DAVID L. LAWRENCE.

JUSTICE OF THE PEACE

March 21, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Loyal V. Dunkle, Prospect, Butler County, for appointment as Justice of the Peace in and for the Borough of Prospect, Butler County, to serve until the first Monday of January 1962, vice Wayne Allen, resigned.

DAVID L. LAWRENCE.

JUSTICE OF THE PEACE

April 24, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Earl Dean Ramsey, 322 North Washington Street, Evans City, Butler County, for appointment as Justice of the Peace in and for the Borough of Evansburg, Butler County, to serve until the first Monday of January 1962, to fill a vacancy.

DAVID L. LAWRENCE.

JUSTICE OF THE PEACE

May 22, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Eugene W. Shaeffer, 2022 Pleasant View Drive, Ford City, Armstrong County, for appointment as Justice of the Peace in and for the Borough of Ford City, Armstrong County, to serve until the first Monday of January 1962, vice Julius Steiner, deceased.

DAVID L. LAWRENCE.

JUSTICE OF THE PEACE

April 24, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Dennis D. Tiger, R. D. 1, Harmony, Butler County, for appointment as Justice of the Peace in and for the Township of Lancaster, Butler County, to serve until the first Monday of January 1962, to fill a vacancy.

DAVID L. LAWRENCE.

MEMBER OF THE STATE TAX EQUALIZATION BOARD

January 3, 1961.

James L. McWherter, Derry, from November 17, 1960, until November 14, 1963, and until his successor shall be duly appointed and shall have qualified.

DAVID L. LAWRENCE.

MEMBER OF THE BOARD OF TRUSTEES OF DIXMONT STATE HOSPITAL

August 30, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate David J. Strizzi, 209 Frazier Drive, New Castle, Lawrence County, for appointment as a member of the Board of Trustees of Dixmont State Hospital, until the third Tuesday of January 1965, and until his successor is appointed and qualified, vice Mrs. Minnie Greenberg, Coraopolis, whose term expired.

DAVID L. LAWRENCE.

MEMBER OF THE LAWRENCE COUNTY BOARD OF ASSISTANCE

August 30, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas Creeney (Republican), 314 East Maitland Lane, New Castle, Lawrence County, for appointment as a member of the Lawrence County Board of Assistance, until December 31, 1961, and until his successor is duly appointed and qualified, vice Samuel Taylor, New Castle, whose term expired.

DAVID L. LAWRENCE.

ALDERMAN

August 30, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John Roche, 324 Cherry Street, Scranton, Lackawanna County, for appointment as Alderman in and for the Twentieth Ward of the City of Scranton, Lackawanna County, to serve until the first Monday of January 1962, vice Thomas Roche, resigned.

DAVID L. LAWRENCE.

MEMBER OF THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

January 3, 1961.

Jack Sirott, Levittown, from November 15, 1960, until terminated.

DAVID L. LAWRENCE.

JUSTICE OF THE PEACE

August 28, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Fred C. Rapp, 323 Main Street, Sharpsville, Mercer County, for

appointment as Justice of the Peace in and for the Borough of Sharpsville, Mercer County, to serve until the first Monday of January 1962, vice William O. Weldon, Sr., deceased.

DAVID L. LAWRENCE.

MEMBERS OF THE BOARD OF TRUSTEES OF HARRISBURG STATE HOSPITAL

May 10, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for appointment as members of the Board of Trustees of Harrisburg State Hospital:

Edward M. Green, Riverview Manor Apartments, Front and Harris Streets, Harrisburg, Dauphin County, until the third Tuesday of January 1965, and until his successor is appointed and qualified, vice Rev. Wayne M. Wagenseller, Harrisburg, deceased.

James D. Novinger, 125 Shell Street, Progress, Harrisburg, Dauphin County, until the third Tuesday of January 1967, and until his successor is appointed and qualified. (Reappointment)

DAVID L. LAWRENCE.

MEMBER OF THE STATE TAX EQUALIZATION BOARD

January 16, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John Bevec, 173 Alexander Avenue, Strabane, Washington County, for reappointment as a member of the State Tax Equalization Board, until November 14, 1963, and until his successor shall be duly appointed and shall have qualified.

DAVID L. LAWRENCE.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Kalman,	Mullin,	Staisey,
Berger,	Keller,	Murray,	Stevenson,
Camiel,	Kessler,	Pechan,	Stiefel,
Chapman,	Kromer,	Propert,	Stroup,
Confair,	Lane,	Ripp,	Taylor,
Devlin,	Madigan,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,	Miller,	Silvert,	Donolow,
Hays,			Presiding Officer

NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. DEVLIN. Mr. President, I move that the Executive Session do now rise.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

CALENDAR

HB 1807 CALLED UP OUT OF ORDER

HB 1807 (Pr. No. 2566)—Without objection, the bill was called up out of order, from page 14 of the Second Reading Calendar, by Mr. BERGER.

EDUCATION BILL OVER IN ORDER TEMPORARILY

HB 1807—Mr. WEINER. Mr. President, I will be delighted to join with the gentleman in the calling of this bill up right after he has voted for the tax bill. This has not occurred. I want to call up the tax bill next.

Therefore, I move that we defer this for the moment until we have a vote or two, thereby passing the tax bill. I believe twenty-six votes are needed to pass a tax bill. There are now twenty-five votes on it, as I believe there were yesterday. If we can get twenty-six votes, I will be delighted to call this bill up for Second Reading and I will be delighted to vote for it on Third Reading. I am sure we will get fifty votes in this Senate for the bill.

This is the subsidy bill and is the one which is the heart of what we have been speaking about on the part of money, and on the part of getting these moneys for the school districts. This is a case of where the gentleman can have his cake and his penny, too. He merely has to give us the penny and we will be glad to give him the cake.

If there are no votes for the tax, I think the gentleman knows that I stated yesterday, on behalf of the Members on this side, that these bills will be dropped from the Calendar. I want to reiterate that now so there will be no confusion about it and no one will say that I did not tell them. I want to make sure that we understand each other. I am going to drop this and the other bills from the Calendar which carry appropriations with them.

Mr. President, I object to this bill being read for the second time at this particular time.

Mr. BERGER. Mr. President, the bill having been called up, I believe it requires a vote.

Mr. WEINER. Mr. President, I now move that the bill go over in its order temporarily.

Mr. SEYLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative and the bill was passed over in its order temporarily.

HB 1789 CALLED UP

HB 1789 (Pr. No. 2666)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 3 of the Final Passage Calendar by Mr. WEINER.

BILL ON FINAL PASSAGE DEFEATED

HB 1789 (Pr. No. 2666)—On the question,

Shall the bill pass finally?

Mr. STROUP. Mr. President and Members of the Senate, I will admit to being somewhat naive in fiscal matters, in so far as the Commonwealth is concerned. As I stand before you, I do not pretend to be any expert concerning these matters whatsoever. I have, however, devoted some time and have had some assistance in the study of the financial situation of our Commonwealth and of our government.

As a consequence, Mr. President, there are some figures which puzzle me. I would like, therefore, to call these figures to your attention.

As I understand the budget for 1961-1962, we had set up

by our Administration revenue estimates of $971,384,000. The recent revised revenue estimates, as of the latest date, are $987,447,096. This shows a revised revenue estimate in the amount of about $16,063,096 over and above the budget for the year. I would also like to point out that included in these revised revenue estimates are the following:

An increase in corporate net income of $14,463,096; an increase in the capital stock and franchise tax of $1,000,000; the discontinuance of the fee for collection of the sales tax, $6,500,000; an increase in the insurance premium tax on domestic companies, $1,400,000; an estimate of increase from other taxes, $400,000; and added to that, beyond the figure which I have given you heretofore of better than $16,000,000, if, as I understand, the sales tax collection should go to $420,000,000,—as I believe Doctor Kurtzman recommended or more or less gave the idea to this Senate —there would be another $8,300,000.

The very least that we can look forward to in increased revenues, over and above the budget which was presented to us, would be almost $25,000,000. As a consequence of this analysis, I ask you—and I doubt very much whether I am in any error—what is the need for the bill which is before us, House Bill No. 1789? As I stand before you, I am quite positive that the Administration can find the money to carry out the provisions of House Bill No. 1807 from the revenue which it has coming in during the year. These facts prove that to me and I feel positive I am correct, until I can be shown otherwise.

I, therefore, submit to you, Mr. President, that it is unnecessary to pass this tax measure at all. However, it is vitally necessary to bring up the rest of the educational bills and go to work upon them. We should put them in order.

In addition to that, if it should be shown there is error, we have a fiscal year coming up in 1962 and the least that we should do, if we are sincere about our efforts on behalf of education, is to prepare ourselves now. If we find we do not have sufficient funds, we can face that issue in the next Session. This only makes good legislative sense. This causes all of us to rise to meet the obligation which is ours this evening.

Therefore, Mr. President, I call upon the gentlemen on the other side of the aisle to act accordingly.

The PRESIDING OFFICER. At this time, the Chair turns the gavel over to the Lieutenant Governor, the Honorable John Morgan Davis.

The PRESIDENT (Lieutenant Governor John Morgan Davis) in the Chair.

The PRESIDENT. Thank you, Senator Donolow.

And the question recurring,

Shall the bill pass finally?

Mr. WEINER. Mr. President, today we have a rare opportunity in the Senate because today is the Fourth of July, Memorial Day and all the other holidays that we observe. I know that every gentleman, at some time or another, has made a speech on those glorious holidays which we have in this Country. I am certain he has spoken about the young men in this Country, about education, and about the great things that are going to be going on in this Commonwealth and this Nation.

Well, gentlemen, today is the day to carry out those speeches that you have made on those occasions. You should not only carry them out, but put in force the very facts that you constantly have expounded and which you have heard expounded on those occasions. If you do not put up the money and you do not put up the wherewithal in order to accomplish the things that we want to do and which are in the education program,—people on your own side served on the Select Committee and on the Governor's Committee—I think it is hypocrisy at its worst.

This is the day when you can put up the money to carry out the program. I think it is significant that you are interested in moving the subsidy bill which will mean more money in all of your counties for the school program. Yet, you are not willing to provide this money at all.

Let us look at this thing for just one moment and you decide who is interested in education and who wants to do the right thing.

You are perfectly willing to let us vote this tax. I have heard rumors that you are perfectly willing to permit the Lieutenant Governor to even break the tie. Suppose we took that aspect of it and suppose we passed the legislation and it were behind us. What would have happened? The Legislature would have mandated all this money to be spent, in the amount of $22,000,000 or $23,000,000. Yet, there would not be a tax to go with it to pay for it. We would end up with a tremendous deficit.

You and I know that the people this tax falls upon are not only influential, but affluent in our society. You well know that the day when this would go into effect, a lawsuit would be started and there would be an action against the Secretary of Revenue to prevent him from collecting the tax. We would have merely given away something that we do not have and do not have the wherewithal to do.

It is fine to stand up here and there is fat in the budget, there are too many employees and there is a great deal of money around which can be used. I have not seen anyone show it to me. You receive the same budgets that I get every month. You receive the same amount of literature from the Office of Administration and the Budget Secretary that I do. I do not see that fact; I do not see the money. If that is the case, I do not know where the deficit has been coming from. We should have wiped it out by now.

I think today is the day when you should put yourself on the line. You are either for or against education. The time for the talking and the double talk is over. The time for political speeches is over. Today is the day when you have to be a statesman and vote for this tax in order to provide the money to do the kind of a job that we want to do.

Yesterday, when we were here discussing this matter, I heard someone get up and go on at great length about the people who are sixty-five and over. The gentleman stated that these people cannot defend themselves or do anything to help themselves. Let me point out a few facts to you. These facts come from the Department of Commerce, in Washington, which, at the time when this was prepared, was not Democratic because the Democrats have not been there that long.

In Pennsylvania, approximately ten per cent of the total population is sixty-five years and over. The last census data indicates that the overwhelming majority of the aged population are no longer supported by earnings. The aged, as a group, are low in income status. Fewer than 1.4 persons, sixty-five and over, had as much as $2,000 in income in 1960. More than half had less than $1,000 in income.

Who are you concerned about? Are these the people about whom you are crying? Are these the people about whom you are concerned? They do not even fall in the category of the area which we spoke about yesterday.

On the national basis, it even falls lower and falls along a more diffused and widened area than that which we discussed yesterday. Therefore, what may be the popular notion is not borne out by the facts. The people who are of this age group do not receive most of their money from dividends. Much of their money comes from interest, and this is not taxed under this bill. A lot of it comes from rents and this is not taxed under this bill. A lot of it comes from other areas which are not covered in the bill at all. Therefore, these are not the people about whom you are concerned.

I think you are being less than candid when you do not come out and tell us who it is that you are trying to protect and who it is that you are really concerned about. I think you should bring these facts to our attention. Let us see if these people are the kind of people that you would feel we cannot tax to help some underprivileged child or to help any child with a good mind obtain an education.

I feel if we want to keep pace in this Country and if we want to catch up to what the Russians and other Countries are doing, and keep up the strides we have made and not fall behind, we must do this kind of work. It may not be pleasant to vote for taxes. There is no one who will ask you to vote for a tax and say that it is the greatest thing in the world. However, by the same token, there are many things which are necessary. It is sometimes necessary to hurt a youngster to vaccinate him. It is necessary sometimes to put him through an operation in order to save his life. This is what is involved here. This money is diffused over a number of people in Pennsylvania, none of whom will feel it.

Yesterday, the gentleman from Allegheny stated something concerning the people about whom he was concerned. After we interrogated him, it was revealed that it was eight cents a day that these people would have to pay. A package of cigarettes is twenty-eight cents a day. You decide which is more important. Is it the twenty-eight cents for the package of cigarettes or the eight cents a day to educate a child? I think this is what we must decide here today. If the people you want to protect, or the people you think you are protecting or giving succor to by not voting for this bill and not providing the means and wherewithal so that we can have a first-class educational system, come ahead of the interests which lie best not only for the Commonwealth of Pennsylvania, but for the entire Country, for its well-being, for its defense and for its very life—if that does not come ahead of some small group of selfish individuals—I would say that your thinking is somewhat clouded. I would also say that you are taking a very jaundiced point of view of a very serious situation.

Mr. BERGER. Mr. President, I am very delighted to know that this is the day when the end of the political speeches has arrived. That is one of the greatest ones I have heard lately.

Mr. President, the fact remains, in dealing with this tax bill, that it is a tax upon a certain segment of our population. It is an income tax only on that segment. As was stated yesterday in debate, that type of tax is repugnant and it should not be passed. Our attitude toward it has not changed since we voted upon it yesterday.

Therefore, Mr. President, I would suggest to the gentleman that he run the bill.

Mr. SILVERT. Mr. President, I spoke on this bill yesterday and I intend to be brief today.

Yesterday, we were met with the amazing statement, by Senator Hawbaker, that this two per cent tax is going to fall upon people who are the least able to pay. I do not think that Senator Hawbaker could get ten people in the Commonwealth of Pennsylvania to agree with a statement of that kind. It is the most gross misstatement made in the Senate thus far.

There is no question that this tax will fall on some people and not on others. However, it will fall to the extent of ninety-eight per cent upon people who are able to pay.

Today we heard from Senator Stroup that there is fat in the budget and that we do not need new taxes. Senator Stroup very well knows that he was a member of the Select Committee. This committee was purposely made up of equal numbers of Democrats and Republicans. Its main purpose was to arrive at a tax program acceptable to both sides. We met a number of times and we discussed what we could do this year. Several taxes were discussed. This is the first time that I heard from Senator Stroup that there is enough money in the budget to pay this $23,000,000. I ask Senator Stroup if that were a fact, why did he not mention it to the Select Committee of which he was a member?

Mr. President, as I stated before, I do not intend to talk too long on this subject. This is simply a question of either proceeding with an improved educational system in Pennsylvania or killing it today. I have in my hand here some 200 telegrams, each one of which carries this tone:

"Urge strong support of House Bill No. 1789 to safeguard our education."

These wires come from all over Pennsylvania. The Republican Party will have to take the responsibility for killing a program which was studied by a nonpartisan group —the Education Committee which was appointed by the Governor. They must take the responsibility today of killing it. If that is what they want to do, they will suffer the consequences in the future.

Mr. WAGNER. Mr. President, yesterday seemed to be the day for argument, and I was not disposed to get into an argument on this matter, because I certainly was in no disagreement with those who say we should provide still more money for education and that it should be provided as soon as it can conveniently be done.

However, I feel from some of the things I have heard along the line yesterday and today that probably this is the time to philosophize a little bit about the circumstances in which we find ourselves, and what we ought to do about it.

I was quoted in the papers, as long ago as last Monday, as sincerely desiring to take a long and a hard look at this entire situation. I have probably been the last man in the Senate to make up my mind how I would vote on this bill. I am disposed to feel that I thought about it longer, later and more prayerfully, perhaps, than most of my colleagues. When I made my decision, it was because I feel that we are not in a position where we must take any kind of a tax in order to meet a job that needs to be done.

I was a little disappointed when the Majority Leader tried to back us into a corner when he said: "This is the day of decision, when you will be for education or will not be for education."

I have been for education and for a broad base tax for education since 1939, as a Member of the House. There are men on the sidelines today who know that I waited many years to get even a little portion of the things that we needed for schools. When we did get them, we got them the right way.

I was a Member of this Senate, who sat practically until Christmas Eve, trying to determine what kind of a tax we should use for education. I was ready at that time to vote for an income tax in Pennsylvania so that our schools might be properly sustained. I later voted for and have since voted for a sales tax, which was the alternative broad base tax to maintain education. I am not reluctant at any time to vote for a tax that seems to be equitable and to be fair.

I would remind those who care to go back just a few weeks that in the Select Committee on Education, I think I was the one who suggested that we probably ought to permit this tax to be thrown to the Legislature for consideration because it was one of only two taxes that the Governor had mentioned—the personal property tax and the dividend tax—for maintaining additional services to schools.

I said, gentlemen, that it seems to me we ought to take at least one of the recommendations of the Governor of this Commonwealth as part of our several considerations. At the time that we agreed this could be thrown out for consideration, we did not recommend it to be adopted. I thought several taxes meant three or four that we would give to the Legislators to consider. However, when we passed through taxes, I and two others, as I recall it, not only advocated the broadening of the sales tax for education,—because that is the vehicle which we have chosen in this State to pay our education bill—but I indicated that I would vote for a broadening of the sales tax. I think it was probably the first declaration of definite support for a tax measure that was uttered in that committee.

Since then, when this tax proposal came up, I have sincerely done exactly what I told my friends in the Democratic ranks and in the Republican ranks I would do. I invited people to meet with me. I discussed this with them —educators, business people and politicians. I wanted to know what effect it might have upon the economy, what effect it might have upon a certain segment of our population, and what effect it might have politically, because I am a politician.

Until yesterday morning, I received, from all quarters, discouragement regarding this specialized tax. Business people were against it, politicians were against it, educators were against it, with this occasional proviso: "We want money for our schools. We need it." Of course, I agree with them on that. "However, we do not want our name mentioned as endorsing this particular way to get it."

Educators, who are fine administrators and good businessmen, have said to me: "We desperately need higher subsidies for instruction purposes, but we would much rather have all of our people pay for it than just those, particularly, whose productive years are behind them."

In my final analysis, early yesterday morning, before I talked to Senator Weiner and told him frankly that my vote would be "no" on this particular bill, I thought of myself. I have reared five children. I put four of them through college. It cost a small fortune, relatively, to accomplish that and to achieve it. I wonder how I would feel if I were not in productive living today; if my working days were finished, and I were going to round out my last years with the help of dividends from some investments which I still have managed to make in spite of the educational hurdle. How would I feel if I and my particular group were singled out, almost to the exclusion of the producers, to pay for the educational effort and services to the children of the productively employed people today?

I do not think, Mr. President, that this is quite right. I think we do not need to admit—and I doubt whether anyone is going to accuse me of not being for an advanced program in education—that it is this or nothing. This is bad political philosophy, bad reasoning, and it is a bad position to take.

You men know that our schoolmen were in here last year, clinging to our coat lapels and calling us in our bedrooms early in the morning when we had been in Session late at night, telling us that they could not go on without increased subsidies. They did need it and they needed it desperately. Nobody in the front office or anywhere else saw fit to take any specific action about it until now. I say if they do not get it because of this type of tax in September, we have an obligation to continue to try until the right kind of revenue is derived which will be more acceptable and, thereby, give it to them in October or give it to them in November.

Better that the money for education be delayed, if necessary, a few more months to provide it in an exceptional fashion, rather than hasten it in the guise of an emergency in a way that is going to sour a great segment of our people against our schools and against the cause of education.

Ten minutes ago, I was handed a Special Delivery letter by somebody from the Post Office Department, which I have not been able as yet to completely read. It comes from West Newton, Pennsylvania, and I do not even know where West Newton is located.

I do not want the Majority Leader to ask me who wrote it, because I do not know her. To my knowledge, I have never met her. However, she indicates that she is writing this letter at 4:00 o'clock in the morning of August 31, hoping it will reach me before it is too late.

This retired school teacher states as follows and I quote:

> "My Pittsburgh paper says you have favored school bills"—over all of your legislative years—" and are enduring a fight within yourself. That, I'd say, was to your credit, but I'm just asking you to consider that we can be for the principle of better schools and still honestly believe that a means toward realizing that may be . . . ill-advised or unjustified at a particular time and under certain conditions . . ."

I quote further from the lady's letter, in which she says:

> "I never could accept the philosophy that 'the end justifies the means' . . ."

I pause here, Mr. President, because it seems to me that the communist philosophy has been, in recent years, that anything was all right if it brought the desired results.

Any way is all right to achieve the ascendancy of communism.

I do not think that even in education any means are justified in order to achieve an end which can only be temporary. I am sure my good friends, particularly Senator Seyler and Senator Hays, remember that I said in the meeting that the best thing that can happen to education is that all of those who are enjoying its benefits participate in the payment of it, which is why we set up a broad base tax and which is why the sales tax is such an excellent vehicle to accomplish that purpose.

Mr. President, I am now reading further from this letter as follows:

> ". . . it just seems"—the lady continues—"always to have been my nature to hate injustice or what I think is unfair . . ."

Then I proceed to the second and third pages of the letter rather rapidly, and she points out that:

> "The bill is discriminatory; it is segregation. It sets a certain segment of us apart to be 'plucked' for the benefit of another favored segment.
>
> "The old rabble-rouser, 'soak the rich', seems to have given away to 'soak whomever has anything' if that somebody is unorganized or unprotected by friends in high places.
>
> "Rents were eliminated." I continue to quote, Mr. President. "Could that have any interest to an eastern multi-millionaire 'angel' with large realty holdings?"

That, I do not know how to explain, but it is in the letter and I pass it along because rents have been eliminated.

Now, Mr. President, I say to you this afternoon that I woke up at night this week, thinking about those additional thousands of dollars that would come to the County of Schuylkill with this increased subsidy bill passed. I have conferred with a cross-section of my people in Schuylkill County and in other parts of the State, and I think I enjoy a rather enviable relationship with leading citizens in the field of education and the field of commerce throughout this Commonwealth.

I reached the conclusion, Mr. President, that our folks in Schuylkill County would dearly love to have these extra thousands of dollars through an increased constructional subsidy. However, these rugged folks in Schuylkill County, who are less favored in many instances than some of the other parts of our State, tell me in terms that I cannot misunderstand that the only way they would be happy with this additional money is to feel that the part of it that comes from taxation from Schuylkill County comes from all of us in Schuylkill County, and not just primarily from those who are no longer working.

Mr. HAYS. Mr. President and Members of the Senate, it is with some degree of reluctance that I follow my distinguished colleague from Schuylkill County, for he has carried the banner for his Party, as far as education is concerned, with distinction and honor for many years before I came to the Senate of Pennsylvania.

I want to start my remarks by making a comment. I will begin by perhaps going back to the eighth or ninth inning of the first game of this double-header, when the Senator from Bedford, Senator Stroup, and I had a little interplay about this Select Committee on Education.

Before I read from the notes of the Secretary of that Committee, I want to say—for fear it was not clear yesterday—that although the record will show that we recommended the consideration of two taxes, I think, in fairness to three gentlemen on the other side of the aisle and to every Member of the Committee, it should be said that everyone said: "This is no wise commits me to vote for this tax legislation." I think this is a statement that I owe to my colleagues.

I am now quoting from the minutes of July 18, 1961, and this is very brief:

> "It was moved that we recommend for consideration by the Caucus"—Caucuses, I presume—"a two per cent tax on income from dividends, rents, interest, royalties and capital gains. It was seconded and carried unanimously."

I think this is what I said yesterday, with the exception that I am sure I said that it be recommended to the General Assembly and not to the Caucuses.

Then it was also moved on that same day—and, I might say, the record shows that all fourteen Members were present—that we approve of the two percent form of income, dividend, etc., tax as being one of several taxes to be recommended for consideration by the Caucuses.

That is all of the minutes, I think, apropos to the discussion of yesterday and of today. We did say, as Senator Wagner has said, "several taxes." Several meetings after this, we had a semantics problem of what "several" meant, and we had to settle for two taxes; namely, an extension of the sales tax, as we pointed out yesterday, on trade-ins, and this tax that we have before us for consideration.

Later, we agreed on the parts of the Governor's program that we had approved, largely, the bills that are on the Calendar today. These would have the endorsement of the Select Committee.

It is for every Member of that Committee to say, it seems to me, and for the public to judge—and I can only answer for myself—whether, when I approve a part of a program that obviously is going to cost money, this implies that I also am willing to find the revenue for it. I shall not impute any of my colleagues on this particular question because each one of us, perhaps, has our own views on this. However, this is the way I recall the situation.

Now to go back to the first game yesterday, southern Pennsylvania got into the debate a good deal. Since my forebears were born, raised, multiplied and died in that section, I think I would like to say that while it was implied here that the mood of William McKinley prevailed in southern Pennsylvania in years gone by,—and perhaps today—I grew up in the mood of the ideals of Woodrow Wilson.

I am a little reluctant to get autobiographical here, but some other Senators have. I was born and raised on a poor York County farm, and I happened to be the youngest of a rather large family. Because of the fact that this General Assembly, in years gone by, probably had not provided free high school education for my older brothers and sisters, I happened to be the only one in my family who had the privilege of a high school education at public expense.

I lived fifteen miles from the nearest high school, and fifteen miles in those days was as far as San Francisco today, very nearly. So, from butter and egg money,—the influence of Pennsylvania State University was not on our farm and we did it the old-fashioned way—my dear

mother, who has passed away, sacrificed and I was able, although perhaps the least worthy of my brothers and sisters, to get this high school education.

My mother told me something that I shall never forget and which, perhaps, is the reason I am standing here. She did not leave me any stocks and bonds. She was the last of my parents to be deceased. However, she left me something that I treasure. She said: "What you put in education, you never lose." I repeat: "What you put in education, you never lose."

Mr. President, I would be the last one—and I am sure all of you gentlemen would second the motion—to try to discuss the merits of a tax. This subject is not in my range. Senator Silvert, Senator Wade and others can, and do, do this very well. However, at the present time, I only have one tax from which to choose, just one tax. What happened to the tax on trade-ins? I am not a Member of the House and, therefore, I cannot say. However, here I am with only one tax to consider, and this is not a perfect tax. I wish we could have certain exemptions, but I cannot make that choice. Today, I must choose this tax or no tax.

It has been stated here a number of times that ninety per cent of this tax will be paid by people who are well able to pay it. I do not believe this fact has been contradicted. For instance, in Cumberland County, I think it was brought out that there are people with an income of $1,400, perhaps, which would be taxable under this tax.

May I remind you that it seems to me the important thing about a tax bill is not the different segments of the bill, but the total tax. I have said on his Senate floor before, and I repeat myself, that all the data that I have ever seen from the U. S. Department of Commerce, under President Truman and President Eisenhower,—I do not believe I have seen anything under President Kennedy—will indicate that if you add the total tax paid per capita in Pennsylvania, both local and State, it is much below the national average. It is also below most of the States surrounding Pennsylvania.

Let us think of the people who will be paying ten per cent of this tax—these $1,400 people. It was pointed out, for example, that in Cumberland County this tax would return to Cumberland County $285,000. This is not a pork barrel for the front office. This money will be expended by elected school directors in every one of the 2,200 school districts of the Commonwealth and not by the front office. However, when Cumberland County receives this $285,-000, it will be distributed to each of the districts. Then, Mr. President, a school board can do one of two things, or a combination of them. It can reduce the taxes or it can prevent the taxes from increasing. I woud point out to you that if this should have the effect of three mills on a house which is assessed at $5,000 ,this $1,400 income-person could possibly have a deduction of fifteen dollars from his local tax on the basis of paying twenty-eight dollars on this other tax. Therefore, the impact of this tax is much less than it would first appear to be.

In passing, I might also say that I know it is true that Senator Wagner made the statement that he favored a broad base tax. He made this statement earlier in a committee meeting. I believe, on the floor of this Senate, more than two months ago, I said that I, too, favored the extension of a form of taxation on consumers and that I would support such a tax.

This tax, of course, has been described almost as a kind of blood money tax; that we are taking blood from people. When you take blood from people, it seems to me that it depends for what purpose you take the blood. If you take the blood for a transfusion, then, it seems to me, when you give your blood, you are doing a wonderful service. Here, we are transferring from a certain group of people, it is true, ninety percent of whom will not be hurt. They are people who can afford to pay this tax. Into what channels will this blood money go? Well, it will go to the school districts of the Commonwealth of Pennsylvania and it will go indirectly into teachers' salaries.

During the last two or three days, in the local newspapers, I read the following headlines: "Central Dauphin Joint Seeks Four Teachers." I believe school is going to open next week at Central Dauphin. I have another newspaper clipping here and the headline reads: "West Shore Still Lacks 4 Teachers." This is especially distressing to me because I read where they need a teaching principal at my alma mater over in York County.

If you follow your newspapers concerning a study of teacher vacancies at this time, I think you will find that this is typical all over the Commonwealth of Pennsylvania. If there are 400 such districts in Pennsylvania that do not now have teachers, this certainly means they are going to have a teacher. However, will it be an adequate teacher? This is the question. If there are 400 such districts and each of them has four teachers, you have 1,600 inadequate teachers there. If each one of them teaches thirty pupils, next week, going into this school year, you would have 48,000 pupils, perhaps, with not the kind of instruction they should have. We have waited too long to bolster public education in Pennsylvania.

While the gentleman from Canonsburg received letters, I am sure that this Senator and other Senators received telegrams. I just skimmed a few of these telegrams off the top. To give you an impression of the condition of some school districts and the situation in some parts of Pennsylvania, I shall read one or two of the telegrams, as follows:

> "Legislation for education in Penna. is at the cross roads. We all anticipate your support to make it possible for the tax Bill Number 1789 and the basic subsidy and other legislative bills to be passed before adjournment. It is my personal hope you can make this possible.
> "Chas. E. Chaffey, Supt., Bethlehem Area Joint School System."

> "In the interest of education we urge you to support Bill 1789.
> "The Faculty Association, Shippensburg State College."

> "If you vote 'no' for House Bill 1789 it will cost Mercer County Schools one-half million dollars. The Commodore Perry Schools urge you to vote for this bill.
> "Willis E. Horton, High School Principal."

The following is a most interesting telegram because my attention has just been called to a release from one of the wire services of Pennsylvania:

> "Democratic and Republican spokesmen say that the Chief Professional Teachers Education Association of the State has taken no stand on this tax question."

I do not know who the Democratic spokesman was. I can only say that it was not I because the following tele-

gram came to me. It is from G. Baker Thompson, President, Pennsylvania State Education Association, and reads as follows:

> "The educational needs of Pennsylvania school districts and teachers are so critical that they cannot be ignored by the State Legislature. Legislation that would give some relief to the crisis is, we are informed, dependent upon additional tax measures. Therefore, as President of the 78,000 members of the Pennsylvania State Education Association, I respectfully request your support of HB 1789."

Another telegram was sent to me from Lloyd B. Peters, Superintendent of Crawford County Schools, and reads as follows:

> "Increased school subsidy imperative this Session. Urge support of House Bill 1789."

My friends in DuBois have not neglected me. I received a telegram from the DuBois Area Education Association, which reads as follows:

> "Respectfully request your support for HB 1789."

Another telegram from Marsby C. Little, Superintendent of Schools, Waynesboro, reads as follows:

> "Certainly hope something can be salvaged in the school subsidy bill. Believe me, it is vitally important to local school systems."

I received telegrams from the Superintendent of the Williamsport Schools; the Spartansburg Teachers of Crawford County; Millard E. Gladfelter, President, Temple University; and The Blair County Education Legislative Committee. So, far into the night, I could read these telegrams.

This, of course, is where $18,000,000 of this blood money would go in order to bolster the teaching morale in the school districts which are in need of help in all parts of Pennsylvania. A part of it goes to the State University. We now have the highest tuition rate, I am told, at this State University of any of the State Universities in the Country. This would have the effect of reducing or preventing an increase of seventy-five dollars per student at the State University, if this should be true. As you know, a part of it goes to the State Colleges for increased salaries.

May I say that one of the most serious questions put before the Governor's Committee related to what we should do about higher education in the 1960's. All the studies that were made would indicate that now we have 138,000 people in colleges and, by 1970, we will have to have space for almost 300,000 men and women in our colleges. It is going to be difficult to build the buildings. However, building the buildings is minor compared to obtaining a faculty to give adequate instruction to these people. This is a tremendous undertaking. It seems to me that it is about time that we bolster up the family salaries in the State Colleges so that we do not continue to lose faculty members to institutions in other States.

Therefore, Mr. President, I am sure that this is one of the major—if not the major—proposals before this 1961 Session of the Senate of Pennsylvania. Everyone says that the struggle between Communism and Democracy is going to be won in the classrooms of the two counties. I have faith in our youth. If we give them the tools in proper schools and proper teachers, I think they will come through. However, it seems to me that it is folly for us to delay until next January or even until tomorrow. Now is the time to pass this legislation and give relief, encouragement and support for public education in Pennsylvania.

Bank power is a wonderful thing, but bank power will not do us very much good if we do not have the brain power to compete with our rivals.

Therefore, Mr. President, I urge the Members of the Senate, this afternoon, to transform and to transmit some of this bank power blood into brain power blood. Then we can hold up our heads to the whole world, and back up our President and our entire policy. I urge you to do this. I repeat again what my good mother said: "What you put into education, you never lose."

Mr. STROUP. Mr. President, I shall be reasonably brief. However, I must, in retrospect, go back to the dying days of the 1959 Session. At that time, in a Joint Conference Committee, we considered a tax. In that Conference Committee, we proposed alternative taxes in order that we might be able to get a tax upon which the legislative body could focus their attention and approve, to bring relief to our distressed school districts which were so vitally in need of money. We failed. Here again, we face the same knavery this evening. We face failure again. We face failure, Mr. President, for just one reason, and that is, because the Administration is adamant. It will give only that kind of a tax it says it must have. It will not go along on trying to get a tax which they know would be acceptable and which they have been told would be acceptable to this side of the Chamber.

Mr. President, I would certainly subscribe to the latter statements of my distinguished collague, Senator Hays. Certainly, there is no wealth in all of this Commonwealth except the wealth that we have and can produce with the application of intelligent minds upon our natural resources. It is our duty and obligation to see that our schools improve. We all recognize that this is vitally necessary to the productive capacity of our Nation and the continuance of its place as a leader in the free world. We subscribe to that. We ask but one thing of you, gentlemen; that is, go along with us on a tax which all of us can accept in order that moneys can be provided for our schools, rather than trying to foist down our throats this very inequitable and unfair type of tax which is presently being presented to us.

I should like further to comment, Mr. President, that in the Select Committee on Education I think I was one of those who accepted, with portfolio, the statements which were made that this tax was absolutely necessary. It was not until the last several days, may I say, that I started to make an analysis of the fiscal situation. I have not been effectively contradicted that there is about $24,000,000 or $25,000,000 over and above the budget estimates for the year, and that this money is available. I present it to you for your consideration, Mr. President.

I shall not speak further, except to say that I do represent areas which are vitally in need of funds. I have worked for seven years for the cause of education in the halls of this General Assembly. I have assiduously, constantly and consistently studied the problems in order to try to know something about them. I regret, indeed, that we are faced with a decision on such an inequitable and unfair tax that we cannot give the money to them now. However, I further say, and I ask your attention, that if

you once fail on something which you have started and if on this particular evening this tax cannot be put across, then indeed why give up the battle? Why do you not come back with something else at a later date? It is never too late to bring relief to those who cry for help.

Mr. SEYLER. Mr. President, it seems to me that at any time in this Legislature,—and, perhaps, particularly at this present time, which we hope are the closing hours of the Session—the Members of the House and the Members of the Senate suffer from the danger of falling into what is perhaps an occupational disease. The disease I am referring to is one which we might call "legislative amnesia." It is a disease which afflicts us because we have been up here for a long time and have wrestled with many problems. We have come to know the views of the various people involved. We have been throwing back and forth accusations, counter-accusations, charges and counter-charges, so that what we are doing here, in the way of politics as usual, seems to us to loom very important. If we were able to disembody ourselves from this situation and return to the situation of somebody back in the Districts which we are sent to represent, it might be a healthy thing for all of us. Perhaps we are not capable of this. At this crucial time, however, I would like to ask that all of us at least make the attempt to take that sort of an objective view on this situation.

I do not think there is anyone in this room who, if he thinks about it, will deny the fact that of all the problems which we have considered in this Session of the Legislature,—in fact, if we put all the problems together and all the solutions together—there is nothing so important to the welfare of our Commonwealth and to the welfare of this Nation as the problem we are considering tonight. If this Legislature wishes to make a real contribution to the future of this Commonwealth, tonight is the night to do it. What we do tonight, it would seem to me, will overshadow all the other activities that we have undertaken.

Secondly, I do not think there is anyone who will deny that in this Commonwealth there are thousands of men and women who are just as concerned, and need to be just as concerned, with the problem which we tonight are facing as we are. Of course, I am referring, first of all, to the parents of the Commonwealth. These are the people who really have a stake in what we are talking about tonight. It is their children who are going to be affected. However, I am thinking secondly of the thousands of school directors. We, as a Legislature, have set up school districts and the people have chosen these school directors in order to make it possible to offer a good program of public education in this Commonwealth. If you have talked to these people, I think you know that these people are concerned. They are concerned just as we are. They face the problem of having adequate funds in view of rising costs, in view of increasing school population, and in view of important changes in curriculum, dictated often by national survival, to offer just the highest quality of public education that it is possible to offer. It is not easy for them. If you have talked to these people and know anything about their viewpoints, you know that they are looking at this Legislature tonight. They are looking right here at this Senate and they are concerned about what you do. What you do tonight is going to determine their ability to carry out the mission which previous Legislatures gave them; namely, to furnish a public school program which is of as high a quality as is possible to furnish for the young people of our Commonwealth.

Are we going to help them or are we not? It seems to me that the problem comes down to that tonight. I also think of the thousands of professional people who, from my point of view and in view of the other occupations and professions which are competing for our manpower and womanpower in this Commonwealth and in the Nation, are rather unselfishly devoting themselves to a job with a very high objective; that is, to do their best for the children of Pennsylvania and of this Nation. They are concerned because they cannot do a job unless you, tonight, take the step which will make it possible for them to have the wherewithal to do the job.

Therefore, Mr. President, fathers and mothers, school directors and the professional staff of our schools are looking tonight at this Senate. They are asking what we are going to do for education in the Commonwealth.

In addition to public education, I would not want anyone, if he has not heard about it, to be unaware of the fact that not only are we in a critical situation in so far as public education is concerned, but as we face the future and look at the mounting population figures and the mounting requirements due to automation, due to the problems of national survival, I would not want anyone to be oblivious of the fact that in higher education we face a monumental task during the next ten to twenty years. Unless we begin now to provide money in order to make it possible to have the buildings, the staff and to have things underway, there are many of the young people of Pennsylvania, now in our secondary and elementary schools, who are not going to have the opportunities they should have and need to have, and which our Nation needs them to have, in the future. Those people—the people who are operating our institutions of higher learning—are look at this Senate tonight and asking whether we are going to make a start to help them solve this problem in the future.

It seems to me this the reality of this situation. It is not just a question of who is going to win on points. It is not a question of whether the Democrats are going to score or whether the Republicans are going to score. It is not a question of whether we should brand this as a Democratic tax or a Republican tax. Tonight, we are here to rise above partisan consideration of that sort. We should look at this problem as men who have been given the job in this Commonwealth of looking at this situation honestly and fairly and moving toward a solution. If we deny these interested people their possibility of doing that job, then it seems to me the responsibility for this is on those who refuse to take that action.

I will admit that it takes courage to translate this into providing the needed revenue. I think it is very foolish at this point to delude ourselves with any idea that somewhere somebody is going to wave a wand and find a buried treasure which can be thrown into the breach. We have gone over the appropriations and we have gone over the tax program with a fine tooth comb. We spent months—many of us—in sitting and listening to every part of this government. We have come in and have justified to a penny the expenditures we were going to make before we even voted on an appropriation and before we voted on any taxes. I think it is very foolish

at this point to hope that by some legerdemain or some magician, some undisclosed moneys can be discovered.

The other missions or the other purposes of our budget have to be served. Those amounts are budgeted. The Governor has taken an upright and, to my mind, an honest position in saying that he will not sign any further bills calling for money unless there is revenue to meet that demand. This is the kind of budgeting that I would think all of us would want a Governor of this Commonwealth to take.

Let me say a few words on the subject of whether this is an appropriate tax. In the first place, let me say that yesterday and today I listened very closely to the debate. I heard one gentleman from the other side say that in his mind it would be better to have an income tax. This is a rather novel position for a Member on the other side to take. However, I accept it. Then I found another gentleman who said that he thinks we should do it by deficit financing. He said that we should go ahead and spend it and when we come back in January, we will provide the money. Deficit financing is another remedy, I heard. I then heard somebody say that it would be better to charge everybody in the Commonwealth two dollars; in other words, a poll tax or a per capita tax. That was offered as a suggestion. I heard that some people would have preferred to extend the sales tax to other items; perhaps to food and clothing. I would like to ask, Mr. President, where were these gentlemen and their colleagues in the House at the time when it was appropriate to pass a revenue bill?

You have heard some discussion from both sides about the history of our Select Committee. At that time, we searched for a number of evenings, during evening meetings, looking for a tax program. We came up with two taxes. First of all, the Committee, by a majority vote, voted down the one suggestion which was made by the Governor. The Governor, after all, did have the courage to make a suggestion. One of his suggestions we voted down. The other, as I recall, was unanimously voted for consideration by the Caucuses. In addition to that, from Republican sources, we got the suggestion of the trade-in tax or removing the trade-in exemption. This was another feasible program. Other proposals did not get a majority vote of the committee. However, it was open to either Party or any individual, in the House of Representatives, to bring forth any of these taxes which you gentlemen now look upon with such longing eyes that you would have much rather had and could have offered. You are certainly on speaking terms with people in the House. If this was a desirable tax, we could have had this tax before us. As Senator Hays said, we do not. We only have one tax before us. If this is the wrong tax, somebody has failed. Somebody has failed to put before us that popular tax, whatever that might be, and we all could have shouted "hosanna" and joined in passing it. I do not think there is any popular tax. I think we may as well admit that to pass any revenue-producing program takes courage. It takes the realization that we have a great need. Otherwise, let us not have any additional taxes. However, if we do have that need, then it takes courage; the courage to say that we will furnish the necessary revenue to take care of that need. I think this is the situation that we are in tonight. I think we are at the point when we must make a decision which is basic for the future of this Commonwealth or, perhaps, even larger. The action we take tonight concerns not only the welfare of our Commonwealth and the welfare of our own children, but it seems to me, in a greater sense, it is a "yes" or "no" vote on our national survival.

Do you know there is a gentleman in the world who has said he is going to bury us? He lives in a Country which devotes a large proportion of its public wealth toward education. If that gentleman buries us, in my opinion, it will not be because he has better weapons. I think we have the know-how and the ability to produce the weapons. It will not be because that Country has greater resources, because America has great resources. It will not be because the men and women of that Country have greater courage or greater natural ability, because we have it. If we fail and if that gentleman succeeds in his promise, to my mind, it will be because in State halls just like this one in our Nation, and in Congress, we have failed to meet the challenge to produce the educated boys and girls of today and make educated people of tomorrow who are capable of meeting the challenge offered by that gentleman or by any other person or group of persons in the world.

Therefore, Mr. President, I say tonight that the question we are being asked is not one of whose bill is it, who is going to get the credit for it, or who is going to get the blame for it. The question is: What are we going to do with the children of our Commonwealth? What are we going to do to help our school boards, our school directors and our professional staff to do the jobs to which they were appointed and elected, and which they were given by the Commonwealth? On the basis of that question, the people are going to judge our actions tonight.

References have been made to the receiving of telegrams. I, too, have received many telegrams. In fact, I received a total of 217 wires from many differnt types of people in fifty counties. I have those with me. These fifty counties cover all sorts of people who are interested in education. I am speaking of school directors, school superintendents, school principals, teachers and parents. These are all people who are vitally interested. They have sent me these telegrams and I assume that they have sent telegrams to other Members of the Senate. I judge from the response that telegrams have been sent to the members of the Select Committee. I hope they will share them with the rest of you because, to my mind, this is an illustration that there are people in this Commonwealth who are not only vitally interested in the program because they know what they need, but they are saying to us tonight that we should have the courage to pass the revenue measure which is needed and then we will have the support of the people in the Commonwealth who are interested in better education for our children.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Camiel,	Lane,	Mullin,	Seyler,
Devlin,	Mahady,	Murray,	Silvert,
DiSilvestro,	McCreesh,	Ripp,	Stalsey,
Donolow,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,			

NAYS—24

Bell,	Fleming,	Mallery,	Stroup,
Berger,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

HB 1807 CALLED UP

HB 1807 (Pr. No. 2566)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 14 of the Second Reading Calendar by Mr. WEINER.

EDUCATION BILL DROPPED FROM CALENDAR

HB 1807 (Pr. No. 2566)—Mr. WEINER. Mr. President, I now move that House Bill No. 1807 be dropped from the Calendar.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BERGER. Mr. President, this is the bill which would provide for subsidization for the various school districts in Pennsylvania. We have debated the tax bill at length. I believe it has been said by all of the speakers who were speaking on behalf of the tax bill that this is the day when you must stand up and be counted for or against education.

Mr. President, here is the bill upon which the people in this room will be counted as being for or against education. The dropping of this bill, in the face of what has been said as to available revenues, will indicate to all of the school districts in Pennsylvania, which are in such great need, that the Members voting for this motion are not interested in the betterment of the condition of our various school districts.

Mr. WEINER. Mr. President, the gentleman can remedy that situation if he wants to. He can ask that the tax bill which has just been defeated be recalled. I will ask that we suspend the rules and we will be very happy to vote on this measure once again. That can be done very easily.

There are $18.6 million dollars involved in this bill. I had advised the gentlemen seated in this Chamber today that this was exactly what was going to happen and when it was going to happen. I told them that there would not be another chance to do this thing this year nor next year. The gentlemen knew this. I am now advising them, Mr. President, that if they are interested in this measure, before this bill is dropped from the Calendar, if they want to recall the tax bill, I will certainly patiently wait. I will move that the rules be suspended. We can do that as a unanimous group and bring the bill back to be voted upon.

Mr. BERGER. Mr. President, I am sorry the gentleman misunderstood me, as I am sure he must have. What I said was that in view of what has been said as to the availability of revenue under existing tax measures, a vote to drop this bill, which will relieve the financial distress of our school districts, is, in effect, a vote against education.

Mr. WEINER. Mr. President, may I correct this wrong impression that has been abroad for sometime? There is no revenue and there is no fat in the budget. I have called upon the gentlemen, both yesterday and today, to show me where it is and where we have this money. Somebody came up here with some wild figure of eight hundred and some odd millions of dollars. I would like to point out that there have been lapses in the budget in the last number of years in the $18,000,000 and $20,000,000 class. This is only because we have cut down and cut back many of the programs. Some of the programs could not get started because the Legislature provided the money too late.

Therefore, Mr. President, there is not this kind of money available. It is nonsense to even think there is or to even talk about it.

Mr. President, I reiterate my motion that House Bill No. 1807, Printer's No. 2566, be dropped from the Calendar.

Mr. HAYS. Mr. President, I intend to vote for the motion. In voting for this motion, I am voting in opposition to deficit financing.

And the question recurring,

Will the Senate agree to the motion?

(During the calling of the roll, the following occurred:)

Mr. BERGER. Mr. President, may we be at ease a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Mr. BERGER. Mr. President, I wish to inquire as to how Senator Miller is record as voting.

Mr. PRESIDENT. The gentleman is recorded as voting "aye."

Mr. SILVERT. Mr. President, may I inquire how I am recorded as having voted?

The PRESIDENT. The gentleman from Philadelphia is recorded as voting "aye."

A roll call having been requested by a number of Senators, the roll was called and resulted as follows:

YEAS—25

Camiel,	Lane,	Mullin,	Seyler,
Devlin,	Mahady,	Murray,	Silvert,
DiSilvestro,	McCreesh,	Ripp,	Staisey,
Donolow,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,			

NAYS—24

Bell,	Fleming,	Mallery,	Stroup,
Berger,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,

So the question was determined in the affirmative, and the bill was dropped from the Calendar.

HB 1817 CALLED UP OUT OF ORDER

HB 1817 (Pr. No. 2567)—Without objection, the bill was called up out of order, from page 14 of the Second Reading Calendar, by Mr. WEINER.

EDUCATION BILL DROPPED FROM CALENDAR

HB 1817 (Pr. No. 2567)—Mr. WEINER. Mr. President, I move that House Bill No. 1817 be dropped from the Calendar.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BERGER. Mr. President, I rise to oppose this motion. This is the bill which would increase the salaries of the faculty of the State Colleges.

Again, I repeat what I said before. A vote to drop this bill is, in effect, a vote against the bill.

Mr. WEINER Mr. President, I just do not understand this kind of thinking or this kind of operation. It completely escapes me. If someone will enlighten me, I will be delighted to feel that my day here has not been wasted. I cannot see how you can vote against the means of providing the things which these bills contain. Here is a bill which contains $620,000 for faculty salary increases at our State Colleges. How can you vote against the means for providing the money for this and, yet, vote to keep this on the Calendar? This kind of logic I do not understand; it completely escapes me.

It may sound very well. However, as I stated earlier, this is the Fourth of July, Memorial Day and all the holidays, when all the fine speeches which people make about education take place. It is also the day when you should provide the votes and the material in order to put this into effect. If you have not seen fit to do that, I cannot understand how you can see fit to ask that the benefits, which would flow from this, be provided.

As the gentleman well knows, every benefit has a burden connected with it. The burden in this case was to provide the votes to take care of the money for it. The gentleman did not want to meet this burden. I do not understand how he can ask us to provide these same benefits. Having done that, I think it is ill-advised at this time to even ask us.

As I stated earlier, and I extend the same invitation to the gentleman again, I will be very happy to suspend the rules, on behalf of the Democratic Caucus. If the tax bill is brought back, we will vote on it again. We have twenty-five Democratic votes and we will vote for education and for what these bills will mean.

Mr. President, I repeat my motion that House Bill No. 1817, Printer's No. 2567, be dropped from the Calendar.

Mr. BERGER. Mr. President, I renew my statement that a vote to drop this bill is a vote against the bill. With respect to the type of thinking—although I do not always subscribe to it—which has been attributed to me by Senator Weiner, I might harken back to some pages of the Journal when a similar observation was made by him concerning another bill.

However, Mr. President, in so far as the available revenues are concerned to take care of this six hundred and some odd thousand dollars which is contained in this bill, let me point out to the gentlemen that only within the past few days, they passed a bill which would increase the cost in a certain segment of our various school districts by what was estimated then to be about $4,000,000. No questions were asked as to where that money was coming from.

Mr. HAYS. Mr. President, I intend to vote for the motion and, by so doing, I am voting against deficit financing.

Mr. HAWBAKER. Mr. President, before we call the roll, I would just like to make one small observation.

It seems to me that it is a very clear coincidence that a matter of such vital importance as education would be delayed in this legislative body until a few hours before final adjournment. I listened with a great deal of interest to some very eloquent statements from the other side as to their sincerity with regard to doing something for education. However, in my thinking, I cannot reconcile how they can be as sincere as they pretend to be, when all of this elaborate preparation with regard to educational matters was available to us when this Session convened in January and we passed numerous tax bills. However, it was not until we got to the very last one that it was labeled something for education. Mr. President, this indicates to me that education was put on the very bottom of the list with regard to priority. I can come to no other conclusion.

I would like to make one further observation, Mr. President. These bills which are being dropped from the Calendar represent a final step that we are taking. If this is an error, and I am sure it is, it cannot be corrected until 1963. However, if our position could be found in error,—and there are grave doubts in my mind and the minds of Members on this side with regard to revenue estimates—this situation can be corrected at near four months hence. If we drop these bills from the Calendar, however, we have done a grave injustice that cannot be repaired for another two years.

Mr. WEINER. Mr. President, I want to advise the gentleman that the error which he made was the error of not listening when we, on this side, stated that we would do exactly what we are doing here because there was not the revenue. I also advised the gentleman, and I am now advising him again, that there will not be any chance to correct it unless he and his colleagues come up here and vote for a tax program.

In order that there be no mistake about it, I am advising the gentlemen tonight that if they want to correct this error, today is the day on which to do it. Four, five or six months from now is not the time to do it; today is the day.

Mr. SEYLER. Mr. President, just on the indictment of this coming late in the Sessison, I would remind the gentleman that he has forgotten that the Governor's Committee, which was appointed pursuant to a resolution of the last Session, worked for a year on this project. It presented a report on the first day of April. After that, we wrestled with Members of the opposite side for a considerable time in trying to get them to implement the bipartisan Select Committee. This caused considerable delay. Having done that, we then took an appropriate amount of time in working in the bipartisan committee. This, too, took time for adequate consideration.

At that time, I recall the gentlemen on the opposite side saying that we should not go too fast with this and that we should give it plenty of consideration. Then, the House took up the problem of accepting the program and implementing it with a revenue program. This, of course, took time because due to the fact that there were not any Republican votes available, it took considerable time before they could succeed in passing the revenue program. It then came over here and I think the gentleman will testify that it has not received dilatory action in this Senate. We could not be as prompt as might be expected with a bill of this magnitude because of the consideration it needed.

I might say, also, that we were living in the hope that we might find a softened heart somewhere that would lend

a vote. In short, I would say to the gentleman that I do not think—while this is a popular sort of charge to make—in the case of this series of bills it is justified.

The PRESIDENT. Senator Seyler, as Chairman of the Governor's Committee on Education, may I thank you. To me, a wonderful group of people worked for one solid year by giving of their time, without compensation, simply because they believe in the cause of education in Pennsylvania.

They have brought to our legislative bodies a report that is recognized throughout the United States as one of the finest reports ever made by such a committee. I have stood here tonight and watched all of their efforts —they were a bipartisan group with only one interest, that being education for the children of our Commonwealth—go down the drain.

Therefore, Senator Seyler, I am deeply grateful for your statement on their behalf.

Mr. STROUP, Mr. President, I think we should correct the situation here. It was not necessary to have the Governor's Report of the Education Committee for us to realize that we needed money for subsidy at all. We knew that in the 1959 Session, the 1960 Session, and we knew it when we come here in 1961. All we needed to do was to get to work then and there on a subsidy bill. We should have gotten to work on a tax bill and cooperated toward the end that we could raise the necessary taxes to meet the need. Certainly, the Governor's Committee Report came up with recommendations as to formulas. Certainly, it came up with certain suggestions as to taxes. We did not need to wait until March 15th or April 1, whenever that report was given to us, nor did we need to spend the days and the hours we spent on the Select Committee to know that we needed money. We could have started on this program right after January 1, 1961.

Mr. LANE. Mr. President, it has often been said that the proof of the pudding is in the eating. If I were on the other side, I know that right now I would be wondering to myself how I could go back home and explain my vote. I think the Members on the other side are now making speeches, feeling that by making these speeches they can justify their vote against the tax.

And the question recurring,

Will the Senate agree to the motion?

The roll was called and resulted as follows:

YEAS—25

Camiel,	Lane,	Mullin,	Seyler,
Devlin,	Mahady	Murray,	Silvert,
DiSilvestro,	McCreesh,	Ripp,	Staisey,
Donolow,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,			

NAYS—24

Bell,	Fleming,	Mallery,	Stroup,
Berger,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,

So the question was determined in the affirmative, and the bill was dropped from the Calendar.

HB 1841 CALLED UP

HB 1841 (Pr. No. 2668)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 12 of the Third Reading Calendar by Mr. WEINER.

BILL DROPPED FROM CALENDAR

HB 1841 (Pr. No. 2668)—Mr. WEINER. Mr. President, I move that House Bill No. 1841 be dropped from the Calendar.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The roll was called and resulted as follows:

YEAS—25

Camiel,	Lane,	Mullin,	Seyler,
Devlin,	Mahady,	Murray,	Silvert,
DiSilvestro,	McCreesh,	Ripp,	Staisey,
Donolow,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,			

NAYS—24

Bell,	Fleming,	Mallery,	Stroup,
Berger,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,

So the question was determined in the affirmative, and the bill was dropped from the Calendar.

HB 1702 CALLED UP OUT OF ORDER

HB 1702 (Pr. No. 2695)—Without objection, the bill was called up out of order, from page 13 of the Second Reading Calendar, by Mr. WEINER.

EDUCATION BILL DROPPED FROM CALENDAR

HB 1702 (Pr. No. 2695)—Mr. WEINER. Mr. President, I move that House Bill No. 1702 be dropped from the Calendar.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The roll was called and resulted as follows:

YEAS—25

Camiel,	Lane,	Mullin,	Seyler,
Devlin,	Mahady,	Murray,	Silvert,
DiSilvestro,	McCreesh,	Ripp,	Staisey,
Donolow,	McGinnis,	Rooney,	Stiefel,
Haluska,	McMenamin,	Sarraf,	Weiner,
Hays,	Miller,	Sesler,	Yatron,
Kalman,			

NAYS—24

Bell,	Fleming,	Mallery,	Stroup,
Berger,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,

So the question was determined in the affirmative, and the bill was dropped from the Calendar.

HB 773 CALLED UP

HB 773 (Pr. No. 2694)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 14 of the Second Reading Calendar by Mr. WEINER.

BILL ON SECOND READING AMENDED

HB 773 (Pr. No. 2694)—The bill was read.

On the question,

Will the Senate agree to the bill on second reading?

Mr. WEINER offered the following amendments:

Amend Sec. 1, page 2, lines 6 and 7 by striking out "twenty million seven thousand seven hundred sixty dollars ($20,007,760) and inserting: eighteen million five hundred seven thousand seven hundred and sixty dollars ($18,507,760)

Amend Sec. 1, page 3, lines 4 to 6 by striking out all of said lines and inserting: eighteen million two hundred fiifteen thousand four hundred sixty dollars (18,215,460)

On the question,

Will the Senate agree to the amendments?

Mr. WEINER. Mr. President, these amendments are to reduce the amount of money provided in this bill for the State land-grant college of Penn State by one and one-half million dollars, in order to reduce it to where it is in the budget.

Mr. President, I ask, if these amendments are adopted, that the bill be moved up to third reading and that the bill be read for the second time.

Mr. BERGER. Mr. President, I request a roll call vote on these amendments and ask my colleagues to vote "no."

And the question recurring,

Will the Senate agree to the amendments?

VERIFICATION OF THE ROLL

Mr. PECHAN. Mr. President, I ask for a vertification of the roll.

The PRESIDENT. Request has been made to have the roll verified. The Clerk will proceed to call the names of those recorded as voting in the affirmative.

The Clerk read the names of those recorded as having voted in the affirmative as follows:

Camiel	Lane	Mullin	Seyler
Devlin	Mahady	Murray	Silvert
DiSilvestro	McCreesh	Ripp	Staisey
Donolow	McGinnis	Rooney	Stiefel
Haluska	McMenamin	Sarraf	Weiner
Hays	Miller	Sesler	Yatron
Kalman			

The PRESIDENT. Are there any corrections? The Chair hears none. The affirmative roll will stand as verified.

The Clerk will now proceed to call the names of those recorded as voting in the negative.

The Clerk read the names of those recorded as having voted in the negative as follows:

Bell	Fleming	Mallery	Stroup
Berger	Hawbaker	Pechan	Taylor
Chapman	Keller	Propert	Van Sant
Confair	Kessler	Scott	Wade
Ehrgood	Kromer	Shafer	Wagner
Flack	Madigan	Stevenson	Ware, III

The PRESIDENT. Are there any corrections? The Chair hears none. The negative roll will stand as verified.

The yeas and nays were required by Mr. BERGER and were as follows, viz.:

YEAS—25

Camiel,	**Lane,**	**Mullin,**	**Seyler,**
Devlin,	**Mahady,**	**Murray,**	**Silvert,**
DiSilvestro,	**McCreesh,**	**Ripp,**	**Staisey,**
Donolow,	**McGinnis,**	**Rooney,**	**Stiefel,**
Haluska,	**McMenamin,**	**Sarraf,**	**Weiner,**
Hays,	**Miller,**	**Sesler,**	**Yatron,**
Kalman,			

NAYS—24

Bell,	**Fleming,**	**Mallery,**	**Stroup,**
Berger,	**Hawbaker,**	**Pechan,**	**Taylor,**
Chapman,	**Keller,**	**Propert,**	**Van Sant,**
Confair,	**Kessler,**	**Scott,**	**Wade,**
Ehrgood,	**Kromer,**	**Shafer,**	**Wagner,**
Flack,	**Madigan,**	**Stevenson,**	**Ware, III,**

So the question was determined in the affirmative, and the amendments were adopted.

On the question,

Will the Senate agree to the bill on second reading, as amended?

It was agreed to.

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF HB 1829

Mr. WEINER. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1829, Printer's No. 2490, failed of final passage on August 30, 1961.

The PRESIDENT. How did the Senator vote?

Mr. WEINER. Mr. President, I voted with the prevailing side.

Mr. LANE. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. WEINER. Mr. President, I request that House Bill No. 1829 go over in its order and appear on tomorrow's Final Passage Calendar.

The PRESIDENT. There being no objection, the bill will be placed on tomorrow's Final Passage Calendar.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives being introduced, returned to the Senate, **SB 130, 202, 320, 596, 597, 604, 619, 665, 683, 702, 710** and **713,** with the information that the House has passed the same without amendments.

SENATE BILLS RETURNED WITH AMENDMENTS

He also returned to the Senate, **SB 666, 730, 731, 732, 733, 805** and **884,** with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bills, as amended, will be placed on the Calendar.

BILLS SIGNED

The President (Lieutenant Governor John Morgan Davis) in the presence of the Senate signed the following bills:

SB 99, 111, 130, 202, 312, 320, 486, 574, 596, 597, 601, 604, 619, 665, 667, 683, 702 710 713, 851, 885 and **923.**

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

JUSTICE OF THE PEACE

August 31, 1961

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Norean MacMurdo, 1425 Cherry Hill Road, Ellwood City, Beaver County, for appointment as Justice of the Peace in and for the Township of North Sewickley, Beaver County, to serve until the first Monday of January 1962, vice Fred St. John, resigned.

DAVID L. LAWRENCE.

JUSTICE OF THE PEACE

August 31, 1961

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John J. Dugan, Sr., Holt Road, R. D. 2, Aliquippa, Beaver County, for appointment as Justice of the Peace in and for the Township of Raccoon, Beaver County, to serve until the first Monday of January 1962, to fill a vacancy.

DAVID L. LAWRENCE.

The PRESIDING OFFICER (Benjamin R. Donolow) in the Chair.

THIRD READING CALENDAR

SB 819 CALLED UP

SB 819 (Pr. No. 997)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 3 of the Third Reading Calendar by Mr. WEINER.

EDUCATION BILL DROPPED FROM CALENDAR

SB 819 (Pr. No. 997)—Upon motion of Mr. WEINER, seconded by Mr. LANE, and agreed to, the bill was dropped from the Calendar.

SB 820 CALLED UP

SB 820 (Pr. No. 998)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 4 of the Third Reading Calendar by Mr. WEINER.

EDUCATION BILL DROPPED FROM CALENDAR

SB 820 (Pr. No. 998)—Upon motion of Mr. WEINER, seconded by Mr. Lane, and agreed to, the bill was dropped from the Calendar.

HB 260 CALLED UP

HB 260 (Pr. No. 285)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 5 of the Third Reading Calendar by Mr. WEINER.

BILL DROPPED FROM CALENDAR

HB 260 (Pr. No. 285)—Mr. WEINER. Mr. President, I move that House Bill No. 260 be dropped from the Calendar, as a similar Senate Bill has been passed by the House.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

SECOND READING CALENDAR

EDUCATION BILLS OVER IN ORDER TEMPORARILY

HB 1224 and **1816**—Without objection, the bills were pased over in their order temporarily at the request of Mr. WEINER.

SENATE CONCURRENT RESOLUTION

PERMITTING THE PRE-FILING OF BILLS AND MEETINGS OF STANDING COMMITTEES BETWEEN PERMITTING THE PRE-FILING OF BILLS AND MEETINGS OF STANDING COMMITTEES BETWEEN SESSIONS

Messrs. WEINER and BERGER, by unanimous consent, offered the following resolution **(Serial No. 132)**, which was read, considered and adopted:

In the Senate, August 31, 1961.

RESOLVED (the House of Representatives concurring), That during the interim between sessions, the Members may file bills with the Secretary of the Senate and the Chief Clerk of the House of Representatives. Such bills shall be filed and referred to the Standing Committees by the President or President pro tempore of the Senate and the Speaker of the House of Representatives, providing the subject matter of the bill does not violate the limitations prescribed by the Constitution, and be it further

RESOLVED, That, with the approval of the President pro tempore of the Senate, a meeting of any Standing Committee of the Senate may be called by its chairman, and with the approval of the Speaker of the House of Representatives a meeting of any Standing Committee of the House may be called by its chairman in accordance with the provisions of this resolution, and be it further

RESOLVED, That each Standing Committee of the Senate and the House of Representatives is hereby authorized to study, analyze and consider all bills or other pertinent facts relating to the subjects which would fall within its jurisdiction during the Session of the Legislature, including any recess, and after final adjournment, and until the commencement of the next general session.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RECESS

Mr. WEINER, Mr. President, I believe the picture is very clear, and I do not have to do anything further to clarify it or spell it out for anyone else.

I am now going to request a recess. If anyone has a twinge of conscience or has difficulty about this problem, they will have an opportunity to state it when we come back.

I will assure you that the same old cry may be heard about suspending the rules and bringing the tax measure back. I will be delighted to do so at that time.

Mr. President, before requesting a recess, I wish to announce that there will be a meeting held in the Republican Caucus Room. All of the Members of the Senate, the employees and the members of the Press are invited

to this meeting. We promise that no vote will be taken at that time.

Mr. President, I now request a recess of the Senate until 7:30 p.m., Eastern Standard Time.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 7:30 p.m., Eastern Standard Time.

AFTER RECESS

The PRESIDING OFFICER (Joseph D. Ripp) in the Chair.

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, before making this request I want to bring to the attention of the Senate the fact that tomorrow will be a great day in the annals of the judiciary in Philadelphia. Tomorrow will be the day when the Municipal Court of Philadelphia will assume a new name. Hereafter, it will be called the County Court of Philadelphia.

I wish now to felicitate President Judge Adrian Bonnelly and the rest of the members of the Court for this change.

In connection therewith, I have here the Report of the Arbitration Commission, which functioned marvelously in Philadelphia and reduced the backlog of cases which were pending trial.

Mr. President, I now request that this Report be printed in the Appendix to the Legislative Journal.

The PRESIDING OFFICER. At the request of the gentleman from Philadelphia, Senator Stiefel, the Report will be printed in the Appendix to the Legislative Journal.

THIRD READING CALENDAR

HB 1622 CALLED UP

HB 1622 (Pr. No. 2711)—Without objection, the bill which previously went over in its order temporarily. was called up from page 11 of the Third Reading Calendar by Mr. WEINER.

BILL ON THIRD READING AMENDED

HB 1622 (Pr. No. 2711)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendments:

Amen Title, page 2, last 6 lines of Title, by striking out all of said lines.

Amend Sec. 1, page 7, lines 3 to 20; page 8, lines 1 to 20; page 9, lines 1 to 15, by striking out all of said lines.

Amend Sec. 2, page 9, lines 16 to 20; page 10, lines 1 to 20; page 11, lines 1 to 19; page 12, lines 1 to 19; page 13, lines 1 to 10, by striking out all of said lines.

Amend Sec. 3, page 13, line 11, by striking out "3" and inserting: 1

Amend Sec. 3, page 13, line 16, by striking out "SECTIONS 306.1 and 307 OF THE ACT" and inserting:

section 307 act of June 2 1915 (P L 736) known as "The Pennsylvania Workmen's Compensation Act" reenacted and amended June 21 1939 (P L 520) and

Amend Sec. 3 (Sec. 306), page 15, line 11, by striking out "IN".

Amend Sec. 3 (Sec. 306), page 17, line 1, by strinking out the bracket before "During" and after "the".

Amend Sec. 3 (Sec. 306), page 17, line 2, by striking out "THE".

Amend Sec. 3 (Sec. 306), page 17, lines 5 and 6, by striking out the bracket before "The" in line 5, and after "dollars" in line 6.

Amend Sec. 3 (Sec. 306), page 17, lines 9 and 10, by striking out the bracket before "within" in line 9, and after "limitations" in line 10.

Amend Sec. 3 (Sec. 306), page 17, lines 12 and 18, by striking out the bracket before "for" in line 12, and after "rehabilitation" in line 18.

Amend Sec. 3 (Sec. 306), page 17, lines 18 and 19, by striking out "AS AND WHEN NEEDED".

Amend Sec. 3 (Sec. 306.1), page 21, lines 18 and 19; page 22, lines 1 to 19; page 23, lines 1 to 20; page 24, lines 1 to 19; page 25, lines 1 to 19; page 26, lines 1 to 3, by striking out all of said lines.

Amend Sec. 4, page 43, lines 11 to 19; page 44, lines 1 to 20; page 45, lines 1 to 20, by striking out all of said lines.

Amend Sec. 5, page 46, lines 1 to 19; page 47, lines 1 to 19; page 48, lines 1 to 7, by striking out all of said lines.

Amend Sec. 6, page 48, lines 8 to 20; page 49, lines 1 to 17, by striking out all of said lines.

Amend Sec. 7, page 49, lines 18 and 19; page 50, lines 1 to 19; page 51, lines 1 to 19; page 52, lines 1 to 3, by striking out all of said lines.

Amend Sec. 8, page 52, lines 4 to 20; page 53, lines 1 to 19; page 54, lines 1 to 20; page 55, lines 1 to 19; page 56, lines 1 to 13, by striking out all of said lines.

Amend Sec. 9, page 56, lines 14 to 20; page 57, lines 1 to 18; page 58, lines 1 to 20; page 59, lines 1 to 12, by striking out all of said lines.

Amend Bill, page 59, by inserting after line 12:

Section 319 * * *

Section 2 The last paragraph of 319 of the act amended December 28 1959 (P L 2034) is amended to read

Where an employe has received payments for the disability or medical expense resulting from an injury by accident in the course of his employment paid by the employer or an insurance company [hospital medical osteopathic or dental service corporation employe or fraternal welfare or benefit association] on the basis that the injury and disability were not compensable under this act in the event of an agreement or award for that injury the employer or insurance company [hospital medical osteopathic or dental service corporation employe or fraternal welfare or benefit association which] who made [any] the payments shall be subrogated out of the agreement or award to the amount so paid [without deduction for attorney's fees or otherwise] if the right to subrogation is agreed to by the parties or is established at the time of hearing before the referee or the board

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended,was passed over in its order at the request of Mr. WEINER.

HB 1638 CALLED UP

HB 1638 (Pr. No. 2719)—Without objection, the bill which previously went over in its order temporarily,

was called up from page 11 of the Third Reading Calendar by Mr. WEINER.

BILL ON THIRD READING AMENDED

HB 1638 (Pr. No. 2719)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendments:

Amend Title, page 2, last five lines of Title, by striking out all of said lines.

Amend Sec. 1, page 2, lines 1 and 2 by striking out "SUBSECTIONS (A) AND (C)" and inserting: Subsection (a)

Amend Sec. 1, page 2, lines 4 by striking out "SUBSECTION (A)"

Amend Sec. 1, page 2, line 4 by striking out "SUBSECTION (A)"

Amend Sec. 1, page 3, lines 1 and 2 by striking out all of said lines and inserting: is

Amend Sec. 1 (Sec. 301) page 6 lines 14 to 20 and page 7 lines 1 to 13 by striking out all of said lines.

Amend Sec. 2, page 7, lines 14 to 19; page 8, lines 1 to 20; page 9, lines 1 to 19 and page 10, lines 1 to 6 by striking out all of said lines.

Amend Sec. 3, page 10, line 7 by striking out "3" and inserting: 2

Amend Sec. 3 (Sec. 306), page 11, lines 16 and 19 by striking out the brackets before "The" in line 16 and after "of" in line 19.

Amend Sec. 3 (Sec. 306), page 12, lines 1 and 3 by striking out the brackets before "the" in line 1 and after "in" in line 3.

Amend Sec. 3 (Sec. 306), page 12, line 3 by striking out "IN".

Amend Sec. 3 (Sec. 306), page 13, line 10 by striking out the brackets before "During" and after "the".

Amend Sec. 3 (Sec. 306), page 13, line 11 by striking out "THE".

Amend Sec. 3 (Sec. 306), page 13, lines 13 and 14 by striking out the brackets before "The" in line 13 and after "dollars" in line 14.

Amend Sec. 3 (Sec. 306), page 13, lines 17 and 18 by striking out the brackets before "within" in line 17 and after "limitations" in line 18.

Amend 3 (Sec. 306), page 14, lines 1 and 7 by striking out the brackets before "for" in line 1 and after "rehabilitation" in line 7.

Amend Sec. 3 (Sec. 306), page 14, line 7 by striking out "AS AND WHEN NEEDED".

Amend Sec. 4 page 15, line 4 by striking out "4" and inserting; 3

Amend Sec. 5, page 29, lines 9 to 19 and page 30, lines 1 to 13 by striking out all of said lines.

Amend Sec. 6, page 30, lines 14 to 19; page 31, lines 1 to 19 and page 32, lines 1 to 18 by striking out all of said lines.

Amend Sec. 7, page 33, lines 1 to 19; and page 34, lines 1 to 11 by striking out all of said lines.

Amend Sec. 8, page 34, lines 12 to 19; page 35, lines 1 to 19 and page 36, lines 1 to 17 by striking out all of said lines.

Amend Sec. 9, page 36, lines 18 and 19; page 37, lines 1 to 19; page 38, lines 1 to 19; page 39, lines 1 to 19; page 40, lines 1 to 19 and page 41, lines 1 to 7 by striking out all of said lines.

Amend Bill, page 41, by inserting between lines 7 and 8:

Section 4 The last paragraph of section 319 of the act amended December 1 1959 (P L 1678) is amended to read

Section 319 * * *

Where an employee has received payments for the disability or medical expense resulting from a disability in the course of his employment paid by the employer or an insurance company [hospital medical osteopathic or dental service corporation employe or fraternal welfare or benefit association] on the basis that the disability was not compensable under this act in the event of an agreement by the employer or insurance company [hospital medical osteopathic or dental service corporation employe or fraternal welfare or benefit association which] who made [any] the payments shall be subrogated out of the agreement or award to the amount so paid [without deduction for attorney's fees or otherwise] if the right to subrogation is agreed to by the parties or is established at the time of hearing before the referee or the board

Amend Sec. 10, page 41, line 9 by striking out all of said line and inserting: 5 The second paragraph

Amend Sec. 10 (Sec. 428), page 42, lines 9 to 19 and page 43, lines 1 to 13 by striking out all of said lines and inserting: Section 428 * * *

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. WEINER.

PERSONAL PRIVILEGE

Mr. HALUSKA. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The gentleman will state it.

Mr. HALUSKA. Mr. President and Members of the Senate, as we are about to close this Session of the Legislature, I would like to observe that there may have been a lot of bitterness, but now it seems that many of us are beginning to mellow.

I have gone through a terrific campaign regarding the strip mining bills, mostly because of the press. The press created a great mountain. They said many things about me, Mr. President, but, most of all, they talked about my carnation. Tonight, I am pleased to see that the press is beginning to also mellow. A member of the press, from the Philadelphia Bulletin, Mr. Kaminski, is sporting a great, big, red carnation. I will be happy when I see two more gentlemen of the press, Frank Matthews and L. R. Lindgren, from the Pittsburgh newspapers, sporting a carnation. That day will be a day of great success to me. Also, I find my good friend from Chester County tonight doing likewise. I am happy to know that I finally won a battle. Probably at the next Session, the entire membership of the press will come in, sporting red carnations.

The PRESIDING OFFICER. Senator Haluska, if you will introduce a bill making the carnation the flower of the Commonwealth, I will refer it to the Committee on Historical Preservation.

Mr. EHRGOOD. Mr. President, we had better watch out for the guys who wear flowers.

Mr. BELL. Mr. President, I wonder whether Senator Haluska will tell us whether or not those carnations are a good defense against radar.

The PRESIDING OFFICER. Radar goes into effect September 1. The hour has not arrived as yet.

Mr. BELL. It is pretty close, Mr. President.

REPORT OF COMMITTEE OF CONFERENCE ON HB 795 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table the Report of Committee of Conference on **HB 795.**

REQUEST FOR UNANIMOUS CONSENT TO CONSIDER REPORT OF COMMITTEE OF CONFERENCE ON **HB 795**

Mr. WEINER. Mr. President, I now ask unanimous consent for the immediate consideration of the Report of Committee of Conference on House Bill No. 795.

The PRESIDING OFFICER. Senator Weiner, the Chair has just been informed by the Secretary that we do not have the Report here. We are not sure that the House has adopted it.

Mr. WEINER. Mr. President, I understand the Conference Committe Report is lying on the table.

The PRESIDING OFFICER. The Senate will be at ease for just a few moments.

(The Senate was at ease.)

Mr. KESSLER. Mr. President, I would like to have a copy of the Conference Committee Report on House Hill No. 795.

REQUEST WITHDRAWN

Mr. WEINER. Mr. President, I now withdraw my request for the immediate consideration of this Report of Committee of Conference.

The PRESIDING OFFICER. The request for immediate consideration of the Report of Committee of Conference on House Bill No. 795 has been withdrawn.

THIRD READING CALENDAR

HB 1598 CALLED UP

HB 1598 (Pr. No. 2728)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 10 of the Third Reading Calendar by Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1598 (Pr. No. 2727)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. SEYLER, by unanimous consent, offered the following amendments:

> Amend Sec. 5, page 16, line 19, by striking out "prescriptions".
>
> Amend Sec. 5, page 16, line 20, by striking out "or non-proprietary".
>
> Amend Sec. 5, page 17, line 1, by striking out all of said line and inserting: or the charge for or prices of the professional services of the pharmacist for compounding or preparing prescriptions or furnishing nonproprietary drugs
>
> Amend Sec. 5, page 18, by inserting between lines 13 and 14: provided that nothing in this act shall be construed or applied so as to prohibit or in any manner limit the right of any licensed pharmacist to render professional services to or participate with others in providing professional services to patients of any hospital or clinic or to members beneficiaries or persons covered by any group medical surgical hospital clinical or other therapeutic service plan
>
> Amend Sec. 6, page 24, line 4, by inserting after "welfare": provided that prescriptions can be received by a pharmacy or pharmacist and the drugs prepared in pursuance thereof can be delivered by mail addressed to the person for whom such drugs are intended wherever such person is unable to obtain delivery by other means without difficulty financial burden or hardship or whereever the prescribing doctor shall direct

On the question,

Will the Senate agree to the amendments?

Mr. SEYLER. Mr. President, I wish to say a few words regarding these amendments.

In the Commonwealth, there are a number of nonprofit centers and clinics which bring medical care and the accompanying pharmaceutical prescriptions to persons who are members. Among these are a number which are supported by organized labor, principally those in the garment trade, such as the International Ladies Garment Workers and the Amalgamated Garment Workers.

The bill, as it stands, would handicap the activities of those centers or clinics.

For that reason, Mr. President, these amendments are designed to help these nonprofit clinics and centers carry on the task of bringing law-cost medical care to their members. The amendments do three things. In the first place, they allow the clinic to circularize their members, giving the prices, exclusive of professional services since, at these centers, the pharmacists are, of course, employees of the centers and the cost of the pharmacist does not enter into the prescription.

Secondly, this would permit the right of any licensed pharmacist to render professional services or to participate with others in providing professional services to the patients of such clinics, or the members or persons covered by such clinics.

Thirdly, it would make it possible for prescriptions, at the order of the physician, to be mailed to members whenever such persons are unable to obtain delivery by other means without difficulty, financial burden or hardship.

As I said, these amendments are essential to a successful continuation of these centers. For that reason, Mr. President, I have offered these amendments and ask for a roll call.

Mr. BERGER. Mr. President, from the brief explanation made of these amendments, they would apparently give an absolute monopoly on the purchase of all drugs to the correspondent out-of-State supplier of these clinics. They would prohibit any licensed pharmacist in Pennsylvania from serving these clinics.

The gentlemen shake their heads, but that is what the amendments say.

Another amendment to House Bill No. 1598 reads as follows:

> ". . . prescriptions can be received by a pharmacy or pharmacist and the drugs prepared in pursuance thereof can be delivered by mail addressed . . ."

Mr. President, a licensed pharmacist in Pennsylvania must go through a great deal of preparation and training and licensing under this bill. This excludes anybody out-of-Pennsylvania who cares to supply drugs to these clinics by mail.

I ask my colleagues to vote against the amendments.

And the question recurring,

Will the Senate agree to the amendments?

A voice vote was then taken.

Mr. SEYLER. Mr. President, I had originally asked the

Chair for a roll call. Therefore, I would repeat that request.

Mr. PECHAN. Mr. President, if Senator Seyler would withdraw his request, I believe we would save a little time.

The PRESIDING OFFICER. The gentleman from York has the privilege to withdraw if he so desires. Does the gentleman wish to withdraw his request?

Mr. SEYLER. Mr. President, I appreciate the gentleman's generous offer, but I request a roll call.

Mr. KESSLER. Mr. President, I desire to interrogate the gentleman from York, Senator Seyler.

The PRESIDING OFFICER. Will the gentleman from York, Mr. Seyler, permit himself to be interrogated?

Mr. SEYLER. I will, Mr. President.

Mr. KESSLER. Mr. President, I have not had an opportunity to look at the amendments. However, I would like to raise a question with Senator Seyler.

On page 2, line 9, of House Bill No. 1598, Printer's No. 2728, it reads as follows:

> ". . . articles intended for use in the diagnosis cure mitigation treatment or prevention of disease in man or other animals. . ."

I think arthritis is recognized as a disease. I was wondering whether elastic bandages and braces, which are used for the relief of arthritic patients, or enema syringes, which are used in the mitigation of bowel trouble, are included in the prescriptions.

It also says on page 2—

Mr. SEYLER. May I answer one question at a time, Mr. President?

The PRESIDING OFFICER. I think that would be proper. You may answer the first question, Senator Seyler.

Mr. SEYLER. Mr. President, in reply to the gentleman, I believe his question is not on the amendments, but rather on the part of the bill which is not covered by the amendments.

Therefore, Mr. President, I do not believe it is in order for him to ask the question nor for me to answer it.

Mr. KESSLER. Mr. President, I have not had an opportunity to read the amendments. I do not as yet know what they cover.

Are the amendments covering solely nonproprietary drugs or proprietary drugs?

Mr. SEYLER. Mr. President, will the gentleman please repeat his question. Are we still referring to page 2 of the bill?

Mr. KESSLER. Are the amendments, offered by Senator Seyler, covering proprietary drugs or nonproprietary drugs?

Mr. SEYLER. The amendments refer to both.

Mr. KESSLER. Mr. President, that is pretty complete coverage in order to send stuff through the mail. As I understand it, these amendments would permit the distribution of proprietary and nonpropriety drugs through the mail. Is that correct?

Mr. SEYLER. Mr. President, I do not understand the gentleman's question.

Mr. KESSLER. Mr. President, the gentleman from York said these amendments cover both proprietary and nonproprietary drugs.

Mr. SEYLER. I believe that is correct.

Mr. KESSLER. Mr. President, it seems to me such amendments are useless if they permit the distribution through the mail of nonproprietary drugs.

I certainly would urge my colleagues to vote against these amendments.

Mr. PECHAN. Mr. President, if we cannot get a second to the request for a roll call, I wish we would go on with the business of the Session. The request for a roll call has been seconded.

The PRESIDING OFFICER. Senator do you wish to repeat your request for a roll call? The only reason I ask is in view of the tremendous "no" response to the query.

Mr. SEYLER. Mr. President, I would repeat my request for a roll call.

The PRESIDING OFFICER. A roll call having been requested, and a motion not being required, the Clerk will call the roll.

The yeas and nays were required by Mr. SEYLER and were as follows, viz:

YEAS—1

Seyler,			

NAYS—48

Bell,	Hawbaker,	McMenamin,	Stalsey,
Berger,	Hays,	Miller,	Stevenson,
Camiel,	Kalman,	Mullin,	Stiefel,
Chapman,	Keller,	Murray,	Stroup,
Confair,	Kessler,	Pechan,	Taylor,
Devlin,	Kromer,	Propert,	Van Sant,
DiSilvestro,	Lane,	Rooney,	Wade,
Donolow,	Madigan,	Sarraf,	Wagner,
Ehrgood,	Mahady,	Scott,	Ware, III,
Flack,	Mallery,	Sesler,	Weiner,
Fleming,	McCreesh,	Shafer,	Yatron,
Haluska,	McGinnis,	Silvert,	Ripp, Presiding Officer

So the question was determined in the negative, and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. SEYLER. Mr. President, I just wish to comment that while I appreciate Senator Wade's gallantry, I am glad that the result was as it was, because the only time this has ever happened before in my experience was when it happened to my colleague, Senator Hays. I now join his category, which is a very elite one.

PERSONAL PRIVILEGE

Mr. DiSILVESTRO. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The gentleman will state it.

Mr. DiSILVESTRO. Mr. President, this is a serious matter and not a laughing affair.

I got caught in a matter similar to that of Senator Seyler's about twenty-six years ago. A friend of mine said: "You know, we need fresh water in Philadelphia. We should get our water from the Delaware Water Gap." I thought it was a wonderful idea to get fresh water. I then introduced a bill. Later, I found that the telephone wires and everything else were entangled and they made a fool out of me.

Senator Seyler, I believe, presented these amendments on request and he did so in good faith. I noticed particulary when he replied to the questions which were presented to him by Senator Kessler. Where are the Lilliputians who took advantage of the good Senator? I am not referring to those who gave the amendments to him.

However, whoever was moving that hand thought they could unionize prescriptions.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

Mr. KESSLER. Mr. President, I am indeed confused by this House Bill No. 1598. On page 2, line 9, it reads, in part, as follows:

> ". . . for use in the diagnosis cure mitigation treatment or prevention of disease in man or other animals . . ."

Mr. President, on page 2, line 11, of House Bill No. 1598, it further reads as follows:

> ". . . articles (other than food) intended to affect the structure or any function of the body man or other animals . . ."

Mr. President, I would like to be informed as to whether or not these provisions of this proposed law involve such things as the enema syringe, for example. This is an article which is intended for use in the cure or mitigation of disease. This also applies to elastic bandages or braces which are used by arthritic patients.

Mr. President, let us go further and read on page 16, lines 1 through 5, of House Bill No. 1598, wherein it states that a pharmacist may lose his license if he has—and I abbreviate—sold a device "which is of a brand or trade name other than specified by the person prescribing such brand . . ."

Does that mean, Mr. President, that if the doctor says you have to sell Johnson and Johnson bandages, then that is a violation of this Act if you do not give the patient Johnson and Johnson bandages?

There are many problems existing in this House Bill No. 1598, with the amendments which came to us at this late hour, and I confess I would like to have some answers on them.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. KESSLER. Mr. President, with regret to my good friend Senator Anthony DiSilvestro, I hate to vote against this bill, but I must until I can get these questions cleared up. I desire to be recorded as voting "no."

The PRESIDING OFFICER. The gentleman from Lancaster will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bell,	Hays,	Murray,	Stevenson,
Berger,	Kalman,	Pechan,	Stiefel,
Camiel,	Keller,	Propert,	Taylor,
Devlin,	Kromer,	Rooney,	Van Sant,
DiSilvestro,	Mahady,	Sarraf,	Wagner.
Donolow,	McCreesh,	Scott,	Ware, III,
Ehrgood,	McGinnis,	Sesler,	Weiner,
Fleming,	McMenamin,	Shafer,	Yatron,
Haluska,	Miller,	Silvert,	Ripp,
Hawbaker,	Mullin,	Staisey,	Presiding Officer

NAYS—6

Chapman,	Kessler,	Seyler,	Wade,
Flack,	Madigan,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

PERMISSION TO ADDRESS SENATE

Mr. STAISEY asked and obtained unanimous consent to address the Senate.

Mr. STAISEY. Mr. President, I am about to offer a resolution, relating to an inquiry on the part of the Joint State Government Commission.

SENATE RESOLUTION

DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO STUDY THE NATURAL RESOURCE POLICIES OF THE COMMONWEALTH

Mr. STAISEY, by unanimous consent, offered the following resolution **Serial No. 10a)**, which was read as follows:

In the Senate, August 31, 1961.

Historically, natural resource policies and practices in the Commonwealth have concentrated upon single phases of resource development or upon particular mineral industries without giving full recognition to the technological and economic interrelationships among various natural resources. In more recent decades, increased attention has been directed to multi-resource approaches, resulting in multiple-purpose water control projects, "unitized" exploitation of petroleum and natural gas, and reforestation measures designed to aid in flood control and soil conservation as well as increasing the future supply of timber.

Some fifteen Commonwealth agencies are concerned directly or indirectly with the conservation, regulation, development or economic utilization of the natural resources of Pennsylvania. In addition, numerous local governments, Federal agencies and several interstate commissions affect Commonwealth natural resource policies.

The multiplicity of Commonwealth and other governmental agencies concerned with natural resources suggests that substantial opportunity exists for uncoordinated policies; therefore be it

Resolved, That the Joint State Government Commission be directed to make a comprehensive study of natural resource policies of the Commonwealth to ascertain resource facts and to develop guiding concepts with a view of formulating a compherensive multi-resource policy calculated to facilitate the maximum development and economic utilization of Pennsylvania's natural resources; and be it further

Resolved, That the Joint State Government Commission report its findings and recommendations to the 1963 Session of the General Assembly.

Mr. STAISEY asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

Mr. KESSLER. Mr. President, will the Clerk be good enough to reread that resolution because I did not hear all of it?

The PRESIDING OFFICER. The Chair will see that the gentleman receivs a copy of the resolution.

An the question recurring,

Will the Senate adopt the resolution?

The resolution was adopted.

The PRESIDING OFFICER. At this time, the gavel is now turned over to the Lieutenant Governor of the Commonwealth, the Honorable John Morgan Davis.

The PRESIDENT (Lieutenant Governor John Morgan Davis) in the Chair.

RESOLUTION REPORTED FROM COMMITTEE

Mr. SEYLER, by unanimous consent, from the Committee on Reapportionment reported, without amendment, Senate Concurrent Resolution, **Serial No. 131,** entitled:

Directing the Joint State Government Commission to Study the Subject of Reapportionment

Mr. SEYLER. Mr. President, I request unanimous consent for the immediate consideration of this resolution.

Mr. BERGER. Mr. President, not too long ago, I was canvassed by a gentleman of the Senate in regard to reporting out a resolution from committee. Is this what has just been done? Was this a Committee Report?

The PRESIDENT. Would Senator Seyler please explain to the gentleman from Potter?

Mr. SEYLER. Mr. President, that is correct.

The PRESIDENT. Are you asking for the immediate adoption of the resolution?

Mr. SEYLER. Mr. President, I ask unanimous consent for its immediate consideration.

Mr. ROONEY. Mr. President, I am rising to object to the immediate adoption of this resolution.

I had not planned on speaking about reapportionment tonight because I think we are filled up to our necks with it from what we have heard during the past week. However, it is with deep concern that I realize this august Body, with its distinguished record of legislative achievement, under the Lawrence Administration, has yet to resolve the problem of reapportionment. I think it is the duty of every Senator in this Chamber and the duty of every Representative in the House to resolve this problem. I think it is a disgrace that we should adjourn sine die, after midnight tonight, without doing anything about reapportionment.

It is obvious that Pennsylvania is going to lose three Congressmen. I blame the Republican Party and I blame the Democratic Party for the impasse in the reapportionment problem in Pennsylvania.

For that reason, Mr. President, I am going to object strenuously to the adoption of this resolution. I say the people of Pennsylvania have been shortchanged during this Session because the House and the Senate have done nothing about reapportionment.

I completely concur with Governor Lawrence that the door has been slammed in the people's face, in so far as education and reapportionment are concerned. I think it is a disgrace that we should adjourn here tomorrow, without doing anything about it.

First of all Mr. President, it looks as though we are going to have a lengthy Session tonight and I am going to stay with it. We have a bit of confusion here, but I am leaving tomorrow at 8:30 a.m. for the ribbon-cutting ceremony of the Bangor-Pen Argyl Highway. I certainly will not be here after 8:30 tomorrow morning.

Mr. SEYLER. Mr. President, I do not know whether the gentleman realizes this resolution deals only with Senatorial reapportionment. Does the gentleman still have an objection?

Mr. ROONEY. Mr. President, I have objection to Senatorial reapportionment and to Congressional reapportionment. I think it is our duty, as Senators and Legislators, to do something about it. We should resolve this impasse once and for all.

This is the second time since 1791 that the Pennsylvania General Assembly will have adjourned without doing anything about reapportionment. They adjourned in 1890 and they adjourned in 1910. I never thought we would see it again in 1961 in this modern day.

Mr. SEYLER. Mr. President, in view of the gentleman's objection, and before the Chair rules that we cannot consider the resolution, I would like to withdraw my request and ask that it be laid on the table.

Mr. BERGER. Mr. President, I was going to say that I could detect a little bit of confusion in the remarks of both of the gentleman. However, I guess I will not say anything.

The PRESIDENT. Thank you for those kind words.

There being objection to the immediate consideration of this resolution, the resolution will be laid on the table.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. DEVLIN, by unanimous consent, from the committee on Executive Nominations, reported the following nominations, made by his Excellency, the Governor:

JUSTICE OF THE PEACE

August 31, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Norean MacMurdo, 1425 Cherry Hill Road, Ellwood City, Beaver County, for appointment as Justice of the Peace in and for the Township of North Sewickley, Beaver County, to serve until the first Monday of January 1962, vice Fred St. John, resigned.

DAVID L. LAWRENCE.

JUSTICE OF THE PEACE

August 31, 1961.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John J. Dugan, Sr., Holt Road, R. D. 2, Aliquippa, Beaver County, for appointment as Justice of the Peace in and for the Township of Raccoon, Beaver County, to serve until the first Monday of January 1962, to fill a vacancy.

DAVID L. LAWRENCE.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

By unanimous consent, a motion was made by Mr. DEVLIN and Mr. McGINNIS,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. DEVLIN asked and obtained consent for immediate considerations of the nominations made by His Excellency, the Governor, which were just reported from committee and read by the Clerk.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Silvert,
Berger,	Kalman,	Mullin,	Staisey,
Camiel,	Keller,	Murray,	Stevenson,
Chapman,	Kessler,	Pechan,	Stiefel,
Confair,	Kromer,	Propert,	Stroup,
Devlin,	Lane,	Ripp,	Taylor,
DiSilvestro,	Madigan,	Rooney,	Van Sant,
Donolow,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,			

NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. DEVLIN, Mr. President, I move that the Executive Session do now rise.

Mr. McGINNIS, Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, **SB 195** and **373**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bills as amended, will be laid on the table.

HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate, **SB 806, 826, 828, 882, 901, 905, 914, 915 and 924** with the information that the House has passed the same without amendments.

BILLS SIGNED

The President (Lieutenant Governor John Morgan Davis) in the presence of the Senate signed the following bills:

SB 806, 826, 882, 901, 905, 914, 915 and **924.**

GEORGE F. BRUNO. COMMANDER-ELECT OF PENNSYLVANIA DEPARTMENT OF THE AMERICAN LEGION, PRESENTED TO SENATE

Mr. VAN SANT. Mr. President, on behalf of my colleague, Senator Rooney, and myself, who share honors many times in the great Lehigh Valley area, it is our pleasure at this time to welcome to the Senate of Pennsylvania the recently elected Commander of the Pennsylvania Department of the American Legion, George F. Bruno. He comes from Fountain Hill, in Lehigh County. Tomorrow, Mr. Bruno is to be sworn in as Commander of the Pennsylvania Department of the American Legion.

Commander Bruno is no newcomer to the Senate, having been here in the 1959 Session as President of the Conestoga Corporation of Bethlehem, manufacturers of the big, bang cannons, which delighted so many of the Senators who stole them from their children in order to enjoy the Fourth of July and other occasions since that time.

At this time, Mr. President, it affords us great pleasure to present Mr. Bruno.

I would now like to yield to my colleague, Senator Rooney.

Mr. ROONEY. Mr. President, it is a real pleasure for me to share this honor with Senator Van Sant in presenting to the Senate of Pennsylvania the newly elected Commander of the American Legion, George F. Bruno. George and I have been friends for many years. He comes from a very fine family back in Fountain Hill, Lehigh County. That is about the only thing about him of which I am jealous. However, Fountain Hill is sometimes referred to as Bethlehem. Fountain Hill has no post office and, therefore, for all intents and purposes, we do refer to it as Bethlehem. Some day, with the loosening up of the annexation laws, it may become Bethlehem. However, I am sure Senator Van Sant does not like that remark.

Mr. President, I would like to bring to the attention of the Senate of Pennsylvania the Bruno family and how well they served in World War II. He had a brother who was killed in action, in Europe, in World War II, and he had another brother who was killed in an accident during his service with the Army in California. George, himself, served with great honor for three and one-half years.

I think it would be very nice at this time if Senator Van Sant and I could present him to the Senate for a few remarks.

The PRESIDENT. Would Commander Bruno please come forward, with the Senators from Northampton and Lehigh Counties?

Commander Bruno, the Chair is very happy to greet you and congratulate you on your election as Commander of the Pennsylvania Department of the American Legion.

Will you please speak to the Members of the Senate?

REMARKS BY COMMANDER-ELECT GEORGE F. BRUNO

Mr. BRUNO. Mr. President, honored gentlemen and ladies:

If for no other reason, the privileged opportunity to speak from the rostrum of the Senate of Pennsylvania during these closing hours of this eight-month long Session is well worth the election by 250,000 members of the American Legion to the office of State Commander of that organization, which pridefully boasts the biggest in the world. It is greater than New York, bigger than California and bigger than eleven Midwestern States combined.

We are proud of Pennsylvania, and proud to carry our story of Pennsylvania to other States and to other areas where we may travel.

Gentlemen, permit me to say that despite an unfortunate incident in an unusual resolution, which received widespread publicity prior to that resolution's introduction in a proper manner to our convention committee for consideration while we were in session in Erie last month, I want to assure you here and now that the sentiments expressed in that resolution were the opinions of a few, and certainly not the sentiments of the majority of our 3,000 delegates.

That resolution died a sudden death in committee and never reached the floor of the convention. It was not con-

sidered a proper feature for consideration by those who have been urging election of the best men and women available in our Commonwealth to our public offices. Certainly, the State Senate is one of our highest and most responsible public offices. Also, our House of Representatives is one of our highest and most respected public offices in Pennsylvania.

The majority of the membership of the American Legion in Pennsylvania realizes and knows that we are represented by Pennsylvania's finest. We have no quarrel with the small cost of legislation of our laws in this Commonwealth. In fact, the greater majority expresed themselves of the opinion that our Legislators receive entirely too little for their time, for their efforts and for the criticism they must bear.

Gentlemen, I thought it was imperative that I correct a situation which embarrassed you, and certainly embarrassed us, because a few men exercised their right of free speech. However, they obviously were directed in the wrong area. Senators, this is not an apology for their actions. Rather, it is an expression that we will defend to the last man the right of free speech and individual opinions.

I thank you most sincerely for this opportunity to appear before you here tonight, as the representative of 250,000 veterans of the last three great wars. I know you are tired and I know you have much to do before adjournment. However, may I thank you for representing us taxpayers, for your time, your efforts and for your willingness to use your experience and knowledge in providing for Pennsylvania the good government we have enjoyed through the years.

Thank you.

The PRESIDENT. Commander Bruno, I am sure I express the sentiments of the Senate in saying thank you for those words.

Mr. PECHAN. Mr. President, I do not want to detract from my two distinguished colleagues, Senator Van Sant and Senator Rooney, whose guest is Commander Bruno. However, I want to welcome him here to the Senate. It has been my pleasure to work with George over the years on Legion legislation. I am sure that as a result of the Erie Convention and his election, the American Legion and the veterans, in general, will benefit.

I want to join with the rest of my colleagues in welcoming Commander Bruno here and wishing him a successful tenure for the next year.

GUEST OF COMMANDER-ELECT GEORGE F. BRUNO PRESENTED TO SENATE

Mr. VAN SANT. Mr. President, I walked in with a young lady and several Members of the Senate said: "We are glad to see your daughter here in the Senate." Gentlemen, I know that Mary Bruno, George's wife, will appreciate this compliment. I would like to present her at this time, along with Commander Bruno's sister.

They are seated right over here.

The PRESIDENT. We are very happy to have you here in the Senate.

HONORABLE DAVID STAHL, ATTORNEY GENERAL OF THE COMMONWEALTH, PRESENTED TO SENATE

Mr. RIPP. Mr. President, in view of the fact that there is a lull in the proceedings, I would like to make note of the fact that there is a gentleman in the audience who has just been admitted into the Cabinet of the Governor of the Commonwealth. I do not believe that at this moment he realizes that I am going to present him.

I think most of the Senators have not as yet met the new Attorney General of the Commonwealth. If the gentleman will please ascend to the rostrum, I shall introduce to the Senate the new Attorney General of the Commonwealth, from the city of Pittsburgh, David Stahl.

REMARKS BY ATTORNEY GENERAL DAVID STAHL

Mr. STAHL. Mr. President and Members of the Senate: I realize that you are all tired. Therefore, I will take one-half of a second to again thank you. I have thanked personally those whom I have had a chance to meet.

I want to thank you again for your confirmation and for your confidence which you expressed in me. I cannot say that I am sorry—and I am sure you are not sorry—you are soon leaving. However, I hope we will have a chance to get together quickly again. I hope you will find your way to my office after you have recovered from your present ordeal.

Thank you.

The PRESIDENT. Thank you very much, Attorney General Stahl.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION, SERIAL No. 130

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in resolution from the Senate, entitled:

Creating the General Assembly Advisory Council

RECESS

Mr. BERGER. Mr. President, I request a twenty minute recess of the Senate for the purpose of holding a Republican Caucus.

Mr. WEINER. Mr. President, during this time, there will also be a Democratic Caucus.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a twenty minute recess of the Senate.

AFTER RECESS

The PRESIDING OFFICER (Joseph D. Ripp) in the Chair.

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

HB 566 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table **HB 566,** which was previously passed over in its order temporarily on second reading, as amended.

EDUCATION BILL ON SECOND READING

HB 566 (Pr. No. 2742)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SECOND READING CALENDAR

HB 1224 CALLED UP

HB 1224 (Pr. No. 1398)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 13 of the Second Reading Calendar by Mr. WEINER.

EDUCATION BILL ON SECOND READING

HB 1224 (Pr. No. 1398)—Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HB 1816 CALLED UP

HB 1816 (Pr. No. 2612)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 13 of the Second Reading Calendar by Mr. WEINER.

EDUCATION BILL ON SECOND READING

HB 1816 (Pr. No. 2612)— Read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SB 195 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table **SB 195,** and received unanimous consent for its immediate consideration.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 195 (Pr. No. 1285)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 195.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WADE. Mr. President, I am not rising to object to concurrence in the amendments placed by the House. I do think, however, that they are not proper amendments.

As many of us know, this bill covers the matter of group life insurance for State employees. The consensus of opinion, among many insurance men, was that the handling of this affair should be with the Department of State for the simple and only reason that it now handles the retirement for State employees. With the proper trained person in the Department of State handling the co-ordination of retirement and life insurance, a service could be rendered to the State employees which they have never enjoyed before.

We have had this same idea for providing group life insurance for our State employees for many years. However, always toward the end of the Session, the bill, for one reason or another, would fail. I am certainly not going to oppose these amendments, although I feel that the bill would be much better if it were handled through the Department of State rather than through the Department of Property and Supplies.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Stalsey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 373 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table **SB 373,** and received unanimous consent for its immediate consideration.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 373 (Pr. No. 1282)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 373.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Stalsey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON FIRST READING

Mr. WEINER. Mr. President, I move that the Senate do now proceed to the first reading of the bill reported from committee for the first time at today's session.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. PECHAN. Mr. President, I do not know what the bill is, but I would like to make a motion that it be recommitted to the committee from whence it came.

I know it is not printed, but let us save the government a little bit of money.

Mr. LANE. Mr. President, I know that Senator Pechan

is economy-minded at this particular time. However, let us not go along with that argument now.

The PRESIDING OFFICER. As much as I dislike saying so, you are out of order.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

The bill was as follows:

HB 1575

And said bill having been read at length for the first time,

Ordered, To be laid aside for second reading.

PETITIONS AND REMONSTRANCES

Mr. MULLIN. Mr. President, in the past few months, the Philadelphia newspapers, with the Bulletin taking a leading part, violently crusaded with one-sided attempts of alleged "payola" or irregularities in city zoning matters. This was an attempt to defame the Democratic Party. These wild and distorted charges were never substantiated by evidence. However, recently—and after a Grand Jury investigation was refused—the Committee of Seventy conduced their own investigation of all the charges. After this was done, the findings were sent out to all of the members of that organization—the Committee of Seventy.

It is interesting to note what they found. Apparently, these charges which were made and used to defame the Democratic Party, but, at the same time, defamed the city of Philadelphia, concerned, first, zoning ordinances. They said in this letter that they examined all the zoning ordinances passed by the Philadelphia City Council between January 1, 1960 and June 1, 1961.

Without going into a description of this investigation, they said they found nothing wrong in that area.

Then they examined the ordinances during this seventeen-month period. Here, again, they found no evidence of irregularities. They also went over to the Zoning Division of Philadelphia City Government and selected 200 cases which they examined. Here, again, they found no evidence of irregularities.

This letter was not given the publicity that the charges were. However, it was marked "Confidential" to the members.

The main charges which appeared in the Philadelphia Bulletin and in other newspapers were prepared and published by an organization called "The Republican Alliance." This is an organization similar to Americans for Democratic Action, except that this is Republicans for Republican Action. It is very interesting to note that none of this was ever found, none of it was ever published,—not even this confidential letter—and none of the results of this investigation were ever published in the newspapers.

HB 1541 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table **HB 1541,** which was passed over in its order temporarily on third reading, as amended.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1541 (Pr. 2741)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. ROONEY. Mr. President, I desire to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman from Northampton will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bell,	Hays,	Pechan,	**Stevenson,**
Berger,	Kalman,	Propert,	**Stiefel,**
Camiel,	Lane,	**Rooney,**	**Stroup,**
Confair,	**Mahady,**	**Sarraf,**	Taylor,
Devlin,	McCreesh,	Scott,	Van Sant,
DiSilvestro,	McGinnis,	Sesler,	Wagner,
Donolow,	McMenamin,	Seyler,	Ware, III,
Flack,	Miller,	**Shafer,**	**Weiner,**
Fleming,	Mullin,	Silvert,	Yatron,
Haluska,	**Murray,**	Staisey,	Ripp,
			Presiding Officer

NAYS—5

Chapman,	**Hawbaker,**	**Kessler,**	**Wade,**
Ehrgood,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

SENATE CONCURRENT RESOLUTION, SERIAL No. 131, TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table Senate Concurrent Resolution, **Serial No. 131,** entitled:

Directing the Joint State Government Commission to Study the Subject of Reapportionment

Mr. WEINER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION, **SERIAL No. 131,** ADOPTED

Mr. WEINER. Mr. President, I now move that the Sentor do adopt this resolution.

Mr. SEYLER. Mr. President, I second the motion.

The motion was agreed to and the resolution was adopted

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

ADJOURNMENT

Mr. WEINER. Mr. President, I move that the Senate do now adjurn until Friday, September 1, 1961, at 12:01 a.m., Eastern Standard Time.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastren Standard Time.

HOUSE OF REPRESENTATIVES

THURSDAY, August 31, 1961

The House met at 10 a. m. e. s. t.

The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

Almighty and Everlasting Father, out of the depth of love which Thou hast shown to us in the many experiences of life, we pause in reverence to praise Thy name and the abounding generosity which is ours to share. We humbly pray that in the many complexities of life we may never lose sight of Thee or of the work which Thou wouldst have us do. Especially, O Father, we ask that Thou wilt be with the Members of this House of Representatives in this hour and in the hours and days which lie ahead. And as Thou dost continue to show Thy love and concern toward each of us, challenge us never to be too busy to neglect to ease the burdens of another or show Thy love toward our fellowmen. Bless us in our journey throughout life and grant us Thy eternal peace. Through Jesus Christ, our Lord. Amen.

JOURNALS APPROVED

The SPEAKER. There are a number of journals that are not yet in print. There would be no errors as far as the legislative end was concerned. For the purpose of establishing legislative intent, it is the Chair's opinion that those journals should be approved and, if there are no objections, the Chair will declare those journals approved.

The Chair hears no objections.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY THE HOUSE

The clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House bill No. 1259 entitled:

An Act relating to State highways roads and bridges and certain use thereof amending revising consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto establishing the State Highway System providing for the construction abandonment and vacation of State highways and placing of existing roads and bridges on the State Highway System * * *

And has appointed Messrs. MULLIN, and WADE a committee of conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1259

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. COMER, McNALLY and A. M. LEE.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY THE HOUSE

The clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House bill No. 840 entitled:

An Act prohibiting the sale transfer purchase ownership possession and use of tear and noxious gas and tear gas guns providing for certain exemptions and providing penalties.

And has appointed Messrs. CAMIEL, SARRAF and HAWBAKER a committee of conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences between the two Houses in relation to said bill.

Mr. McCANN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 840

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. WELSH, SCHAAF and O'DELL.

Ordered, That the Clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1259

Mr. McCANN. Mr. Speaker, I present the report of the Committee of Conference on House bill No. 1259.

The SPEAKER. The report will lie over for printing under the Rules.

INTERROGATION

The SPEAKER. The Chair recognizes the minority leader who desires to interrogate the majority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I take it the majority leader will consent to be interrogated.

Mr. McCANN. I will, Mr. Speaker.

Mr. A. W. JOHNSON. Mr. Speaker, yesterday in our caucus we had a discussion about the impending vacancy in this House with respect to the secretary of the House. There were certain questions that were raised and we would like to have the answers, particularly in view of the fact that yesterday we passed a bill changing the title of the legislative analyst in the watchdog committee to executive director, and in view of the fact that our secretary of the House has been elected the executive director of that body effective tomorrow, we would like to have some answers to these questions:

No. 1, if a vacancy occurs in the secretaryship of this House after we adjourn sine die, who fills that vacancy and what is the procedure?

Mr. McCANN. Should this House sine die and not elect

a secretary or chief clerk, that vacancy is filled by the Speaker of this House under the rules.

The SPEAKER. Under the law.

Mr. McCANN. Under the law. I beg your pardon, Mr. Speaker.

Mr. A. W. JOHNSON. Another question: In view of the fact that our secretary—and by the way we think he is a wonderful person and this interrogation is no reflection on the wonderful job that he has done—but in view of the fact that his position, effective tomorrow, as executive director of the watchdog committee goes into effect, does the secretary of this House plan on resigning so that we, in this body, will have a chance to vote on a secretary and not pass it on to the Speaker to make an appointment?

Mr. McCANN. I will show the gentleman how, when you plan these things, you can miss the one day and how you can be embarrassed.

We planned to sine die at the end of the month. That would have been today, would it not? Mr. Lopresti was elected in the other committee effective September 1st, so there was no conflict. We are not going to sine die until September 1st; Mr. Lopresti intends to resign as of midnight tonight, I assume that would be proper, and here we have the one session to carry, which begins at midnight in this House. Certainly it is our intention to propose the election of a secretary to that position.

I would have been most pleased to talk to you about this because he serves until 12 o'clock, eastern standard time, tonight, and then there is only the little session that goes from that until we are finished, and, yet, he does not serve as secretary. Then tomorrow—

Mr. A. W. JOHNSON. There is a vacancy in the office of secretary. We will be in session tomorrow, and will nominations then be in order from the floor of this House tomorrow for the office of secretary? Is that right?

Mr. McCANN. That is right, or I guess it would be proper, today being Thursday, because he will resign as of tonight. That would be proper, I would suppose.

Mr. A. W. JOHNSON. Then it would be proper either today or tomorrow. Would you, before we go into our caucus, inform us just whether the election will be held today or whether it will be held tomorrow?

Mr. McCANN. I will answer the question very frankly, Mr. Speaker. It will be quite all right to hold the election today or tomorrow for the secretaryship. I am just wondering and that is what I wanted to talk to the membership about, if Mr. Lopresti could serve the session. Naturally, he has the right to serve the session today, the session that we are in now. Would there be anything illegal in having him serve in that position, working the board there, until the session is over tonight? The only reason I bring this up, Mr. Speaker, is, if we can go through this session without the roll call breaking down, and I hope it does not—

The SPEAKER. The Chair would call to the attention of the House that there is no resignation so far as the Speaker knows, on file as yet. There has been no acceptance upon the part of the House of any resignation.

Mr. McCANN. Mr. Speaker, that is true. That is, as Mr. Johnson stated, a presumption that he resigns as of tonight to accept the other job, and that Mr. Lopresti submitted his resignation in writing to the Speaker of this House.

Mr. A. W. JOHNSON. It seems to me, Mr. Speaker, that there will be no vacancy in the office of secretary until midnight, and nomination probably would not be in order until tomorrow when the vacancy occurs while we are in session and probably the election should be tomorrow. I believe we would go along on that if you folks want to.

The SPEAKER. You can, of course, elect just before you adjourn sine die, you can elect now, you can elect any time you have the resignation.

Mr. A. W. JOHNSON. Mr. Speaker, we will confer with the majority leader on this matter.

The SPEAKER. What is the pleasure of the majority leader?

Mr. McCANN. Mr. Speaker, can we take a minute of time to mark the calendar now so that we can go through first and second reading?

STATEMENT BY SPEAKER

The SPEAKER. There are on the calendar, I note, at least 70 pieces of legislation, most of which would require roll calls. The progress that we make toward the goal that has been established will depend upon the duration of debate and upon the decorum in the House. The chances of ruffled tempers should be diminished or minimized. The Chair does not propose to be in a great rush. The rush must needs come from the leadership and from the members of the House.

ANNOUNCEMENTS BY SPEAKER

There are two announcements that are always made at this time in every session.

Members are requested to not take their daily calendar files home, as they will be kept in the custody of the Chief Clerk for use in the 1962 session.

Papers and pamphlets on top of the member's desks which they desire to keep should be placed inside their desks where they will remain undisturbed.

The second announcement: In accordance with the provisions of Rule 29, the chairmen of the standing committees of the House are required to file with the Chief Clerk bills and all other papers in the possession of the committee on final adjournment of the House, including committee record books. The chairmen are directed, at their earliest convenience, to comply with the provisions of this rule.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 689, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), authorizing boards of school directors to arrange with the authorities conducting private or parochial schools in their districts to furnish transportation to pupils attending such schools under certain circumstances and providing how the costs thereof shall be met.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 991, entitled:

A Joint Resolution proposing an amendment to article nine, section one of the Constitution of the Commonwealth of Pennsylvania authorizing the General Assembly to exempt from taxation parsonages land on which places of worship are situated and land adjacent thereto necessary for the use of the church.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1848, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), changing minimum salaries for certain professional employes and increasing the total compensation for certain professional employes.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 1855, entitled:

A Joint Resolution proposing an amendment to article II, section 18 of the Constitution of the Commonwealth of Pennsylvania making apportionment of senatorial representative and congressional districts mandatory and providing for an Apportionment Board.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 230, entitled:

An Act authorizing the Department of Highways with the approval of the Governor to erect and maintain a bridge over the Ohio River in Beaver County and to provide the necessary approaches and connections with State highways and empowering counties to pay certain damages.

The first, second and third sections inclusive were separately read and agreed to.

The fourth section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendment:

Amend Sec. 4, page 3, lines 9 to 11, by striking out all of said lines.

It was agreed to.

The section was agreed to as amended.

The fifth section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendment:

Amend Sec. 5, page 3, line 12, by striking out 5 and inserting 4

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 418, entitled:

An Act to provide for an additional law judge of the court of common pleas in the thirty-sixth judicial district and making an appropriation.

The first section was read and agreed to.

The second section was read.

On the question,

Will the House agree to the section?

Messrs. KLEIN, STONE and HAMILTON offered the following amendments:

Amend Sec. 2, page 3, line 1, by striking out "1961" and inserting: 1963

Amend Sec. 2, page 3, line 7, by striking out "1962" and inserting: 1964

They were agreed to.

The section was agreed to as amended.

The third section was read.

On the question,

Will the House agree to the section?

Messrs. KLEIN, STONE and HAMILTON offered the following amendment:

Amend Sec. 3, page 3, line 14, by striking out "1962" and inserting: 1964

It was agreed to.

The section was agreed to as amended.

The fourth section was read.

On the question,

Will the House agree to the section?

Messrs. KLEIN, STONE and HAMILTON offered the following amendments:

Amend Sec. 4, page 3, line 15, by striking out "ten thousand dollars ($10,000)" and inserting: seventeen thousand dollars ($17,000)

Amend Sec. 4, page 3, line 18, by striking out "1961" and inserting: 1962

On the question,

Will the House agree to the amendments?

The SPEAKER. We will wait until everyone has a calendar. The Chair recognizes the gentleman from Beaver.

Mr. KLEIN. These amendments are necessary because we have gone beyond the date this year when we could provide for an election of a judge this year. It now becomes necessary to elect a judge in the next municipal election, which will be 1963.

Mr. A. W. JOHNSON. There is one question. I notice you are striking out the sum of $10,000 as being necessary to be appropriated and inserting $17,000. Why are you increasing the $10,000 to $17,000?

Mr. KLEIN. I believe the $10,000 figure originally was inserted in the bill in error to cover the expenses from now until the end of the current fiscal period. Expenses to June 30, 1962, would require close to $17,000.

Mr. A. W. JOHNSON. Does that contemplate a proposed increase in salary for judges or is that based on the present salary?

Mr. KLEIN. It is based on the present salary.

Mr. A. W. JOHNSON. Is there any money in the budget, —this would not take effect until 196—, this bill would take effect immediately? Yes, it would.

Mr. KLEIN. Yes.

Mr. A. W. JOHNSON. Is there money in the budget, do you know, for this extra $17,000?

Mr. KLEIN. I am not certain; I will have to yield to the gentleman from Washington on that point.

Mr. A. W. JOHNSON. I thank the gentleman.

The SPEAKER. Does the minority leader desire to interrogate the gentleman?

Mr. A. W. JOHNSON. I believe that we would actually like to hear from the gentleman, Mr. Polen, whether this $17,000 is budgeted.

The SPEAKER. The gentleman from Beaver yields temporarily to the gentleman from Washington, Mr. Polen, and the minority leader will proceed with his interrogation.

Mr. POLEN. No, Mr. Speaker, this item is not in the budget because the budget is based on the present number of judges that are in effect. This salary of $17,000, it actually figures a few dollars less than that—it is within a few dollars, as I said—is not in the budget, but it is within the confines of our revenue due to several bills falling or not being reported.

Mr. A. W. JOHNSON. Mr. Speaker, I would like to ask the chairman another question please.

The SPEAKER. The gentleman will proceed.

Mr. A. W. JOHNSON. Sometime today or tomorrow we will be receiving the official estimates of revenue from the budget department, which will be an area in which we can pass appropriation bills so the Governor can sign them without line veto, and so forth. When do you expect to receive the final revenue estimates for this current fiscal year from the budget department?

Mr. POLEN. Mr. Speaker, I have no information as to when the official revenue estimates will be available.

Mr. A. W. JOHNSON. Will the chairman, as soon as he receives copies of them today or tomorrow, deliver to us a copy so we can be guided accordingly.

Mr. POLEN. Mr. Speaker, as soon as I receive them I will make copies available to the minority.

Mr. A. W. JOHNSON. Thank you.

Mr. KLEIN. Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Beaver who has the floor, having yielded it temporarily to the gentleman from Washington.

Mr. KLEIN. I might mention to the members of this House with reference to this bill creating a new judge in Beaver County, our county is the only fourth class county that has less than three common pleas judges. We are larger than several of the fourth class counties that already have three and slightly smaller than the others. In addition, our present judges are trying to keep current but they are dreadfully overworked. They work from early in the morning to late at night.

The SPEAKER. The Chair must confess to the gentleman that those are arguments to the bill when it comes up for final passage and not on the technical amendments which the gentleman has made to the bill.

Mr. A. W. JOHNSON. Are the amendments adopted?

Mr. KLEIN. I would say so.

The SPEAKER. Not yet, not yet.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

The section was agreed to as amended.

The fifth section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 461, entitled:

A Joint Resolution proposing an amendment to article four section twenty-one of the Constitution of the Commonwealth of Pennsylvania changing the time at which the Auditor General the State Treasurer and the Secretary of Internal Affairs take office and permitting the Auditor General and State Treasurer to succeed themselves for one additional term.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 568, entitled:

An Act amending the act of June 4, 1937 (P. L. 1643), entitled "An act relating to certain existing benefical societies . . ." further regulating contracts and payments of death benefits and providing for annual filing of certificates regarding surplus requirements.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

BILL PASSED OVER

There being no objection,

Senate bill No. 651, printer's No. 1218,

was passed over temporarily at the request of Mr. McCANN.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 661, entitled:

An Act amending the act of May 26, 1891 (P. L. 129), entitled "An act authorizing and empowering the court of common pleas of the several counties of this Commonwealth to change alter and direct the mode of preparing and keeping indices in the several offices of record in said counties and for preparing making and substituting new indices for old indices or parts thereof" providing for the granting of contracts for new indices.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 696, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" designating certain schools senior high schools and junior high schools.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 758, entitled:

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code" prohibiting certain business activities on Sunday.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 787, entitled:

An Act providing for the acquisition by the Department of Forests and Water of the Kinzua Bridge and certain adjoining grounds for a State park.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

BILL PASSED OVER

There being no objection,

Senate bill No. 791, printer's No. 1231,

was passed over temporarily at the request of Mr. McCANN.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 910, entitled:

An Act authorizing the Commonwealth through the Department of Forests and Waters or other State agencies or instrumentalities or political subdivisions of the Commonwealth or other local public bodies separately or together to conduct surveys make land use studies and to purchase or accept land for park and recreational purposes conservation purposes preservation of open space land and for historic and scenic purposes with the assistance of the Federal Government and to accept funds personnel or other aid from the Federal Government or from other sources.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 912, entitled:

An Act amending the act of November 21, 1959 (P. L. 1579), entitled "An act authorizing the Department of Property and Supplies with the approval of the Governor to acquire purchase or lease certain institutions for use by the Department of Public Welfare as youth development centers . . ." abolishing the Board of Trustees of The Youth Development Center at Canonsburg creating additional boards and further providing for the receiving into custody of certain minors.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 913, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" abolishing the Board of Trustees of the Youth Development Center at Canonsburg and creating additional boards of trustees.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

BILL PASSED OVER

There being no objection,

Senate bill No. 919, printer's No. 1221,

was passed over temporarily at the request of Mr. McCANN.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 920, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further regulating the election and term of office of school directors when districts are formed into union or merged districts.

The first section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendments:

Amend Sec. 1 (Sec. 312), page 2, line 11, by inserting after "and": if a vacancy exists

Amend Sec. 1 (Sec. 312), page 2, line 11, by inserting after "elected": with the highest total vote

They were agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 928, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" changing the power and duties of the Department of Internal Affairs in relation to the minutes of the Canal Commissioner.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

LEAVES OF ABSENCE

By unanimous consent leaves of absence were granted as follows:

Mr. Tompkins for Mr. WEIDNER for the remainder of the week.

Mr. Tompkins for Mr. MAGEE for the remainder of the week.

Mr. Tompkins for Mr. ODORISIO for the remainder of the week.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 851, entitled:

An Act amending the act of May 5, 1933 (P. L. 457),

entitled "Building and Loan Code" authorizing the payment of bonus dividends to any class or classes of stock.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—186

Adams,	Fulmer,	Lawson,	Riley,
Anderson, S. A.,	Gallagher,	Lee, K. B.,	Rovansek,
Arlene,	George,	Leonard,	Rubin,
Auker,	Gibb,	Limper,	Rudisill,
Bachman,	Gibbons,	Lippincott,	Scarcelli,
Backenstoe,	Goldstein, J. H.,	Long, Wm. Jas.,	Schaaf,
Blair,	Goldstein, M. H.,	Long, Wm. Jos.,	Schuster,
Boies,	Goodrich,	Lutty,	Seltzer,
Bonner,	Gramlich,	Manbeck,	Shelton,
Bossert,	Gray,	Markley,	Sherman,
Bower,	Greenlee,	Marsh,	Shupnik,
Bowman,	Gremminger,	Maxwell,	Simmons,
Breth,	Gross,	May,	Snare,
Branca,	Guesman,	McCann,	Stank,
Buchanan,	Guthrie,	McCandless,	Steckel,
Bush,	Hamilton,	McDevitt,	Stimmel,
Capano,	Hankins,	McDonald,	Stiteler,
Capitolo,	Hartley,	McKeever,	Stone,
Cauley,	Haudenshield,	McLaughlin,	Strausser,
Cianfrani,	Heavey,	McNally,	Sullivan, J. A.,
Cioffi,	Helm,	Meholchick,	Sullivan, T. F.,
Clarke,	Henzel,	Merry,	Taylor,
Comer,	Hocker,	Miller,	Thompson,
Cooley,	Holl,	Mills,	Tomascik,
Crossin,	Holliday,	Monroe,	Tompkins,
Curwood,	Holman,	Morley,	Varner,
Davis,	Horst,	Munley,	Verona,
Dengler,	Irvis,	Murphy,	Wall,
Dennison,	Isaacs,	Murray,	Walsh,
Donaldson,	Jenkins,	Musto,	Wargo,
Dougherty,	Jim,	Needham,	Welsh,
Doughten,	Johnson, A. W.,	O'Dell,	Wescott,
Down,	Johnson, R. P.,	O'Donnell, J. A.,	Whittaker,
Edwards,	Jones,	Ogilive,	Willard,
Eilberg,	Kamyk,	Parlante,	Willaredt,
Elvey,	Keiser,	Pashley,	Williams, A. D.,
Eshback,	Kelly,	Perry,	Williams, E. S.,
Ewing,	Kernaghan,	Petrosky,	Wilt,
Farabaugh,	Kessler,	Piper,	Wood,
Fetterolf,	King,	Polaski,	Worley,
Filo,	Kistler,	Polen,	Wynd,
Flynn,	Klein,	Prendergast,	Yetter,
Foerster,	Kooker,	Price,	Zember,
Foor,	Kornick,	Pursley,	Zimmerman,
Fox,	Korns,	Reibman,	Andrews,
Frascella,	Kramer,	Reidenbach,	Speaker
Fry,	Lamb,	Renwick,	

NAYS—0

NOT VOTING—24

Anderson, J. H.,	Gelfand,	McInroy,	Rutherford,
Ashton,	Heffner,	Mihm,	Sakulsky,
Eshleman,	Knecht,	Mullen,	Slack,
Esler,	Lee, A. M.,	O'Donnell, J. P.,	Trusio,
Fineman,	Magee,	Odorisio,	Ujobai,
Gailey,	McCormack,	Royer,	Weidner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 885, entitled:

An Act amending the act of May 5, 1933 (P. L. 457), entitled "Building and Loan Code" further defining and limiting the rights powers duties and liabilities of such associations and shareholders and further defining terms.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Auker.

Mr. AUKER. Mr. Speaker and members of the House, Senate bill 885 is an amendment to the building and loan code. As briefly as possible and to conserve the time of the House, I might say that with most of the amendments up to page 17 I find I am not in disagreement.

However, starting on page 17, by the amendments inserted therein on pages 17, 18 and 19, I do find myself in very serious disagreement with the provisions of this bill.

Briefly, what it does by deleting on page 18, lines 1, 2 and 3, it puts the investments allowed to building and loan associations in an entirely new field; it puts them entirely into the field of commercial loans. I do not believe that this was ever the contemplation of the original sponsors of the building and loan code. I do not believe that this is a rightful field for building and loan associations throughout this State to get into for the purpose of investment.

I realize, Mr. Speaker, that some of the larger associations throughout the State probably have some serious problems in competition with Federal savings and loan associations that have this right. But taking it as a whole, for the building and loan associations throughout the State, whose boards consist of the ordinary individual, the ordinary businessman, who probably does not have too much experience with commercial loans, I say it is bad.

Of course, on the other hand, the bigger associations in the larger cities probably do have members on their boards who are very familiar with commercial loans, but we are not considering just the bigger building and loan associations in this State. This bill affects every building and loan association throughout Pennsylvania. We are here to protect the investments, on the average, of mostly small, average income shareholders who invest their savings in these building and loan associations.

Heretofore they have always been purely on residential properties. In 1957 or 1959, I believe, we amended the code to include apartment houses of certain classes and drew restrictions around that kind of loans. I can find no particular fault with that. They were still residential properties. Now by deleting these lines, you are deleting everything except theaters and factories; then every other kind of commercial loan would be included.

I grant you, too, Mr. Speaker, that building and loan associations have come up with the particular problem, some of them having great surpluses, of trying to maintain as far as possible, in view of the 8-mill tax that was placed upon them by this session of the legislature, as high an interest rate as possible and to try to find what they consider as profitable investments as possible, but, as I said before, two wrongs do not make a right. I still feel that it is a very, very serious mistake, and I reiterate, to allow building and loan associations, in line with protecting the investors, the small investors, the small, average people who put their small savings in these associations throughout the State, to jeopardize their savings by in-

vesting in commercial loans, which I believe everyone realizes would be considerably more of a risk loan than residential properties. You have certainly more likelihood of risk, more element of risk, in a commercial loan, with the failures of business and with economic conditions changing, and so forth, than you would on residential properties.

I also realize, Mr. Speaker, that they have thrown certain safeguards around these commercial loans. They limit the amount of any one loan to any one person to one percent of the value of the outstanding shares, but that is one loan to one individual. They have also raised the amount that can be loaned on commercial loans, mind you, from 15 percent to 20 percent of the total value of the assets of the association. Now this again means the liberalizing of the building and loan investment procedure, especially in this new field. They also have put a limitation on there, of course, of 50 percent of the market value of the commercial loan property on which they would place a loan under these new provisions, but market value is a very changeable factor, especially in fluctuating economic conditions such as we have today in this State, and I say to you that that is a dangerous position, even on a 50 percent loan.

Heretofore commercial loans were, and still are, unless this bill is passed, entirely in certain fields of commercial banks and that is where they should stay. They have the personnel; they have the consultant and financing counsel to guide them, which most building and loan associations throughout this State do not have, to guard themselves against such risks, and there is not the element of risk involved through this investment counselling field that there would be to the building and loan associations.

I think this is a very dangerous procedure. I believe the building and loan bureau of this State has sold the State legislature a bill of goods which is not good.

I am asking each and every one of you to carefully examine this, carefully think of what I have said and protect the investors in all the building and loan associations throughout this State, and not just pass legislation that may be more or less special for the larger associations existing in our bigger cities.

I ask the membership of the House on both sides to vote against this bill. I think it is bad legislation.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Lamb.

Mr. LAMB. Mr. Speaker, I rise in support of this bill. I must say from the very outset, to allay the fears of any member of the House, this legislation is strictly permissive. Under the provisions of this legislation, building and loans are not required or are not mandated to do certain things. The legislation gives them the right to do these things.

Mr. Speaker, I think the members of the House are able to observe that in the past 25 years the building and loan concept and theory has been widely broadened. We all remember that originally the building and loan concept was limited strictly to the financing of personal residences, but now, and I think it is indicative if you look throughout the State, charters are being changed to show that now they are not so much building and loans as savings and loans. So the general concept and theory is now not only of mortgaging and financing home building, but also investing and savings. To do this, Mr. Speaker, the building and loans need broader and wider powers.

The gentleman from Blair, Mr. Auker, points out that this is a field that they should not get into, that there are risks involved in commercial loans. Let me say this, as Mr. Auker pointed out, the bill itself provides the necessary safeguards to limit the risks. There is only a certain amount of the assets of a building and loan association that can be given in commercial loans. The bill specifically points this out and Mr. Auker himself has brought this to the attention of the House. I think, Mr. Speaker, it is a step in the right direction.

Mr. Speaker, since Mr. Auker so well explained the bill, I will not go further into it except to say that I would appreciate support of the measure.

Mr. ADAMS. Mr. Speaker, I rise in support of the gentleman from Allegheny, Mr. Lamb. I repeat what I said on a previous similar bill several months ago. These accounts are insured up to $10,000 in the savings and loans and building and loans, either by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation, and the associations under this bill would be limited in the percentage they would be allowed to loan out to a 50 percent mortgage and, also, a relatively small percentage of their total assets.

I could go on and on, but I will state that I do not question the sincerity of the gentleman from Blair, Mr. Auker, but I believe he is largely wrong in what his opinion is, and I urge the members to support this bill because it is good legislation.

The SPEAKER. Does the gentleman from Allegheny, Mr. Donaldson, yield?

Mr. DONALDSON. I yield to the gentleman from Blair, Mr. Auker.

Mr. AUKER. Mr. Speaker, I would rather wait and hear Mr. Donaldson and then, if I have anything further to say in rebuttal, I will review his remarks first so as not to transgress the rules of the House.

Mr. DONALDSON. Mr. Speaker, the building and loan industry in the Commonwealth is now, in fact, a very great industry. Strictly speaking, there are two types of building or savings and loan institutions. There are those which are chartered by the Federal Government in which all the depositors' accounts are insured. Then there are those institutions which are chartered by the Commonwealth of Pennsylvania, and those institutions may have insured accounts or they may not have insured accounts, depending upon their own preference.

All that this bill basically does, Mr. Speaker, is give those savings institutions which are chartered by the Commonwealth substantially the same rights in loaning on other than strictly residential property, give them the same rights and prerogatives as the institutions which are chartered by the Federal Government.

As a matter of fact, Mr. Speaker, I very seriously doubt if most depositors have any real idea or understanding if the institution in which they hold their accounts is Federally chartered or State chartered. They may be quite interested in whether or not their accounts are insured, but this is easily ascertainable and there are many, if not most, of the State institutions, certainly the larger ones, in which the accounts are insured.

What is going to happen, Mr. Speaker, if we do not

allow our State-chartered institutions the same lending privileges, or substantially the same privileges, as the Federal institutions now have, is that the State system is going to disappear. The State-chartered institutions, particularly the larger ones which already have Federal insurance, can easily convert to Federally-chartered institutions. As a matter of fact, many of our finest associations which once were in the State system have done that very thing for the reason that they have broader powers under the Federal act.

I think all of us are proud of our State banking department and of the building and loan bureau within that department. We are proud of the institutions which operate thereunder. If we want to keep them, if we want them to compete as a great industry, then we are going to have to give them substantially these powers. The gentleman from Blair, Mr. Auker, as he always is, was very fair in explaining the terms of the bill. However, I come to a different conclusion than he did, primarily for the reasons before mentioned.

It seems to me, Mr. Speaker, that there really is not a great deal more risk in a commercial loan up to 50 percent of market value than there would be in a residential loan up to 80 or 90 percent of market value. The fact is, Mr. Speaker, that many State institutions are today in a riskier business, because what they are doing is loaning on primarily commercial property in which there is a small apartment placed in the commercial property principally for the purpose of allowing a State institution to carry the financing. It really is not a residential property, and everybody knows it, yet today some of our State-chartered institutions are loaning up to 80 percent of market value on those kinds of properties. This bill will eliminate that. This bill will make a realistic system for them to operate under. This bill is very necessary if our State system of building and loans is to continue in the Commonwealth.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Auker.

Mr. AUKER. Mr. Speaker, just a few brief remarks in the way of rebuttal. Not all building and loan associations, by any means, throughout this State are federally insured, believe me. There are quite a lot of them that do not carry this kind of insurance. I still say, Mr. Speaker, that when you get into the field of commercial loans you are into risk capital. I still say that the majority, not those of the bigger associations, probably, in the bigger cities, and made this plain in my opening remarks, probably they do need this bill, but we are here legislating not for the bigger industrial places in Pennsylvania alone; we are here legislating for all the building and loans throughout this State. The number of building and loans throughout this State would by far outnumber the building and loans in several of our metropolitan centers throughout this State.

So let us consider the greatest good to the greatest number, as we always should when we pass legislation. That should be one of the prime requisites of every person and every member sitting in this House when they pass legislation, the greatest good for the greatest number. That is why I am saying here that in voting on this bill you should vote against this bill because in that way you are legislating for the greatest good of the greatest number of the people throughout this Commonwealth in protecting the savings of the bulk of the associations throughout this state.

I say again, in answer to the gentleman from Allegheny, that the bigger associations probably do have personnel on their boards that would make these commercial loans, less of risk investments than they would in other parts of the State whose boards would not consist of these financial people and the investment counsel to whom they can have access.

Mr. Speaker, just recently, just this week, we turned down amendments to the credit union bill that the Department of Banking was against on these same kind of investments. I say to you that the credit union league that the banking department was protecting is the same as the bulk and the big majority of the building and loan associations throughout this State. If you want to be consistent, we licked that bill, and you will vote down this bill because there is a very similar analogy between the two, and I ask you to protect the investors of all the building and loan associations and not allow building and loan associations to get into risk capital. Thank you.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—152

Adams,	Fox,	Lamb,	Reidenbach,
Anderson, S. A.,	Frascella,	Lawson,	Riley,
Arlene,	Fry,	Lee, K. B.,	Rovansek,
Bachman,	Fulmer,	Leonard,	Rubin,
Backenstoe,	Gallagher,	Limper,	Rutherford,
Blair,	George,	Lippincott,	Scarcelli,
Boles,	Gibb,	Long, Wm. Jos.,	Schuster,
Bonner,	Goldstein, J. H.,	Lutty,	Seltzer,
Bossert,	Goldstein, M. H.,	Manbeck,	Shelton,
Bower,	Gramlich,	Markley,	Sherman,
Bowman,	Gray,	Maxwell,	Shupnik,
Branca,	Greenlee,	McCandless,	Simmons,
Breth,	Gremminger,	McCann,	Snare,
Buchanan,	Gross,	McDevitt,	Stank,
Bush,	Guesman,	McDonald,	Steckel,
Capano,	Guthrie,	McKeever,	Stimmel,
Capitolo,	Hankins,	McLaughlin,	Stone,
Cauley,	Hartley,	McNally,	Sullivan, J. A.,
Cianfrani,	Haudenshield,	Meholchick,	Sullivan, T. P.,
Cioffi,	Heavey,	Merry,	Taylor,
Clarke,	Heffner,	Miller,	Thompson,
Comer,	Helm,	Mills,	Tomascik,
Curwood,	Henzel,	Monroe,	Varner,
Dengler,	Hocker,	Mullen,	Verona,
Dennison,	Holliday,	Murray,	Wall,
Donaldson,	Irvis,	Musto,	Welsh,
Dougherty,	Jenkins,	Needham,	Wescott,
Doughten,	Jim,	O'Dell,	Whittaker,
Edwards,	Johnson, R. P.,	O'Donnell, J. A.,	Willard,
Eilberg,	Jones,	O'Donnell, J. P.,	Williams, A. D.,
Elvey,	Kamyk,	Parlante,	Williams, E. S.,
Eshleman,	Keiser,	Perry,	Wilt,
Ewing,	Kelly,	Petrosky,	Wood,
Fetterolf,	Kistler,	Piper,	Worley,
Filo,	Klein,	Polaski,	Yetter,
Flynn,	Kooker,	Polen,	Zember,
Foerster,	Kornick,	Prendergast,	Zimmerman,
Foor,	Kramer,	Reibman,	Andrews, Speaker

NAYS—37

Anderson, J. H.,	Hamilton,	Long, Wm. Jas.,	Pursley,
Auker,	Holl,	Marsh,	Renwick,
Cooley,	Horst,	May,	Rudisill,
Crossin,	Isaacs,	Morley,	Schaaf,
Davis,	Johnson, A. W.,	Munley,	Stiteler,
Eshback,	Kernaghan,	Murphy,	Tompkins,
Farabaugh,	Kessler,	Ogilvie,	Trusio,
Gibbons,	King,	Pashley,	Walsh,
Goodrich,	Korns,	Price,	Wargo,
			Willaredt,

NOT VOTING—21

Ashton,	Gelfand,	McCormack,	Sakulsky,
Down,	Holman,	McInroy,	Slack,
Esler,	Knecht,	Mihm,	Strausser,
Fineman,	Lee, A. M.,	Odorisio,	Ujobai,
Gailey,	Magee,	Royer,	Weidner,
			Wynd,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 312

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on Senate bill numbered and entitled as follows:

SENATE BILL No. 312.

An Act amending the act of July 24, 1913 (P. L. 965), entitled "Commodities Weight and Measure Law" requiring additional markings on certain packages.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 312

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on Senate Bill No. 312.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 312, entitled: "An act amending the act of July 24, 1913 (P. L. 965), entitled 'An act defining commodities regulating the sale thereof and providing penalties for violation hereof' requiring additional markings on certain packages."

Respectfully submit the following bill as our report:

WILLIAM J. LANE,
PETER J. CAMIEL,
HENRY J. PROPERT,
(Committee on the part of the Senate)
JOHN R. GAILEY,
K. LEROY IRVIS,
ARTHUR GEORGE,
(Committee on the part of the House of Representatives)

An Act amending the act of July 24, 1913 (P. L. 965), entitled "An act defining commodities regulating the sale thereof and providing penalties for violation hereof" requiring additional markings on certain packages

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 7 act of July 24, 1913 (P. L. 965), entitled "An act defining commodities regulating the sale thereof and providing penalties for violation hereof' amended June 20, 1947 (P. L. 708) is amended to read

Section 7 No person shall distribute or sell or have in his possession with intent to distribute or sell any commodity in package form unless the net quantity of the content shall be plainly and conspicuously marked on the outside of the package in terms of weight measure or numerical count Provided however That reasonable variations shall be permitted and tolerances may be established by rules and regulations made by the department Before any tolerances are granted producers and manufacturers of commodities must make written application for a tolerance to the department and must furnish proof that the use value of the commodity will not be affected by the granting of the tolerance Exempt from marking as to net content contained shall be

(a) All packages sold as liquid commodities containing less than one ounce liquid measure and selling for five cents or less

(b) All packages sold as dry commodities containing less than one ounce avoirdupois and selling for five cents or less

In addition to the provisions concerning the marking of the net quantity in terms of weight measure or numerical count all retail packages of meat products and poultry and poultry products when sold at retail except eggs shall be plainly marked with the price per pound and the selling price

On the question,

Will the House adopt the report of the Committee of Conference?

Mr. McCANN. Mr. Speaker, I ask the membership to vote "aye" on the conference committee report on Senate bill 312, dealing with the conference committee on additional markings on packages and weights as was discussed.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—188

Adams,	Fulmer,	Lawson,	Reidenbach,
Anderson, J. H.,	Gallagher,	Lee, K. B.,	Renwick,
Anderson, S. A.,	George,	Leonard,	Rovansek,
Arlene,	Gibb,	Limper,	Rubin,
Auker,	Goldstein, J. H.,	Lippincott,	Rudisill,
Backenstoe,	Goldstein, M. H.,	Long, Wm. Jas.,	Rutherford,
Blair,	Goodrich,	Long, Wm. Jos.,	Scarcelli,
Boles,	Gramlich,	Lutty,	Schaaf,
Bonner,	Gray,	Manbeck,	Schuster,
Bossert,	Greenlee,	Markley,	Seltzer,
Bower,	Gremminger,	Marsh,	Shelton,
Bowman,	Gross,	Maxwell,	Sherman,
Branca,	Guesman,	May,	Shupnik,
Breth,	Guthrie,	McCandless,	Simmons,
Buchanan,	Hamilton,	McCann,	Snare,
Bush,	Hankins,	McDevitt,	Stank,
Capano,	Hartley,	McDonald,	Steckel,
Capitolo,	Haudenshield,	McKeever,	Stimmel,
Cauley,	Heavey,	McLaughlin,	Stiteler,
Cianfrani,	Heffner,	McNally,	Stone,
Cioffi,	Helm,	Meholchick,	Sullivan, T. F.,
Clarke,	Henzel,	Merry,	Sullivan, J. A.,
Cooley,	Hocker,	Miller,	Taylor,
Comer,	Holl,	Mills,	Thompson,
Crossin,	Holliday,	Monroe,	Tomascik,
Curwood,	Holman,	Morley,	Tompkins,
Davis,	Horst,	Mullen,	Trusio,
Dengler,	Irvis,	Munley,	Varner,
Dennison,	Isaacs,	Murphy,	Verona,
Donaldson,	Jenkins,	Murray,	Wall,
Dougherty,	Jim,	Musto,	Walsh,
Doughten,	Johnson, A. W.,	Needham,	Wargo,
Edwards,	Johnson, R. P.,	O'Dell,	Welsh,
Eilberg,	Jones,	O'Donnell, J. A.,	Wescott,
Elvey,	Kamyk,	O'Donnell, J. P.,	Whittaker,
Eshback,	Keiser,	Ogilive,	Willard,
Eshleman,	Kelly,	Parlante,	Willaredt,
Ewing,	Kernaghan,	Pashley,	Williams, A. D.,
Farabaugh,	Kessler,	Perry,	Williams, E. S.,
Fetterolf,	King,	Petrosky,	Wilt,
Filo,	Kistler,	Piper,	Wood,
Flynn,	Klein,	Polaski,	Worley,
Foerster,	Kooker,	Polen,	Wynd,
Foor,	Kornick,	Prendergast,	Yetter,
Fox,	Korns,	Price,	Zember,
Frascella,	Kramer,	Pursley,	Zimmerman,
Fry,	Lamb,	Reibman,	Andrews, Speaker

NAYS—0

NOT VOTING—22

Ashton,	Gelfand,	McInroy,	Sakulsky,
Bachman,	Gibbons,	Mihm,	Slack,
Down,	Knecht,	Odorisio,	Strausser,
Esler,	Lee, A. M.,	Riley,	Ujobai,
Fineman,	Magee,	Royer,	Weidner,
Gailey,	McCormack,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

Mr. McCANN. Mr. Speaker, I request permission to turn to page 13, bills on third reading. I call up Senate bill 934 for the purpose of amendment that has been agreed to.

After inserting the amendment I ask the chief clerk to make arrangements for printing immediately.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 934, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further providing for school nurse services and changing reimbursement provisions with respect thereto.

On the question,

Will the House agree to the bill on third reading?

Mr. McCANN asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Sec. 3 (Sec. 2505.1), page 3, line 17, by striking out "three dollars and fifty cents ($3.50)" and inserting: two dollars and fifty cents ($2.50)

Amend Sec. 3 (Sec. 2505.1), page 3, line 19, by striking out "three dollars and fifty cents ($3.50)" and inserting: two dollars and fifty cents ($2.50)

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, at this point I am going to ask for a Democratic caucus of one hour. The caucus will be held first and I ask that they bring their calendars and come immediately to the caucus room. We will caucus, beginning on page 5, on all the bills to and including page 13, bills on final passage and third reading so we may vote and proceed. Then we will have 30 minutes for lunch. The cafeteria will be empty. We expect to come back here at 2:30 d. s. t., and vote steadily on those bills, and then we will have another caucus as the prints come in on the concurrence in Senate amendments, to complete them.

MEETING OF LADY MEMBERS

The SPEAKER. The Chair recognizes the gentleman from Armstrong, Mr. Helm.

Mr. HELM. Mr. Speaker, before we break for a recess, I would like to request a meeting with the lady members of the legislature from both sides of the aisle in the members' lounge in the rear of the House, immediately following the declaration of recess.

The SPEAKER. Did the gentleman come prepared with the proper number of orchids? I understand all the ladies receive a orchid as a result of the generosity and chivalry of the gentleman from Armstrong.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. I am asking the Republican members to go up to our drab quarters up on the third floor and we will hold a caucus for at least an hour on this calendar.

RECESS

The SPEAKER. Without objection, the Chair will declare a recess of one and one-half hours.

The Chairs hears none, and a recess is declared.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

SENATE MESSAGE

CONCURRENCE IN HOUSE RESOLUTION

The clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, March 30, 1961.

In 1951 The Philadelphia Inquirer, a newspaper of general circulation, commenced the waging of a vigorous campaign to compel the Trustees of the Barnes Foundation, located in Merion, Montgomery County, Pennsylvania, to open to the general public its multi-million dollar collection of paintings.

The Barnes Foundation, despite the fact that it enjoys tax immunity as an educational institution, has successfully resisted every attempt made to open its gates to the public as well as to artists, students, and critics, because of rules laid down by its founder, Dr. Albert C. Barnes.

In further pursuit of its campaign on behalf of the public, the aforesaid newspaper instituted lawsuits in the Common Pleas and Orphans' Courts of Montgomery County to compel the trustees of the aforesaid Foundation to open its doors to the public.

Through the personal efforts and intervention of the Attorney General of the Commonwealth of Pennsylvania who relentlessly and with diligence unparalleled in the history of the Attorney General's office, prosecuted on behalf of the public the aforementioned lawsuits in the Orphans' Court of Montgomery County.

On December 12, 1960, it was announced that an agreement had been reached between the Attorney General and the Trustees of the Barnes Foundation wherein and whereby the fabulous gallery would be open to the public.

On Saturday, March 18, 1961, the gallery was open to the public for the first time in thirty-eight years.

The Attorney General has stated publicly that the campaign to open the doors of the Barnes Foundation gallery to the public would never have started were it not for The Philadelphia Inquirer; therefore be it

Resolved (the Senate concurring), That The Philadelphia Inquirer and the Attorney General of the Commonwealth of Pennsylvania be given the highest commendation in bringing to a successful conclusion their untiring and public-spirited campaign for the good of the public in causing the gallery of the Barnes Foundation to be open to the public; and be it further

Resolved, That a copy of this resolution be transmitted to The Philadelphia Inquirer and to the Attorney General of the Commonwealth of Pennsylvania.

STATEMENT BY SPEAKER

The SPEAKER. The Chair desires to make a statement and we would like to have the attention of the members of the House.

The Chair has been informed by way of rumor, which is sometimes correct and sometimes incorrect, that from 13 to 17 members of this House have sometime, either yesterday or during the day, arranged for transportation home tonight as soon as certain bills the House will consider have been acted upon.

Sometimes history repeats. I think it was in 1939 when the Chair was then minority leader, that the gentleman on the left of the middle aisle operated with a majority, as I remember, of about five. Maybe I am wrong about the year; I think it was 1949. The gentlemen on the left of the middle aisle had a very, very, very important bill they wanted to pass, and the gentlemen on the right of the middle aisle were not so sympathetic with that bill. The result of it was that five of the majority party left Harrisburg, and the result of that was that this House sat twiddling its thumbs from 9 o'clock in the morning until 10 o'clock at night while absent members were being searched for and brought back to the hall of this House.

The parliamentarian has been asked to prepare various resolutions; that is, the Chair has been asked to tell them how to go about certain things.

Any member of this House can ask for a roll call for the purpose of ascertaining the absentees and then he can ask the House to see that the absentees are brought back. Or any member of this House can raise the question of no quorum, and, if it so happens that there is no quorum in the hall of the House, the only thing that can be done is to bring back enough members so there is a quorum.

Then there is another matter to which I hope the leaders in the House and Senate have given their attention. We have passed a sine die resolution naming not only a day, but a certain hour on the day, when we shall adjourn sine die. When that hour comes, any member can ask and, if he does ask, the Chair will recognize him, and call for the order of the day, and the order of the day is sine die adjournment, without reference to any unfinished business that may be left upon the calendar.

We cannot measure the extent of the debate that will occur on some of the measures we have yet to face, and the Chair's suggestion to the leadership in the House and Senate would be that in some way they arrange in proper fashion to have at least three hours leeway on the sine die resolution. The Chair made that suggestion and it was turned down, but I think that a sine die resolution, in view of the conditions which face this House, might have such leeway. However, the Chair is not in the custody of the calendar; the Chair is not making the rules. The province of the Chair is solely to see to it as fairly as possible that the rules of this House, the privileges and rights of the members, are maintained.

I do hope the Chair is in error, and I do not think he is, but I hope the transportation for this evening that has been arranged for has been canceled.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 805, entitled:

An Act amending the act of May 20, 1937 (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth . . ." changing the compensation of members providing for the appointment of an executive secretary and other employes changing the limitations on the filing of claims increasing the powers of the board further providing for rules of procedure before the board providing for appeals and making an appropriation.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, Senate bill 805 was defeated yesterday. In the present printer's number, if you will read the bill, they have stricken out "the board" and inserted "the Auditor General." The bill has been amended to read "the board," as was requested—employes under the jurisdiction of the board. This bill has been amended to that version and I ask the membership to vote "aye."

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Fineman.

Mr. FINEMAN. Mr. Speaker, I think the most important amendment to the existing law that Senate bill 805 seeks to bring about is something that should be favorably received by all the members of this House on both sides of the aisle. When a businessman enters a contract with the State and a bona fide difference of opinion or conflict arises, the conflict is resolved eventually by the board of arbitration of the State. There is no appeal procedure presently from the decision of the board of arbitration, which board is appointed by the Governor so that a businessman may very well be at the mercy of the State when he enters into a contract with the State.

The amendments that have been incorporated in Senate bill 805 sets up an appeal procedure by means of which a businessman can now take an appeal to the court, not on questions of facts, but on questions of law. This is something that all of us should desire and I urge all the members to vote affirmatively on this bill.

The SPEAKER. The Chair recognizes the gentleman from Cameron.

Mr. TOMPKINS. Mr. Speaker, the amendments put in this bill last night were put in at our request, and the amendments that were put in last night make the bill satisfactory to us and we ask our members to vote "aye."

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—196

Adams,	Fulmer,	Lawson,	Renwick,
Anderson, J. H.,	Gailey,	Lee, A. M.,	Riley,
Anderson, S. A.,	Gallagher,	Lee, K. B.,	Rovansek,
Arlene,	George,	Leonard,	Royer,
Auker,	Gibb,	Limper,	Rubin,
Bachman,	Goldstein, J. H.,	Lippincott,	Rudisill,
Backenstoe,	Goldstein, M. H.,	Long, Wm. Jas.,	Rutherford,
Blair,	Goodrich,	Long, Wm. Jos.,	Scarcelli,
Boles,	Gramlich,	Lutty,	Schaaf,
Bonner,	Gray,	Manbeck,	Schuster,
Bossert,	Greenlee,	Markley,	Seltzer,
Bower,	Gremminger,	Marsh,	Shelton,
Bowman,	Gross,	Maxwell,	Sherman,
Branca,	Guesman,	May,	Shupnik,
Breth,	Guthrie,	McCandless,	Simmons,
Buchanan,	Hamilton,	McCann,	Slack,
Bush,	Hankins,	McCormack,	Snare,
Capano,	Hartley,	McDevitt,	Stank,
Capitolo,	Haudenshield,	McDonald,	Steckel,
Cauley,	Heavey,	McKeever,	Stimmel,
Cianfrani,	Heffner,	McLaughlin,	Stiteler,
Cioffi,	Helm,	McNally,	Stone,
Clarke,	Henzel,	Meholchick,	Strausser,
Comer,	Hocker,	Merry,	Sullivan, J. A.,
Cooley,	Holl,	Mihm,	Sullivan, T. F.,
Crossin,	Holliday,	Miller,	Taylor,
Curwood,	Holman,	Mills,	Thompson,
Davis,	Horst,	Monroe,	Tomascik,
Dengler,	Irvis,	Morley,	Tompkins,
Dennison,	Isaacs,	Mullen,	Ujobai,
Donaldson,	Jenkins,	Munley,	Varner,
Dougherty,	Jim,	Murphy,	Verona,
Doughten,	Johnson, A. W.,	Murray,	Wall,
Edwards,	Johnson, R. P.,	Musto,	Walsh,
Eilberg,	Jones,	Needham,	Wargo,
Elvey,	Kamyk,	O'Donnell, J. A.,	Wescott,
Eshback,	Keiser,	O'Donnell, J. P.,	Whittaker,
Eshleman,	Kistler,	Ogilvie,	Willard,
Ewing,	Kelly,	Parlante,	Willaredt,
Fetterolf,	Kernaghan,	Pashley,	Williams, A. D.,
Farabaugh,	Kessler,	Perry,	Williams, E. S.,
Filo,	King,	Petrosky,	Wilt,
Fineman,	Klein,	Piper,	Wood,
Flynn,	Knecht,	Polaski,	Worley,
Foerster,	Kooker,	Polen,	Wynd,
Foor,	Kornick,	Prendergast,	Yetter,
Fox,	Korns,	Price,	Zember,
Frascella,	Kramer,	Pursley,	Zimmerman,
Fry,	Lamb,	Reibman,	Andrews, Speaker

NAYS—1

O'Dell,

NOT VOTING—13

Ashton,	Gelfand,	McInroy,	Sakulsky,
Down,	Gibbons,	Odorisio,	Trusio,
Esler,	Magee,	Reidenbach,	Weidner,
			Welsh,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 130, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" granting certain powers to directors of newly merged school districts.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—193

Adams,	Gallagher,	Leonard,	Royer,
Anderson, S. A.,	George,	Lippincott,	Rubin,
Anderson, J. H.,	Gibb,	Long, Wm. Jos.,	Rudisill,
Arlene,	Goldstein, J. H.,	Lutty,	Rutherford,
Auker,	Goldstein, M. H.,	Manbeck,	Scarcelli,
Bachman,	Goodrich,	Markley,	Schaaf,
Backenstoe,	Gramlich,	Marsh,	Schuster,
Blair,	Gray,	Maxwell,	Seltzer,
Boles,	Greenlee,	May,	Shelton,
Bonner,	Gremminger,	McCandless,	Sherman,
Bossert,	Gross,	McCann,	Shupnik,
Bowman,	Guesman,	McCormack,	Simmons,
Branca,	Guthrie,	McDevitt,	Slack,
Breth,	Hamilton,	McDonald,	Snare,
Buchanan,	Hankins,	McKeever,	Stank,
Bush,	Hartley,	McLaughlin,	Steckel,
Capano,	Haudenshield,	McNally,	Stimmel,
Capitolo,	Heavey,	Meholchick,	Stiteler,
Cauley,	Heffner,	Merry,	Stone,
Cianfrani,	Helm,	Mihm,	Strausser,
Cioffi,	Henzel,	Miller,	Sullivan, J. A.,
Clarke,	Hocker,	Mills,	Sullivan, T. F.,
Comer,	Holl,	Monroe,	Taylor,
Cooley,	Holliday,	Morley,	Thompson,
Crossin,	Holman,	Mullen,	Tomascik,
Curwood,	Horst,	Munley,	Tompkins,
Davis,	Irvis,	Murphy,	Trusio,
Dengler,	Isaacs,	Murray,	Ujobai,
Dennison,	Jim,	Musto,	Varner,
Donaldson,	Johnson, A. W.,	Needham,	Verona,
Dougherty,	Johnson, R. P.,	O'Dell,	Wall,
Edwards,	Jones,	O'Donnell, J. A.,	Walsh,
Eilberg,	Kamyk,	O'Donnell, J. P.,	Wargo,
Elvey,	Keiser,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Ewing,	Kistler,	Petrosky,	Willaredt,
Farabaugh,	Kessler,	Piper,	Williams, A. D.,
Fetterolf,	King,	Polaski,	Williams, E. S.,
Filo,	Klein,	Polen,	Wilt,
Fineman,	Knecht,	Prendergast,	Wood,
Flynn,	Kooker,	Price,	Wynd,
Foerster,	Kornick,	Pursley,	Yetter,
Foor,	Korns,	Perry,	Zember,
Fox,	Kramer,	Reibman,	Zimmerman,
Frascella,	Lamb,	Reidenbach,	Andrews, Speaker
Fry,	Lawson,	Renwick,	
Fulmer,	Lee, A. M.,	Riley,	
Gailey,	Lee, K. B.,	Rovansek,	

NAYS—1

Worley,

NOT VOTING—16

Ashton,	Esler,	Limper,	Odorisio,
Bower,	Gelfand,	Long, Wm. Jas.,	Sakulsky,
Doughten,	Gibbons,	Magee,	Weidner,
Down,	Jenkins,	McInroy,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 202, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land with buildings improvements and antiques and other personal property therein in the Borough of Brownsville Fayette County for preservation care and maintenance as a historical site by the Pennsylvania Historical and Museum Commission.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, may we have a quick explanation of this bill from the chairman of the Committee on Appropriations, and the necessity for it? Also, does it require a two-thirds vote?

Mr. POLEN. Mr. Speaker, Senate bill 202 makes an appropriation of $20,000 to the Department of Property and Supplies to acquire the historic "Bowman's Castle" in the borough of Brownsville, Fayette County, and to be turned over as a historical site to the Pennsylvania Historical and Museum Commission.

I do not like to pass on the constitutional question, not being a constitutional lawyer, but my interpretation would be that this bill would require 140 votes.

The SPEAKER. Section 17 of the constitution, article 3: "No appropriation shall be made for any charitable or educational institutions not under the complete control of the Commonwealth." I do not think that the beneficiary of this act is either a charitable or an educational institution.

Mr. A. W. JOHNSON. Then, Mr. Speaker, it would only require 106 votes, is that right?

The SPEAKER. Yes, that is right in the Chair's opinion.

Mr. POLEN. Mr. Speaker, I was in error. This bill would only require 106 votes.

The SPEAKER. That is the opinion of the Chair.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—151

Anderson, S. A.,	Fry,	Limper,	Reidenbach,
Arlene,	Gailey,	Long, Wm. Jas.,	Renwick,
Auker,	Gallagher,	Long, Wm. Jos.,	Riley,
Bachman,	Gibb,	Lutty,	Rovansek,
Backenstoe,	Goldstein, J. H.,	Markley,	Royer,
Blair,	Goodrich,	Marsh,	Rubin,
Boles,	Gray,	Maxwell,	Rudisill,
Bonner,	Greenlee,	May,	Scarcelli,
Bower,	Gremminger,	McCann,	Schaaf,
Bowman,	Guesman,	McCormack,	Shelton,
Branca,	Guthrie,	McDevitt,	Sherman,
Breth,	Hamilton,	McDonald,	Shupnik,
Buchanan,	Hankins,	McKeever,	Snare,
Bush,	Hartley,	McLaughlin,	Stank,
Capano,	Haudenshield,	McNally,	Steckel,
Capitolo,	Heavey,	Meholchick,	Stimmel,
Cauley,	Helm,	Mihm,	Stiteler,
Cianfrani,	Henzel,	Miller,	Stone,
Cioffi,	Holl,	Mills,	Sullivan, J. A.,
Clarke,	Holliday,	Monroe,	Sullivan, T. F.,
Comer,	Irvis,	Morley,	Taylor,
Cooley,	Jenkins,	Mullen,	Thompson,
Curwood,	Jim,	Munley,	Trusio,
Davis,	Johnson, A. W.,	Murphy,	Varner,
Donaldson,	Jones,	Murray,	Verona,
Dougherty,	Kamyk,	Musto,	Wall,
Doughten,	Kelly,	O'Donnell, J. A.,	Walsh,
Edwards,	Kessler,	O'Donnell, J. P.,	Wargo,
Eilberg,	King,	Parlante,	Welsh,
Eshback,	Klein,	Pashley,	Wescott,
Elvey,	Knecht,	Perry,	Williams, A. D.,
Ewing,	Kooker,	Petrosky,	Williams, E. S.,
Farabaugh,	Kornick,	Polaski,	Wilt,
Filo,	Kramer,	Polen,	Wynd,
Fineman,	Lamb,	Prendergast,	Yetter,
Flynn,	Lawson,	Price,	Zimmerman,
Foerster,	Lee, K. B.,	Pursley,	Andrews,
Frascella,	Leonard,	Reibman,	Speaker

NAYS—44

Adams,	Goldstein, M. H.,	Kistler,	Seltzer,
Anderson, J. H.,	Gramlich,	Korns,	Simmons,
Bossert,	Gross,	Lee, A. M.,	Slack,
Dengler,	Heffner,	Lippincott,	Strausser,
Dennison,	Hocker,	Manbeck,	Tompkins,
Eshleman,	Holman,	McCandless,	Ujobai,
Fetterolf,	Horst,	Merry,	Whittaker,
Foor,	Isaacs,	O'Dell,	Willaredt,
Fox,	Johnson, R. P.,	Ogilvie,	Wood,
Fulmer,	Keiser,	Piper,	Worley,
George,	Kernaghan,	Rutherford,	Zember,

NOT VOTING—15

Ashton,	Gelfand,	Needham,	Tomascik,
Crossin,	Gibbons,	Odorisio,	Weidner,
Down,	Magee,	Sakulsky,	Willard,
Esler,	McInroy,	Schuster,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 320, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission to aid in the maintenance and operation of a shrine to house the replica of the Liberty Bell.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—170

Anderson, S. A.,	Goodrich,	Long, Wm. Jas.,	Rubin,
Arlene,	Gramlich,	Long, Wm. Jos.,	Rudisill,
Bachman,	Gray,	Lutty,	Scarcelli,
Backenstoe,	Greenlee,	Manbeck,	Schaaf,
Boles,	Gremminger,	Markley,	Schuster,
Bonner,	Guesman,	Marsh,	Seltzer,
Bower,	Guthrie,	Maxwell,	Shelton,
Bowman,	Hamilton,	May,	Sherman,
Branca,	Hankins,	McCann,	Shupnik,
Breth,	Hartley,	McCormack,	Simmons,
Buchanan,	Haudenshield,	McDevitt,	Slack,
Capano,	Heavey,	McDonald,	Snare,
Capitolo,	Heffner,	McKeever,	Stank,
Cauley,	Helm,	McLaughlin,	Steckel,
Cianfrani,	Hocker,	McNally,	Stimmel,
Cioffi,	Holl,	Meholchick,	Stiteler,
Clarke,	Holman,	Mihm,	Stone,
Comer,	Horst,	Mills,	Sullivan, J. A.,
Cooley,	Irvis,	Monroe,	Sullivan, T. F.,
Curwood,	Isaacs,	Morley,	Taylor,
Davis,	Jim,	Mullen,	Thompson,
Dengler,	Johnson, A. W.,	Munley,	Tomascik,
Dennison,	Johnson, R. P.,	Murphy,	Tompkins,
Donaldson,	Jones,	Murray,	Trusio,
Dougherty,	Kamyk,	Musto,	Ujobai,
Doughten,	Keiser,	O'Donnell, J. A.,	Varner,
Edwards,	Kelly,	O'Donnell, J. P.,	Verona,
Eilberg,	Kernaghan,	Ogilvie,	Wall,
Eshback,	Kessler,	Parlante,	Welsh,
Ewing,	Kistler,	Pashley,	Wescott,
Fetterolf,	Klein,	Perry,	Willard,
Filo,	Knecht,	Petrosky,	Willaredt,
Fineman,	Kooker,	Polaski,	Williams, A. D.,
Flynn,	Kornick,	Polen,	Williams, E. S.,
Foerster,	Korns,	Prendergast,	Wilt,
Fox,	Kramer,	Price,	Wood,
Frascella,	Lamb,	Pursley,	Worley,
Fry,	Lawson,	Reibman,	Wynd,

Fulmer,	Lee, A. M.,	Reidenbach,	Yetter,
Gailey,	Lee, K. B.,	Renwick,	Zimmerman,
Gallagher,	Leonard,	Riley,	Andrews,
Gibb,	Limper,	Rovansek,	Speaker
Goldstein, J. H.,	Lippincott,	Royer,	

NAYS—22

Adams,	Elvey,	Gross,	O'Dell,
Anderson, J. H.,	Eshleman,	Holliday,	Piper,
Auker,	Farabaugh,	King,	Rutherford,
Bossert,	Foor,	McCandless,	Whittaker,
Bush,	George,	Merry,	Zember,
	Goldstein, M. H.,	Miller,	

NOT VOTING—18

Ashton,	Esler,	Magee,	Strausser,
Blair,	Gelfand,	McInroy,	Walsh,
Crossin,	Gibbons,	Needham,	Wargo,
Down,	Henzel,	Odorisio,	Weidner,
	Jenkins,	Sakulsky,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

BILL PASSED OVER

There being no objection,

Senate bill No. 345, printer's No. 1286

was passed over temporarily at the request of Mr. A. W. JOHNSON.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 596, entitled:

An Act amending the act of June 15, 1871 (P. L. 387), entitled "An act providing for the entry of certain proceedings on the judgment indexes of the several courts of this commonwealth" changing the place of indexing certain proceedings.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adams,	Gailey,	Lee, K. B.,	Riley,
Anderson, J. H.	Gallagher,	Leonard,	Rovansek,
Anderson, S. A.,	George,	Limper,	Royer,
Arlene,	Gibb,	Lippincott,	Rubin,
Auker,	Goldstein, J. H.,	Long, Wm. Jas.,	Rudisill,
Bachman	Goldstein, M. H.,	Long, Wm. Jos.,	Rutherford,
Backenstoe,	Goodrich,	Lutty,	Scarcelli,
Blair,	Gramlich,	Manbeck,	Schaaf,
Boles,	Gray,	Markley,	Schuster,
Bonner,	Greenlee,	Marsh,	Seltzer,
Bossert,	Gross,	Maxwell,	Shelton,
Bower,	Gremminger,	May,	Sherman,
Bowman,	Guesman,	McCandless,	Shupnik,
Branca,	Guthrie,	McCann,	Simmons,
Breth,	Hamilton,	McCormack,	Slack,
Buchanan,	Hankins,	McDevitt,	Snare,
Bush,	Hartley,	McDonald	Stank,
Capano,	Haudenshield,	McKeever,	Steckel,
Capitolo,	Heavey,	McLaughlin,	Stimmel,
Cauley,	Heffner,	McNally,	Stiteler,
Cianfrani,	Helm,	Meholchick,	Stone,
Cioffi,	Henzel,	Merry,	Sullivan, J. A.,
Clarke,	Hocker,	Mihm,	Sullivan, T. F.,
Comer,	Holl,	Miller,	Taylor,
Cooley,	Holliday,	Monroe,	Thompson,
Curwood,	Holman,	Morley,	Tomascik,
Davis,	Irvis,	Mullen,	Trusio,
Dengler,	Isaacs,	Munley,	Ujobai,
Dennison,	Jenkins,	Murphy,	Varner,
Donaldson,	Jim,	Murray,	Verona,
Dougherty,	Johnson, A. W.,	Musto,	Wall,
Doughten,	Johnson, R. P.,	O'Dell,	Welsh,
Edwards,	Jones,	O'Donnell, J. A.,	Wescott,
Eilberg,	Keiser,	O'Donnell, J. P.,	Whittaker,
Elvey,	Kelly,	Ogilvie,	Willard,
Eshback,	Kernaghan,	Parlante,	Willaredt,
Ewing,	Kessler,	Pashley,	Williams, A. D.,
Farabaugh,	King,	Perry,	Williams, E. S.,
Fetterolf,	Kistler,	Petrosky,	Wilt,
Filo,	Klein,	Piper,	Wood,
Fineman,	Knecht,	Polaski,	Worley,
Flynn,	Kooker,	Polen,	Wynd,
Foerster,	Kornick,	Prendergast,	Yetter,
Foor,	Korns,	Price,	Zember,
Fox,	Kramer,	Pursley,	Zimmerman,
Frascella,	Lamb,	Reibman,	Andrews,
Fry,	Lawson,	Reidenbach,	Speaker
Fulmer,	Lee, A. M.,	Renwick,	

NAYS—0

NOT VOTING—20

Ashton,	Gelfand,	McInroy,	Strausser,
Crossin,	Gibbons,	Mills,	Tompkins,
Down,	Horst,	Needham,	Walsh,
Eshleman,	Kamyk,	Odorisio,	Wargo,
Esler,	Magee,	Sakulsky,	Weidner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 597, entitled:

An Act amending the act of April 18, 1949 (P. L. 512), entitled "Fiduciaries Act of 1949" further regulating indexing of petitions for specific performance of agreements to purchase or sell real estate.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adams,	George,	Limper,	Rovansek,
Anderson, J. H.	Gibb,	Lippincott,	Royer,
Anderson, S. A.,	Goldstein, J. H.,	Long, Wm. Jas.,	Rubin,
Arlene,	Goldstein, M. H.,	Long, Wm. Jos.,	Rudisill,
Auker,	Goodrich,	Lutty,	Rutherford,
Bachman	Gramlich,	Manbeck,	Scarcelli,
Backenstoe,	Gray,	Markley,	Schuster,
Blair,	Greenlee,	Marsh,	Seltzer,
Boles,	Gremminger,	May,	Shelton,
Bonner,	Gross,	Maxwell,	Sherman,
Bossert,	Guesman,	McCandless,	Shupnik,
Bower,	Guthrie,	McCann,	Simmons,
Bowman,	Hamilton,	McCormack,	Slack,
Branca,	Hankins,	McDevitt,	Snare,
Breth,	Hartley,	McDonald	Stank,
Buchanan,	Haudenshield,	McKeever,	Steckel,
Bush,	Heavey,	McLaughlin,	Stimmel,
Capano,	Heffner,	McNally,	Stiteler,
Capitolo,	Helm,	Meholchick,	Strausser,
Cauley,	Hocker,	Merry,	Sullivan, J. A.,
Cianfrani,	Holliday,	Mihm,	Sullivan, T. F.,
Clarke,	Holman,	Miller,	Taylor,
Comer,	Horst,	Mills,	Thompson,
Cooley,	Irvis,	Monroe,	Tomascik,
Curwood,	Isaacs,	Morley,	Tompkins,
Davis,	Jenkins,	Mullen,	Trusio,

Dengler,	Jim,	Munley,	Varner,
Dennison,	Johnson, A. W.,	Murphy,	Verona,
Donaldson,	Johnson, R. P.,	Murray,	Ujobai,
Dougherty,	Jones,	Musto,	Wall,
Doughten,	Kamyk,	O'Dell,	Walsh,
Edwards,	Keiser,	O'Donnell, J. A.,	Wargo,
Elvey,	Kelly,	O'Donnell, J. P.,	Welsh,
Eilberg,	Kernaghan,	Ogilvie,	Wescott,
Eshback,	Kessler,	Parlante,	Willard,
Eshleman,	King,	Pashley,	Willaredt,
Ewing,	Kistler,	Perry,	Williams, A. D.,
Farabaugh,	Klein,	Petrosky,	Williams, E. S.,
Fetterolf,	Knecht,	Piper,	Wilt,
Flynn,	Kooker,	Polaski,	Wood,
Foerster,	Kornick,	Polen,	Worley,
Foor,	Korns,	Prendergast,	Wynd,
Fox,	Kramer,	Pursley,	Yetter,
Frascella,	Lamb,	Price.	Zember,
Fry,	Lawson,	Reibman,	Zimmerman,
Fulmer,	Lee, A. M.,	Reidenbach,	Andrews,
Galley,	Lee, K. B.,	Renwick,	Speaker
Gallagher,	Leonard,	Riley,	

NAYS—0

NOT VOTING—20

Ashton,	Filo,	Holl,	Sakulsky,
Cioffi,	Fineman,	Magee,	Schaaf,
Crossin,	Gelfand,	McInroy,	Stone,
Down,	Gibbons,	Needham,	Weidner,
Esler,	Henzel,	Odorisio,	Whittaker,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Mr. FILO. Mr. Speaker, had I pushed the button a little sooner, I would have been on the "aye" roll call. I wish to be recorded as such.

The SPEAKER. The remarks of the gentleman from Allegheny will be spread upon the record.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 604, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further providing for director representation in union or merged districts under certain conditions.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—148

Anderson, S. A.,	George,	Leonard,	Reidenbach,
Arlene,	Gibb,	Limper,	Riley,
Bachman,	Goldstein, J. H.,	Long, Wm. Jas.,	Rovansek,
Backenstoe,	Goldstein, M. H.,	Long, Wm. Jos.,	Rubin,
Blair,	Gramlich,	Lutty,	Rudisill,
Boies,	Gray,	Marsh,	Rutherford,
Bonner,	Greenlee,	Maxwell,	Scarcelli,
Bower,	Gremminger,	May,	Schaaf,
Bowman,	Guesman,	McCann,	Schuster,
Branca,	Guthrie,	McCormack,	Shelton,
Breth,	Hamilton,	McDevitt,	Sherman,
Buchanan,	Hankins,	McDonald,	Simmons,
Bush,	Hartley,	McKeever,	Stank,
Capano,	Haudenshield,	McLaughlin,	Stimmel,
Capitolo,	Heavey,	Meholchick,	Stiteler,
Cauley,	Heffner,	Merry,	Stone,
Cianfrani,	Helm,	Mihm,	Sullivan, J. A.,
Cioffi,	Henzel,	Mills,	Sullivan, T. F.,
Clarke,	Holl,	Monroe,	Taylor,
Comer,	Holliday,	Morley,	Thompson,
Cooley,	Irvis,	Mullen,	Tomascik,
Curwood,	Jenkins,	Murray,	Tompkins,
Dennison,	Jim,	Musto,	Trusio,
Donaldson,	Johnson, A. W.,	O'Dell,	Varner,
Dougherty,	Johnson, R. P.,	O'Donnell, J. A.,	Verona,
Doughten,	Jones,	O'Donnell, J. P.,	Wall,
Eilberg,	Kamyk,	Ogilvie,	Welsh,
Eshback,	Kelly,	Parlante,	Whittaker,
Ewing,	Kessler,	Pashley,	Willard,
Fetterolf,	Klein,	Perry,	Willaredt,
Filo,	Knecht,	Petrosky,	Williams, A. D.,
Flynn,	Kornick,	Polaski,	Williams, E. S.,
Foerster,	Korns,	Polen,	Wilt,
Frascella,	Kramer,	Prendergast,	Wynd,
Fry,	Lamb,	Price,	Yetter,
Galley,	Lawson,	Pursley,	Zimmerman,
Gallagher,	Lee, A. M.,	Reibman,	Andrews, Speaker

NAYS—44

Adams,	Foor,	Kistler,	Piper,
Anderson, J. H.,	Fox,	Kooker,	Royer,
Auker,	Goodrich,	Lee, K. B.,	Slack,
Bossert,	Gross,	Lippincott,	Snare,
Crossin,	Hocker,	Manbeck,	Steckel,
Davis,	Holman,	Markley,	Strausser,
Dengler,	Horst,	McCandless,	Ujobai,
Edwards,	Isaacs,	McNally,	Wescott,
Elvey,	Keiser,	Miller,	Wood,
Eshleman,	Kernaghan,	Munley,	Worley,
Farabaugh,	King,	Murphy,	Zember,

NOT VOTING—18

Ashton,	Gelfand,	Odorisio,	Walsh,
Down,	Gibbons,	Renwick,	Wargo,
Esler,	Magee,	Sakulsky,	Weidner,
Fineman,	McInroy,	Seltzer,	
Fulmer,	Needham,	Shupnik,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 795

Mr. McCANN (for Mr. Polen). Mr. Speaker, I present the report of the Committee of Conference on House bill No. 795.

The SPEAKER. The report will lie over for printing under the Rules.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 619, entitled:

An Act amending the act of June 1, 1959 (P. L. 392), entitled "State Employes' Retirement Code of 1959" providing for the transfer of credits for employes of the Department of Health who are contributors to the Public School Employes' Retirement System.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—196

Adams,	George,	Limper,	Rubin,
Anderson, J. H.,	Gibb,	Lippincott,	Rudisill,
Arlene,	Goldstein, J. H.,	Long, Wm. Jas.,	Rutherford,

Auker,	Gallagher,	Lee, K. B.,	Riley,
Bachman,	Goldstein, M. H.,	Leonard,	Rovansek,
Backenstoe,	Goodrich,	Long, Wm. Jos.,	Royer,
Blair,	Gramlich,	Lutty,	Scarcelli,
Boles,	Gray,	Manbeck,	Schaaf,
Bonner,	Greenlee,	Markley,	Schuster,
Bossert,	Gremminger,	Marsh,	Seltzer,
Bower,	Gross,	Maxwell,	Shelton,
Bowman,	Guesman,	May,	Sherman,
Branca,	Guthrie,	McCandless,	Shupnik,
Breth,	Hamilton,	McCann,	Simmons,
Buchanan,	Hankins,	McCormack,	Slack,
Bush,	Hartley,	McDevitt,	Snare,
Capano,	Haudenshield,	McDonald,	Stank,
Capitolo,	Heavey,	McKeever,	Steckel,
Cauley,	Heffner,	McLaughlin,	Stimmel,
Cianfrani,	Helm,	McNally,	Stiteler,
Cioffi,	Henzel,	Meholchick,	Stone,
Clarke,	Hocker,	Merry,	Strausser,
Comer,	Holl,	Mihm,	Sullivan, J. A.,
Cooley,	Holliday,	Miller,	Sullivan, T. F.,
Crossin,	Holman,	Mills,	Taylor,
Curwood,	Horst,	Monroe,	Thompson,
Davis,	Irvis,	Morley,	Tomascik,
Dengler,	Isaacs,	Mullen,	Tompkins,
Dennison,	Jenkins,	Munley,	Trusio,
Donaldson,	Jim,	Murphy,	Ujobai,
Dougherty,	Johnson, A. W.,	Murray,	Varner,
Doughten,	Johnson, R. P.,	Musto,	Verona,
Edwards,	Jones,	Needham,	Wall,
Eilberg,	Kamyk,	O'Dell,	Wargo,
Elvey,	Keiser,	O'Donnell, J. A.,	Welsh,
Eshback,	Kelly,	O'Donnell, J. P.,	Wescott,
Eshleman,	Kernaghan,	Ogilive,	Whittaker,
Ewing,	Kessler,	Parlante,	Willard,
Farabaugh,	King,	Pashley,	Willaredt,
Fetterolf,	Kistler,	Perry,	Williams, A. D.,
Filo,	Klein,	Petrosky,	Williams, E. S.,
Fineman,	Knecht,	Piper,	Wilt,
Flynn,	Kooker,	Polaski,	Wood,
Foerster,	Kornick,	Polen,	Worley,
Foor,	Korns,	Prendergast,	Wynd,
Fox,	Kramer,	Price,	Yetter,
Frascella,	Lamb,	Pursley,	Zember,
Fry,	Lawson,	Reibman,	Zimmerman,
Gailey,	Lee, A. M.,	Renwick,	Andrews, Speaker

NAYS—0

NOT VOTING—14

Anderson, S. A.,	Fulmer,	McInroy,	Sakulsky,
Ashton,	Gelfand,	Odorisio,	Walsh,
Down,	Gibbons,	Reidenbach,	Weidner,
Esler,	Magee,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 665, entitled:

An Act amending the act of May 1, 1929 (P. L. 1216), entitled "Real Estate Brokers License Act of 1929" changing licensure provisions for limited real estate brokers and salesmen requiring the registration of cemetery lot salesmen and prescribing responsibilities of certain brokers.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—181

Adams,	Gailey,	Leonard,	Renwick,
Anderson, J. H.,	Gallagher,	Limper,	Riley,
Anderson, S. A.,	George,	Lippincott,	Rovansek,
Arlene,	Gibb,	Long, Wm. Jos.,	Royer,
Auker,	Goldstein, J. H.,	Lutty,	Rubin,
Bachman,	Goodrich,	Manbeck,	Rudisill,
Blair,	Gramlich,	Markley,	Rutherford,
Bonner,	Gray,	Marsh,	Scarcelli,
Bossert,	Greenlee,	Maxwell,	Schaaf,
Bower,	Gremminger,	May,	Schuster,
Bowman,	Guesman,	McCandless,	Seltzer,
Branca,	Guthrie,	McCann,	Shelton,
Breth,	Hamilton,	McCormack,	Sherman,
Buchanan,	Hankins,	McDevitt,	Shupnik,
Bush,	Hartley,	McDonald,	Simmons,
Capitolo,	Haudenshield,	McKeever,	Slack,
Cauley,	Heavey,	McLaughlin,	Snare,
Cianfrani,	Heffner,	McNally,	Stank,
Cioffi,	Helm,	Meholchick,	Steckel,
Clarke,	Henzel,	Merry,	Stiteler,
Comer,	Hocker,	Mihm,	Stone,
Cooley,	Holl,	Miller,	Strausser,
Crossin,	Holliday,	Mills,	Sullivan, J. A.,
Curwood,	Holman,	Monroe,	Sullivan, T. F.,
Davis,	Irvis,	Morley,	Taylor,
Dengler,	Isaacs,	Mullen,	Thompson,
Dennison,	Jim,	Munley,	Tomascik,
Donaldson,	Johnson, A. W.,	Murray,	Tompkins,
Dougherty,	Johnson, R. P.,	Musto,	Trusio,
Doughten,	Jones,	Needham,	Ujobai,
Eilberg,	Kamyk,	O'Dell,	Varner,
Elvey,	Kelly,	O'Donnell, J. A.,	Verona,
Eshback,	Kernaghan,	O'Donnell, J. P.,	Wargo,
Eshleman,	Kessler,	Parlante,	Welsh,
Ewing,	King,	Pashley,	Wescott,
Farabaugh,	Kistler,	Perry,	Whittaker,
Fetterolf,	Klein,	Petrosky,	Willard,
Filo,	Knecht,	Piper,	Willaredt,
Fineman,	Kooker,	Polaski,	Williams, E. S.,
Flynn,	Kornick,	Polen,	Wood,
Foerster,	Korns,	Prendergast,	Wynd,
Foor,	Kramer,	Price,	Yetter,
Fox,	Lawson,	Pursley,	Zember,
Frascella,	Lee, A. M.,	Reibman,	Zimmerman,
Fry,	Lee, K. B.,	Reidenbach,	Andrews, Speaker
Fulmer,			

NAYS—15

Backenstoe,	Horst,	Murphy,	Williams, A. D.,
Edwards,	Jenkins,	Stimmel,	Wilt,
Goldstein, M. H.,	Keiser,	Wall,	Worley,
Gross,	Lamb,	Walsh,	

NOT VOTING—14

Ashton,	Esler,	Magee,	Ogilvie,
Boles,	Gelfand,	McInroy,	Sakulsky,
Capano,	Gibbons,	Odorisio,	Weidner,
Down,	Long, Wm. Jas.,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 666, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" increasing the membership of the Real Estate Commision and prescribing qualifications for the additional member.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—182

Anderson, J. H.,	George,	Lippincott,	Renwick,
Anderson, S. A.,	Gibb,	Long, Wm. Jas.,	Riley,
Arlene,	Goldstein, J. H.,	Long, Wm. Jos.,	Rovansek,
Auker,	Goodrich,	Lutty,	Royer,
Bachman,	Gramlich,	Manbeck,	Rubin,
Blair,	Gray,	Markley,	Rudisill,
Boles,	Greenlee,	Marsh,	Rutherford,
Bonner,	Gremminger,	Maxwell,	Scarcelli,
Bossert,	Guesman,	May,	Schaaf,
Bower,	Guthrie,	McCandless,	Schuster,
Bowman,	Hamilton,	McCann,	Seltzer,
Branca,	Hankins,	McCormack,	Shelton,
Breth,	Hartley,	McDevitt,	Sherman,
Buchanan,	Haudenshield,	McDonald,	Shupnik,
Bush,	Heavey,	McKeever,	Simmons,
Capano,	Heffner,	McLaughlin,	Slack,
Capitolo,	Helm,	McNally,	Snare,
Cauley,	Henzel,	Meholchick,	Stank,
Cianfrani,	Hocker,	Merry,	Steckel,
Cioffi,	Holl,	Mihm,	Stiteler,
Clarke,	Holliday,	Miller,	Stone,
Comer,	Holman,	Mills,	Sullivan, J. A.,
Cooley,	Irvis,	Monroe,	Sullivan, T. F.,
Crossin,	Isaacs,	Morley,	Taylor,
Curwood,	Jenkins,	Mullen,	Thompson,
Davis,	Jim,	Munley,	Tomascik,
Dengler,	Jones,	Murray,	Tompkins,
Dennison,	Johnson, A. W.,	Musto,	Trusio,
Donaldson,	Johnson, R. P.,	Needham,	Ujobai,
Dougherty,	Kamyk,	O'Dell,	Varner,
Doughten,	Kelly,	O'Donnell, J. A.,	Verona,
Edwards,	Kernaghan,	O'Donnell, J. P.,	Wall,
Eilberg,	Kessler,	Ogilvie,	Wargo,
Elvey,	King,	Parlante,	Wescott,
Eshback,	Kistler,	Pashley,	Whittaker,
Eshleman,	Klein,	Perry,	Willard,
Ewing,	Knecht,	Petrosky,	Willaredt,
Farabaugh,	Kooker,	Piper,	Williams, A. D.,
Filo,	Kornick,	Polaski,	Williams, E. S.,
Flynn,	Korns,	Polen,	Wood,
Foor,	Kramer,	Prendergast,	Wynd,
Fox,	Lawson,	Price,	Yetter,
Frascella,	Lee, A. M.,	Pursley,	Zember,
Fry,	Lee, K. B.,	Reibman,	Zimmerman,
Gailey,	Leonard,	Reidenbach,	Andrews,
Gallagher,	Limper,		Speaker

NAYS—14

Adams,	Goldstein, M. H.,	Lamb,	Walsh,
Backenstoe,	Gross,	Murphy,	Wilt,
Fetterolf,	Horst,	Stimmel,	Worley,
Foerster,	Keiser,		

NOT VOTING—14

Ashton,	Fulmer,	McInroy,	Strausser,
Down,	Gelfand,	Odorisio,	Weidner,
Esler,	Gibbons,	Sakulsky,	Welsh,
Fineman,	Magee,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 872, entitled:

An Act to authorize the Department of Health and County Departments of Health to render nursing care services and to charge fees therefor.

On the question,

Will the House agree to the bill on third reading?

Mr. McCANN asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Sec. 1, page 1, line 2, by striking out "Section" and inserting section

Amend Sec. 1, page 2, line 3, by striking out "as amended".

Amend Sec. 1, page 2, line 6, by inserting after "including" but not limited to

Amend Sec. 3, page 3, line 4, by inserting after "into" written

Amend Sec. 6, page 4, line 8, by inserting after "action" through the Department of Justice or the county solicitor

Amend Sec. 7, page 4, lines 10 and 11, by striking out "upon enactment"

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 931, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929" imposing powers and duties on the General Assembly relative to the allocation of space in the State Capitol Building

On the question,

Will the House agree to the bill on third reading?

Mr. McCANN asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 2, next to last line of Title, by inserting after "of" certain

Amend Sec. 2 (Sec. 2402.1), page 3, line 17, by inserting after "of" Certain

Amend Sec. 2 (Sec. 2402.1), page 3, line 20, by inserting after "ing" other than the offices, rooms and accommodations presently occupied by the Governor and his staff, the Supreme and Superior Courts, and the Department of Justice

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 683, entitled:

A Joint Resolution proposing an amendment to article three section eighteen of the Constitution of the Commonwealth of Pennsylvania providing for grants or loans to

residents of the Commonwealth for higher educational purposes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—195

Adams,	Gallagher,	Lee, K. B.,	Renwick,
Anderson, J. H.,	George,	Leonard,	Riley,
Anderson, S. A.,	Gibb,	Limper,	Rovansek,
Arlene,	Goldstein, J. H.,	Lippincott,	Royer,
Bachman,	Goldstein, M. H.,	Long, Wm. Jas.,	Rubin,
Backenstoe,	Goodrich,	Long, Wm. Jos.,	Rudisill,
Blair,	Gramlich,	Lutty,	Rutherford,
Boles,	Gray,	Manbeck,	Scarcelli,
Bonner,	Greenlee,	Markley,	Schaaf,
Bossert,	Gremminger,	Marsh,	Schuster,
Bower,	Gross,	Maxwell,	Seltzer,
Bowman,	Guesman,	May,	Shelton,
Branca,	Guthrie,	McCandless,	Sherman,
Breth,	Hamilton,	McCann,	Shupnik,
Buchanan,	Hankins,	McCormack,	Simmons,
Bush,	Hartley,	McDevitt,	Slack,
Capano,	Haudenshield,	McDonald,	Snare,
Capitolo,	Heavey,	McKeever,	Stank,
Cauley,	Heffner,	McLaughlin,	Steckel,
Cianfrani,	Helm,	McNally,	Stimmel,
Cioffi,	Henzel,	Meholchick,	Strausser,
Clarke,	Hocker,	Merry,	Sullivan, J. A.,
Comer,	Holl,	Mihm,	Sullivan, T. F.,
Cooley,	Holliday,	Miller,	Taylor,
Crossin,	Holman,	Mills,	Thompson,
Curwood,	Horst,	Monroe,	Tomascik,
Davis,	Irvis,	Morley,	Tompkins,
Dengler,	Isaacs,	Mullen,	Trusio,
Dennison,	Jenkins,	Munley,	Ujobai,
Donaldson,	Jim,	Murphy,	Varner,
Dougherty,	Johnson, A. W.,	Murray,	Verona,
Doughten,	Johnson, R. P.,	Musto,	Wall,
Edwards,	Jones,	Needham,	Walsh,
Eilberg,	Kamyk,	O'Dell,	Wargo,
Elvey,	Keiser,	O'Donnell, J. A.,	Welsh,
Eshback,	Kelly,	O'Donnell, J. P.,	Wescott,
Eshleman,	Kernaghan,	Ogilive,	Whittaker,
Ewing,	Kessler,	Parlante,	Willard,
Farabaugh,	King,	Pashley,	Willaredt,
Fetterolf,	Kistler,	Perry,	Williams, A. D.,
Filo,	Klein,	Petrosky,	Williams, E. S.,
Fineman,	Knecht,	Piper,	Wilt,
Flynn,	Kooker,	Polaski,	Wood,
Foerster,	Kornick,	Polen,	Worley,
Fox,	Korns,	Prendergast,	Yetter,
Frascella,	Kramer,	Price,	Zember,
Fry,	Lamb,	Pursley,	Zimmerman,
Fulmer,	Lawson,	Reibman,	Andrews,
Gailey,	Lee, A. M.,	Reidenbach,	Speaker

NAYS—3

Auker,	Foor,	Stiteler,

NOT VOTING—12

Ashton,	Gelfand,	McInroy,	Stone,
Down,	Gibbons,	Odorisio,	Weidner,
Esler,	Magee,	Sakulsky,	Wynd,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Mr. HELM IN THE CHAIR

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 702, entitled:

An Act amending the act of July 20, 1917 (P. L. 1158), entitled "An act to fix regulate and establish the fees to be charged and received by constables in this Commonwealth" increasing the fees in certain cases

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—189

Adams,	Gallagher,	Leonard,	Rovansek,
Anderson, J. H.,	George,	Limper,	Royer,
Anderson, S. A.,	Gibb,	Lippincott,	Rubin,
Arlene,	Goldstein, J. H.,	Long, Wm. Jas.,	Rudisill,
Auker,	Goodrich,	Long, Wm. Jos.,	Rutherford,
Bachman,	Gramlich,	Lutty,	Scarcelli,
Backenstoe,	Gray,	Manbeck,	Schaaf,
Blair,	Gremminger,	Markley,	Schuster,
Boles,	Guesman,	Marsh,	Seltzer,
Bonner,	Guthrie,	Maxwell,	Shelton,
Bossert,	Hamilton,	May,	Sherman,
Bower,	Hankins,	McCandless,	Simmons,
Bowman,	Hartley,	McCann,	Slack,
Branca,	Haudenshield,	McCormack,	Snare,
Breth,	Heavey,	McDevitt,	Stank,
Buchanan,	Heffner,	McDonald,	Steckel,
Bush,	Helm,	McKeever,	Stimmel,
Capano,	Henzel,	McLaughlin,	Stiteler,
Capitolo,	Hocker,	McNally,	Stone,
Cauley,	Holl,	Meholchick,	Strausser,
Cianfrani,	Holliday,	Mihm,	Sullivan, J. A.,
Cioffi,	Holman,	Merry,	Sullivan, T. F.,
Clarke,	Horst,	Miller,	Taylor,
Comer,	Irvis,	Mills,	Thompson,
Cooley,	Isaacs,	Monroe,	Tompkins,
Crossin,	Jenkins,	Morley,	Trusio,
Davis,	Jim,	Munley,	Ujobai,
Dengler,	Johnson, A. W.,	Murphy,	Varner,
Dennison,	Johnson, R. P.,	Murray,	Verona,
Donaldson,	Jones,	Musto,	Wall,
Dougherty,	Kamyk,	O'Dell,	Walsh,
Doughten,	Keiser,	O'Donnell, J. A.,	Wargo,
Edwards,	Kelly,	O'Donnell, J. P.,	Welsh,
Eilberg,	Kernaghan,	Ogilvie,	Wescott,
Elvey,	Kessler,	Parlante,	Whittaker,
Eshleman,	King,	Perry,	Willard,
Ewing,	Kistler,	Petrosky,	Williams, A. D.,
Farabaugh,	Klein,	Piper,	Williams, E. S.,
Fetterolf,	Knecht,	Polaski,	Willaredt,
Filo,	Kooker,	Polen,	Wilt,
Fineman,	Kornick,	Prendergast,	Wood,
Flynn,	Korns,	Price,	Worley,
Foerster,	Kramer,	Pursley,	Wynd,
Foor,	Lamb,	Reibman,	Yetter,
Fox,	Lawson,	Reidenbach,	Zember,
Frascella,	Lee, A. M.,	Renwick,	Zimmerman,
Fry,	Lee, K. B.,	Riley,	Andrews,
Gailey,			Speaker

NAYS—7

Curwood,	Greenlee,	Mullen,	Shupnik,
Goldstein, M. H.,	Gross,	Pashley,	

NOT VOTING—14

Ashton,	Fulmer,	McInroy,	Sakulsky,
Down,	Gelfand,	Needham,	Tomascik,
Eshback,	Gibbons,	Odorisio,	Weidner,
Esler,	Magee,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 710, entitled:

An Act amending the act of October 14, 1959 (P. L. 1314), entitled "An act to regulate and establish the fees to be received by the clerk of oyer and terminer and quarter sessions of the peace and the municipal court of Philadelphia in counties of the first class" providing that the provisions of the act be subject to certain limitations

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—193

Adams,	Gallagher,	Lee, A. M.,	Riley,
Anderson, J. H.,	George,	Lee, K. B.,	Rovansek,
Anderson, S. A.,	Gibb,	Leonard,	Royer,
Arlene,	Goldstein, J. H.,	Limper,	Rubin,
Auker,	Goldstein, M. H.,	Lippincott,	Rudisill,
Bachman,	Goodrich,	Long, Wm. Jas.,	Rutherford,
Backenstoe,	Gramlich,	Long, Wm. Jos.,	Scarcelli,
Blair,	Gray,	Lutty,	Schaaf,
Boies,	Greenlee,	Manbeck,	Schuster,
Bonner,	Gremminger,	Markley,	Seltzer,
Bossert,	Gross,	Marsh,	Shelton,
Bower,	Guesman,	Maxwell,	Sherman,
Bowman,	Guthrie,	McCandless,	Shupnik,
Branca,	Hamilton,	McCann,	Simmons,
Breth,	Hankins,	McCormack,	Slack,
Buchanan,	Hartley,	McDonald,	Snare,
Bush,	Haudenshield,	McKeever,	Stank,
Capano,	Heavey,	McNally,	Steckel,
Capitolo,	Heffner,	Meholchick,	Stimmel,
Cauley,	Helm,	Merry,	Stiteler,
Cianfrani,	Henzel,	Mihm,	Stone,
Cioffi,	Hocker,	Miller,	Strausser,
Clarke,	Holl,	Mills,	Sullivan, J. A.,
Comer,	Holliday,	Monroe,	Sullivan, T. F.,
Cooley,	Holman,	Morley,	Taylor,
Crossin,	Horst,	Mullen,	Thompson,
Curwood,	Irvis,	Munley,	Tomascik,
Davis,	Isaacs,	Murphy,	Tompkins,
Dengler,	Jenkins,	Murray,	Trusio,
Dennison,	Jim,	Musto,	Varner,
Donaldson,	Johnson, A. W.,	Needham,	Verona,
Dougherty,	Johnson, R. P.,	O'Dell,	Wall,
Doughten,	Jones,	O'Donnell, J. A.,	Walsh,
Edwards,	Kamyk,	O'Donnell, J. P.,	Wargo,
Eilberg,	Keiser,	Ogilvie,	Welsh,
Elvey,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Ewing,	Kessler,	Perry,	Willard,
Farabaugh,	King,	Petrosky	Willaredt,
Fetterolf,	Kistler,	Piper,	Williams, A. D.,
Fineman,	Klein,	Polaski,	Williams, E. S.,
Flynn,	Knecht,	Polen,	Wilt,
Foerster,	Kooker,	Prendergast,	Wood,
Foor,	Kornick,	Price,	Wynd,
Fox,	Korns,	Pursley,	Yetter,
Frascella,	Kramer,	Reibman,	Zember,
Fry,	Lamb,	Reidenbach,	Zimmerman,
Fulmer,	Lawson,	Renwick,	Andrews,
Gailey,			Speaker

NAYS—1

Worley,

NOT VOTING—16

Ashton,	Filo,	May,	Odorisio,
Down,	Gelfand,	McDevitt,	Sakulsky,
Eshback,	Gibbons,	McInroy,	Ujobai,
Esler,	Magee,	McLaughlin,	Weidner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 713, entitled:

An Act amending the act of June 1, 1945 (P. L. 1242) entitled "State Highway Law" authorizing adoption of a system for qualification of competent and responsible bidders on highway projects

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—112

Anderson, S. A.,	Gailey,	Long, Wm. Jas.,	Polen,
Arlene,	Gallagher,	Long, Wm. Jos.,	Prendergast,
Auker,	Gray,	Lutty,	Reibman,
Blair,	Greenlee,	Maxwell,	Reidenbach,
Boies,	Gremminger,	May,	Renwick,
Bonner,	Guesman,	McCandless,	Riley,
Bower,	Hamilton,	McCann,	Rovansek,
Branca,	Hankins,	McCormack,	Rubin,
Breth,	Hartley,	McDevitt,	Rutherford,
Buchanan,	Heavey,	McDonald,	Scarcelli,
Capano,	Henzel,	McKeever,	Schaaf,
Capitolo,	Holl,	McNally,	Schuster,
Cianfrani,	Holliday,	Mihm,	Shelton,
Cioffi,	Holman,	Miller,	Sherman,
Clarke,	Irvis,	Mills,	Shupnik,
Comer,	Jim,	Monroe,	Snare,
Cooley,	Jones,	Morley,	Stank,
Curwood,	Kamyk,	Mullen,	Stone,
Dougherty,	Kelly,	Munley,	Strausser,
Doughten,	Kessler,	Murray,	Sullivan, J. A.,
Edwards,	Klein,	Musto,	Taylor,
Eilberg,	Kooker,	Needham,	Trusio,
Farabaugh,	Kornick,	O'Dell,	Verona,
Filo,	Korns,	O'Donnell, J. P.,	Wargo,
Fineman,	Lawson,	Parlante,	Welsh,
Flynn,	Lee, A. M.,	Pashley,	Williams, A. D.,
Frascella,	Leonard,	Petrosky,	Yetter.
Fry,	Limper,	Polaski,	Andrews,
			Speaker

NAYS—84

Adams,	George,	Lamb,	Stimmel,
Anderson, J. H.,	Gibb,	Lee, K. B.,	Stiteler,
Bachman,	Goldstein, J. H.,	Lippincott,	Sullivan, T. F.,
Backenstoe,	Goldstein, M. H.,	Manbeck,	Thompson,
Bossert,	Goodrich,	Markley,	Tomascik,
Bush,	Gramlich,	Marsh,	Tompkins,
Cauley,	Gross,	McLaughlin,	Ujobai,
Crossin,	Guthrie,	Merry,	Varner,
Davis,	Haudenshield,	Murphy,	Wall,
Dengler,	Heffner,	O'Donnell, J. A.,	Walsh,
Dennison,	Helm,	Ogilvie,	Wescott,
Donaldson,	Hocker,	Perry,	Whittaker,
Elvey,	Horst,	Piper,	Willard,
Eshback,	Isaacs,	Price,	Willaredt,
Eshleman,	Johnson, R. P.,	Pursley,	Williams, E. S.,
Ewing,	Keiser,	Royer,	Wilt,
Fetterolf,	Kernaghan,	Rudisill,	Wood,
Foerster,	King,	Seltzer,	Worley,
Foor,	Kistler,	Simmons,	Wynd,
Fox,	Knecht,	Slack,	Zember,
Fulmer,	Kramer,	Steckel,	Zimmerman,

NOT VOTING—14

Ashton,	Gelfand,	Magee,	Odorisio,
Bowman,	Gibbons,	McInroy,	Sakulsky,
Down,	Jenkins,	Meholchick,	Weidner,
Esler,	Johnson, A. W.,		

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 730, entitled:

An Act amending the act of June 1, 1956 (P. L. 1959), entitled "An act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned in the law certain state officers and the salary and expenses of the members of the General Assembly and repealing certain inconsistent acts" increasing the salaries of judges of courts of common pleas orphans' courts County Court and Juvenile Court of Allegheny County and Municipal Court of Philadelphia

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Goldstein.

Mr. M. H. GOLDSTEIN. Mr. Speaker, in accordance with the constitution and the rules of this House and my conscience, I have decided to not vote on this issue. I have discussed the matter with the Speaker and the parliamentarian. I submit my reasons to be incorporated in the legislative journal.

The SPEAKER pro tempore. The gentleman will send his reasons to the desk; the reasons will be spread upon the journal of the House. The gentleman declares he has a personal interest and is not qualified to vote.

Mr. M. H. GOLDSTEIN filed the following statement for the record:

The Constitution of Pennsylvania, Article III, section 33, provides as follows:

> "A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon."

Rule 67 of the House implements said constitutional provision.

The bill now pending before this House relates to an increase in salaries of Judges of the Court of Common Pleas. I am a nominee for said office in Allegheny County. I have examined rulings on this matter and believe that I am bound by the decision of Speaker Talbot of the House, who in 1933 in response to a parliamentary inquiry spoke as follows:

> "That the right of a member to vote where a question of personal interest was involved was a matter entirely within the conscience of the individual member."

Honorable S. Edward Moore, the House parliamentarian in a review of this subject in 1941 summarized the issue as follows:

> "In conclusion the question is definitely one upon which each individual member must satisfy his conscience. He must settle it for himself."

Inasmuch as I am a nominee for judge of the Court of Common Pleas of Allegheny County, in accordance with the constitution of Pennsylvania, the rule of this House and my conscience, I am not voting on this salary measure.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Adams.

Mr. ADAMS. Mr. Speaker, I would like to interrogate the spokesman or the sponsor of this bill.

The SPEAKER pro tempore. Will someone be interrogated on Senate bill 730?

The Chair sees no volunteers.

Mr. ADAMS. Then I am going to draft somebody. I would like to interrogate the majority leader.

The SPEAKER pro tempore. The gentleman could ask himself some questions.

Will the gentleman from Greene, Mr. McCann, permit himself to be interrogated?

Mr. McCANN. Mr. Speaker, I shall. I am not the sponsor of the bill which he asked for, nor the spokesman for the bill, but I will assist wherever possible.

Mr. ADAMS. Mr. Speaker, I note that there is a salary increase in this bill from $20,000 to $25,000 for judges in populated areas from 150,000 to 1,000,000 population. I would like to know how many judges fall into that category and how much it is going to cost and where the money is coming from. One at a time.

Mr. McCANN. Mr. Speaker, if the gentleman desires fiscal matters, or the cost of the bill when it becomes effective, I will yield to the gentleman, the chairman of the Appropriations Committee.

Mr. ADAMS. That is acceptable.

The SPEAKER pro tempore. The gentleman from Greene yields to the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, I was not paying too close attention but I believe the gentleman from Berks asked how many judges were affected. Under the existing law there are 192 judges affected, plus those put in by the amendments, which would be the Superior and Supreme Courts.

Mr. ADAMS. Mr. Speaker, I believe he missed—the category I am inquiring about is the judges that fall into the population category from 150,000 to 1,000,000. I believe that is an increase of $5,000 a judge, from $20,000 to $25,000 annually.

Mr. POLEN. Mr. Speaker, I have not developed the number in the different categories; I just have the total.

Mr. ADAMS. Mr. Speaker, could the gentleman tell me approximately how many of the judges fall in that category?

Mr. POLEN. Mr. Speaker, I could not. I would have to review the matter.

Mr. McCANN. Mr. Speaker, if I may, I believe I remember once reading in the manual that you have on your desk, and I want to check this, the judicial districts, but I remember one time there were 38 judges or 40 in this category.

Mr. ADAMS. I thank the majority leader.

What is the total cost for this bill?

Mr. POLEN. In 1961-1962, the fiscal year in which we are now, there would be no cost because this bill is not effective until July 1, 1962. In 1962-1963, the next fiscal year, based on the present number of judges and not including any additions that might be made by this General Assembly, the cost would be $819,500.

Mr. ADAMS. I thank the gentleman, Mr. Speaker.

Mr. Speaker, these judges are elected for a term of 10 years at the present salary of $20,000 a year, that is

$200,000. Now under the sitting judge rule that is in effect, at least in Berks County, and presumably in most counties, a judge is almost assured of a second 10-year term, and we have had a number of them who have had the third term in Berks County, but just taking two terms, or a total of 20 years, that is a salary of $400,000 for 20 years.

Now, Mr. Speaker, we have a lot of problems in raising money. There have been bills passed here for which we did not know where the money was coming, that was not appropriated, and I believe I asked where this money was coming from. I do not know that I heard that, whether it had been appropriated or not, and where the money is being raised from. I would like to further interrogate Mr. Polen on that.

Mr. POLEN. What was the question, Mr. Speaker?

Mr. ADAMS. Whether the money to pay for these increases has been appropriated and from what source of revenue it is coming, if it is.

Mr. POLEN. Mr. Speaker, no money has been appropriated because there is no money required in the 1961-1962 fiscal year. The money would, however, have to be appropriated in next year's budget for the 1962-1963 fiscal year.

Mr. ADAMS. Mr. Speaker, in view of the fact that it will not become effective until next year and we are faced with increased budget costs, particularly in the education field, can you project where you contemplate raising the money when it will be included in the budget?

Mr. POLEN. Mr. Speaker, I could not project what the next session of the General Assembly might do in the fiscal session. However, it would be my hope, and I read this morning, that the national gross income was supposed to go up to $540 billion, and it would be my hope that the increased economy would bring in sufficient money from existing taxes that would not require any additional taxes to take care of our State expenditures.

Mr. ADAMS. I share that hope with the gentleman. However, we seem to have run into difficulties in raising money for the proposed educational program, and I suggest that perhaps it might be wise to use this money in that field where it is sorely needed.

Also, before I could condone giving these terrific increases, an increase of $5,000 is more money than a lot of people are earning in a whole year. We have State employees, many of them, who are earning less than $5,000, less than $4,000, and some have brought to my attention the fact that they are earning less than $3,000 a year. I have complained frequently about payroll padding, and so forth, and I believe there could be some reductions in the State payroll, but I believe that the people in the low categories should receive more money than they are receiving instead of giving these fantastic increases to people who are already well paid.

And I suggest to the member that this is not proper, that this is nothing more than a huge give-away program of money which we can sorely afford to give, and which we do not even have, and I urge the members respectfully to defeat this bill.

Mr. TOMASCIK. Mr. Speaker, I should like to make a statement concerning my action with respect to voting or not voting on the bill under discussion.

The SPEAKER pro tempore. The gentleman is in order and will proceed.

Mr. TOMASCIK. Since I have been honored by the members of the Democratic persuasion in Luzerne County with a nomination to judicial office in the Common Pleas Court of Luzerne County, I wish the record to indicate that I am present in my seat but because of the nature of the bill and because it affects me I shall not take part and shall accordingly disqualify myself in that regard.

The SPEAKER pro tempore. The gentleman states because of his personal interest in the legislation before us he will not vote.

Mr. FARABAUGH. Mr. Speaker, in looking over this amended bill, I find that the increases vary, which will, in the final analysis, mean that the salaries will vary from $22,500, I believe, up to $32,500 per year for the judges.

In view of the fact that we have a very difficult problem in this session of the legislature to find the neeessary money, particularly for the schools—we have not yet found sufficient money for them—certainly these increases are not justifiable. As the previous speaker has stated, the increases in most of these cases is above a pretty reasonable salary to start with, and is considerably beyond what many people are earning today. I suppose if I were to go into details to prove my point I would be questioned here as to being off the subject.

I believe it was in 1955 or 1957, I do not know which, but the judges got a substantial increase in salary and at that time the argument was used that it had been so long since they had got an increase that it was justifiable. Personally I have not seen any great changes that would justify another increase at this time.

I believe in this session there was what I call a "sneaker" put in a bill to increase their pensions, and now this on top of it makes it all the more unbearable. I presume that most attorneys hope to be a judge some day. Maybe they are under certain obligations here, but those of us who are in the class with the working people should have a little feeling for the taxpayer who has to provide this money. If anyone can show me where this increase is justifiable in any case, in any one of these cases, I will be glad to change my thinking, but until that time I hope you will all consider where this money has to come from and the fact that we have not provided and finally will provide sufficient money to give our schools what they need. I hope you will consider this carefully before you vote on this bill.

Mr. HOCKER. Mr. Speaker, I have no quarrel with the judiciary. Fortunately, I have one of the hardest-working courts, I believe, in the Commonwealth. I have a court in my county which handles all the Commonwealth cases which provides them with as much or more work than they can possibly do. My judges are not traveling judges. They sit in Dauphin County at all times and I can find any of them on the bench down there any day in the week.

However, I quarrel with the way this is being done. This is back-door legislation, what we are doing. The Chairman of the Appropriations Committee has been very fair when asked many, many times whether the item before us was in the budget. In all instances when it was not he has been fair enough to make that statement on this floor.

However, in order to do what we are doing here today this bill had to be amended to take effect July 1962. Now if you just think for a minute what that does to the legislative body. Passing this legislation in this session will

mean that the budget department will have no choice but to put this in the budget of next year. They have lost their choice as to whether or not this is something that should be done. That is bad. That is the worst kind of housekeeping I know of.

Then they will tell us in the next session, and you will all be here, be the good Lord willing, you will still be in this House, and when you walk in here you will have $800,000 around your neck that you will have to find new revenue for, not because of anyone else, but because of something that you are doing to yourself.

We used to have a rule, I think it has been set aside by someone, that before the Governor could sign a piece of legislation the Auditor General had to certify that the money was available to take care of it. I would like to know—and I think that was the reason the date was changed—I would like to know how the Auditor General could certify to the Governor of this Commonwealth that this money will be available in July of 1962.

I do not like this kind of housekeeping. I have made that statement. I think it is bad to do this. I think it is bad to mandate something that you do not have and have no idea where it is going to come from.

I agree with the chairman of the Appropriations Committee that I hope there will be enough people at work and that we will have increased spending in this Commonwealth, that our broad-based tax can bring in enough revenue to take care of this, but I have no guarantee of that. I have no guarantee.

I may be asked, if I vote for this piece of legislation, to support a tax, and if I vote for it I should be willing and ready to support a tax to pay for this, but I say, ladies and gentleman, if you want to do this it should be done properly. Wait until the next general session of the legislature, pass it, and then furnish the money to pay for it. I plead with you not to tie this rock around your necks this afternoon. Thank you very much.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—132

Anderson, J. H.	Flynn,	Lee, A. M.,	Prendergast,
Anderson, S. A.,	Foerster,	Lee, K. B.,	Reidenbach,
Arlene,	Frascella,	Leonard,	Riley,
Bachman	Gailey,	Lippincott,	Royer,
Backenstoe,	Gallagher,	Long, Wm. Jas.,	Rubin,
Blair,	George,	Long, Wm. Jos.,	Rudisill,
Boles,	Gibb,	Lutty,	Scarcelli,
Bonner,	Goldstein, J. H.,	Markley,	Schaaf,
Bossert,	Greenlee,	Maxwell,	Schuster,
Branca,	Gremminger,	McCann,	Shelton,
Breth,	Guthrie,	McCormack,	Shupnik,
Buchanan,	Hamilton,	McDevitt,	Simmons,
Capano,	Hankins,	McDonald	Stank,
Capitolo,	Hartley,	McKeever,	Steckel,
Cauley,	Haudenshield,	McLaughlin,	Stimmel,
Cianfrani,	Heavey,	Meholchick,	Stone,
Cioffi,	Heffner,	Mihm,	Sullivan, J. A.,
Clarke,	Helm,	Mills,	Taylor,
Comer,	Irvis,	Monroe,	Thompson,
Cooley,	Isaacs,	Morley,	Trusio,
Crossin,	Jim,	Mullen,	Verona,
Curwood,	Johnson, A. W.,	Munley,	Wall,
Davis,	Jones,	Murphy,	Welsh,
Dengler,	Kamyk,	Murray,	Williams, A. D.,
Dennison,	Kelly,	Musto,	Williams, E. S.,
Donaldson,	Kernaghan,	Needham,	Wilt,
Dougherty,	Kistler,	O'Donnell, J. A.,	Wood,
Doughten,	Klein,	O'Donnell, J. P.,	Wynd,
Ellberg,	Knecht,	Parlante,	Yetter,
Eshback,	Kooker,	Pashley,	Andrews,
Eshleman,	Kornick,	Perry,	Speaker
Ewing,	Kramer,	Petrosky,	
Filo,	Lamb,	Polaski,	
Fineman,	Lawson,	Polen,	

NAYS—63

Adams,	Gross,	Marsh,	Slack,
Auker,	Guesman,	May,	Snare,
Bower,	Henzel,	McCandless,	Stiteler,
Bowman,	Hocker,	McNally,	Strausser,
Bush,	Holl,	Merry,	Sullivan, T. F.,
Edwards,	Holliday,	Miller,	Ujobai,
Elvey,	Holman,	O'Dell,	Varner,
Farabaugh,	Horst,	Ogilvie,	Walsh,
Fetterolf,	Jenkins,	Piper,	Wargo,
Foor,	Johnson, R. P.,	Price,	Wescott,
Fox,	Keiser,	Pursley,	Whittaker,
Fry,	Kessler,	Reibman,	Willaredt,
Fulmer,	King,	Renwick,	Worley,
Goodrich,	Korns,	Rovansek,	Zember,
Gramlich,	Limper,	Rutherford,	Zimmerman,
Gray,	Manbeck,	Seltzer,	

NOT VOTING—15

Ashton,	Gibbons,	Odorisio,	Tompkins,
Down,	Goldstein, M. H.,	Sakulsky,	Weidner,
Esler,	Magee,	Sherman,	Willard,
Gelfand,	McInroy,	Tomascik,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 345, entitled:

An Act regulating sewage disposal systems in the interest of preserving the health of the people of the Commonwealth requiring permits to be issued to persons installing sewage disposal systems imposing certain duties on the Department of Health and on municipalities and providing penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. MAXWELL asked unanimous consent to offer an amendment at this time.

The SPEAKER pro tempore. The amendment will be read by the clerk for information.

Amend Sec. 3, page 3, line 7, by striking out "and the rules and regulations adopted by the Department"

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Our permitting these amendments to be inserted into the bill does not indicate we have agreed that we will support the bill as amended. We want to get those amendments into the bill so we can look it over tomorrow.

On the question recurring,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, I request permission to turn to page 3, bills on second reading. I call up Senate bill 651, printer's No. 1218, for the purpose of offering the following amendments and would ask the chief clerk to make special police arrangements for delivery to the printer.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 651, entitled:

An Act to empower cities of the second class second class A and third class boroughs incorporated towns townships of the first and second class and counties of the third through eighth class individually or jointly to plan their development and to govern the same by zoning subdivision and land development ordinances and other ordinances by official maps by reservation of certain land for future public purpose and by the acquisition of such land providing for the establishment of planning commissions planning departments and zoning hearing boards authorizing them to charge fees make inspections and hold public hearings providing for appropriations appeals to court and penalties for violations and repealing acts and parts of acts.

Article I was read.

On the question,

Will the House agree to the Article?

Mr. McCANN offered the following amendments:

Amend Sec. 105, page 6, line 5 by striking out "and harmonious"

Amend Sec. 105, page 6, line 6 by inserting after "economic": practical

Amending Sec. 105, page 6, line 7 by striking out "cultural and aesthetic" and inserting: and cultural

Amend Sec. 105, page 6, line 10 by striking out "provision and location"

Amend Sec. 107, page 8, line 12 by inserting after "development": (a)

Amend Sec. 107, page 8, by inserting between lines 17 and 18:

(b) a division of land into lots for the purpose of conveying lots, singly or in groups, to individuals or builders and builder groups for the purpose of the erection of buildings by such persons or builder groups.

Amend Sec. 107, page 9, line 10 by striking out "ten" and inserting: fourteen

Amend Sec. 107, page 9, line 11 by inserting after "once": each week for two successive weeks

Amend Sec. 107, page 9, line 13 by inserting after "the" where it appears the second time: particular

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, we have a similar situation with respect to this bill. It is a 78-page bill. There are numerous amendments being offered to it and, in the few minutes we have to look over these amendments, we cannot ascertain what they do to the bill. Therefore, it is agreeable to us that these amendments be inserted into this bill so we can then read it.

Many municipalities are interested in this planning bill and they are interested in the bill as amended, so it is all right with us if the amendments are inserted. Then we will look the bill over and caucus on it when we get it.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

The Article was agreed to as amended.

Article II was read.

On the question,

Will the House agree to the Article?

Mr. McCANN offered the following amendments:

Amend Sec. 203, page 11, lines 15 and 16 by striking out "the appointing authority and the governing body are the same" and inserting: the governing body is the appointing authority

Amend Sec. 206, page 13, line 20; page 14, line 1 by striking out "the appointing authority and the governing body are the same" and inserting: the governing body is the appointing authority

Amend Sec. 207, page 14, line 10 by inserting after "a": written

Amend Sec. 207, page 14, line 11 by inserting after "necessary": or requested by the governing body

Amend Sec. 208, page 14, line 14 by inserting after "planning": who shall be technically qualified for the duties of his position

Amend Sec. 209, page 15, line 7 by inserting after "act": and present it for the consideration of the governing body

Amend Sec. 209, page 15, line 10 by striking out "maintain for" and inserting: present for consideration to

Amend Sec. 209, page 15, line 11 by inserting after "pality": and after adoption maintain for the governing body

Amend Sec. 209, page 16, lines 6 to 8 by striking out all of said lines and inserting:

(7) With respect to the renewal and redevelopment of the municipality, prepare, adopt plans, and submit reports to the governing body.

Amend Sec. 209, page 16, line 18 by inserting after "surveys": either after permission has been obtained from the owner or public notice

Amend Sec. 210, page 17, line 5, by inserting after "or": may request the governing body to

Amend Sec. 210, page 17, line 12, by inserting after "work": with the consent of its governing body

Amend Sec. 211, page 17, line 16, by striking out "and" and inserting: The governing body

They were agreed to.

The Article was agreed to as amended.

Article III was read.

On the question,

Will the House agree to the Article?

Mr. McCANN offered the following amendments:

Amend Sec. 301, page 18, lines 8 and 9, by striking out all of line 8, and "welfare" in line 9.

Amend Sec. 301, page 18, line 9, by striking out "as a minimum"

Amend Sec. 301, page 18, line 10, by inserting after "ing": basic

Amend Sec. 302, page 19, lines 12 and 13, by striking out "The governing body may by ordinance confer such power upon the planning commission"

Amend Sec. 302, page 19, lines 14 and 15, by striking out "or the planning commission if it be authorized to exercise such power"

Amend Sec. 302, page 19, line 19; page 20, line 1, by striking out "or commission as the case may be"

Amend Sec. 302, page 20, lines 4 and 5, by striking out "A copy of any such resolution of a planning commission shall" in line 4, and all of line 5.

They were agreed to.

The Article was agreed to as amended.

Article IV was read.

On the question,

Will the House agree to the Article?

Mr. McCANN offered the following amendments:

Amend Sec. 406, page 25, line 1, by inserting after "property": has submitted a written notice to the governing body announcing his intention to build on, subdivide, or otherwise develop the land covered by the resolution or

Amend Sec. 406, page 25, line 1, by inserting after "property": has submitted a written notice to the governing body announcing his intention to build on, subdivide, or otherwise develop the land covered by the resolution or

Amend Sec. 406, page 25, line 3, by striking out "formal action" and inserting: condemnation proceedings

They were agreed to.

The Article was agreed to as amended.

Article V was read.

On the question,

Will the House agree to the Article?

Mr. McCANN offered the following amendment:

Amend Sec. 501, page 27, lines 10 to 12, by striking out "'In order to protect and promote the" in line 10, all of lines 11 and 12, and inserting: The

Amend Sec. 503, page 30, line 6, by striking out "Regulations" and inserting: Procedures

Amend Sec. 503, page 30, line 10, by striking out "so"

Amend Sec. 503, page 30, lines 10 and 11, by striking out "as to compose a convenient and safe system"

Amend Sec. 503, page 30, line 15, by striking out "of any public grounds designed for public use" and inserting: by the developer of any area designed for use as public grounds

Amend Sec. 503, page 31, line 7, by striking out "Regulations" and inserting: Procedures

Amend Sec. 503, page 31, by inserting between lines 11 and 12:

(4) Procedures which take into account land development not intended for the immediate erection of buildings where streets, curbs, gutters, street lights, fire hydrants, shade trees, water and sewage facilities and other improvements may not be possible to install as a condition precedent to final approval of plats, but will be a condition precedent to the erection of buildings on the approved plat.

(5) Procedures for encouraging and promoting flexibility and ingenuity in the layout and design of subdivisions and land developments and other practices in accordance with modern and evolving principles of site planning and development.

Amend Sec. 510, page 34, line 15, by inserting after "as": may be

Amend Sec. 510, page 34, line 18, by inserting after "improvements": as may be

Amend Sec. 510, page 35, line 5, by striking out "such require improvements" and inserting: any improvements as may be required

Amend Sec. 510, page 35, line 7, by striking out "required improvements" and inserting: improvements as may be required

Amend Sec. 512, page 36, line 17, by inserting after "ordinance": or resolution

They were agreed to.

The Article was agreed to as amended.

Article VI was read.

On the question,

Will the House agree to the Article?

Mr. McCANN offered the following amendments:

Amend Sec. 604, page 41, line 13, by striking out "harmonious" and inserting: coordinated and practical

Amend Sec. 607, page 43, line 20, by striking out "or upon the planning agency's own initiative"

They were agreed to.

The Article was agreed to as amended.

Article VII was read.

On the question,

Will the House agree to the Article?

Mr. McCANN offered the following amendment:

Amend Sec. 703, page 55, line 2, by inserting after "a": "citizen"

It was agreed to.

The Article was agreed to as amended.

Article VIII and article IX and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 731, entitled:

An Act making an appropriation to Western Pennsylvania School for Blind Children in Pittsburgh and crediting said appropriation to the indebtedness of said school to the Commonwealth of Pennsylvania.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—194

Adams,	Gailey,	Lee, K. B.,	Riley,
Anderson, J. H.	Gallagher,	Leonard,	Rovansek,
Anderson, S. A.,	George,	Limper,	Royer,
Arlene,	Gibb,	Lippincott,	Rubin,
Auker,	Goldstein, J. H.,	Long, Wm. Jas.,	Rudisill,
Bachman	Goldstein, M. H.,	Long, Wm. Jos.,	Rutherford,
Backenstoe,	Goodrich,	Lutty,	Scarcelli,
Blair,	Gramlich,	Manbeck,	Schaaf,
Boles,	Gray,	Markley,	Schuster,
Bonner,	Greenlee,	Marsh,	Seltzer,
Bossert,	Gremminger,	Maxwell,	Shelton,
Bower,	Gross,	May,	Shupnik,
Bowman,	Guesman,	McCandless,	Simmons,
Branca,	Guthrie,	McCann,	Slack,
Buchanan,	Hamilton,	McCormack,	Snare,
Bush,	Hankins,	McDevitt,	Stank,
Capano,	Hartley,	McDonald	Steckel,
Capitolo,	Haudenshield,	McKeever,	Stimmel,
Cauley,	Heavey,	McLaughlin,	Stiteler,
Cianfrani,	Heffner,	McNally,	Stone,
Cioffi,	Helm,	Meholchick,	Strausser,
Clarke,	Henzel,	Merry,	Sullivan, T. F.,
Comer,	Hocker,	Mihm,	Thompson,
Cooley,	Holl,	Miller,	Tomascik,
Crossin,	Holliday,	Mills,	Tompkins,
Curwood,	Holman,	Monroe,	Trusio,
Davis,	Horst,	Morley,	Ujobai,
Dengler,	Irvis,	Munley,	Varner,
Dennison,	Isaacs,	Murphy,	Verona,
Donaldson,	Jenkins,	Murray,	Wall,
Dougherty,	Jim,	Musto,	Walsh,
Doughten,	Johnson, R. P.,	Needham,	Wargo,
Edwards,	Jones,	O'Dell,	Welsh,
Eilberg,	Kamyk,	O'Donnell, J. A.,	Wescott,
Elvey,	Keiser,	O'Donnell, J. P.,	Whittaker,
Eshback,	Kelly,	Ogilvie,	Willard,
Eshleman,	Kernaghan,	Parlante,	Willaredt,
Ewing,	Kessler,	Pashley,	Williams, A. D.,
Farabaugh,	King,	Perry,	Williams, E. S.,
Fetterolf,	Kistler,	Petrosky,	Wilt,
Filo,	Klein,	Piper,	Wood,
Fineman,	Knecht,	Polaski,	Worley,

Flynn,	Kooker,	Polen,	Wynd,
Foerster,	Kornick,	Prendergast,	Yetter,
Foor,	Korns,	Price,	Zember,
Fox,	Kramer,	Pursley,	Zimmerman,
Frascella,	Lamb,	Reibman,	Andrews,
Fry,	Lawson,	Reidenbach,	Speaker
Fulmer,	Lee, A. M.,	Renwick,	

NAYS—0

NOT VOTING—16

Ashton,	Gelfand,	McInroy,	Sherman,
Breth,	Gibbons,	Mullen,	Sullivan, J. A.,
Down,	Johnson, A. W.,	Odorisio,	Taylor,
Esler,	Magee,	Sakulsky,	Weidner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

(During roll call)

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I think the membership on this side of the House would like to have Mr. Polen explain the system of crediting against existing obligations that these three bills call for. Perhaps he explained it, but I was tied up here and did not hear what he said.

The SPEAKER pro tempore. We will have the gentleman explain it after we announce the roll call on this bill; he can explain it on the next bill.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 732, entitled:

An Act making an appropriation to Western Pennsylvania School for the Deaf in Edgewood Pittsburgh and crediting said appropriation to the indebtedness of said school to Commonwealth of Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, Senate bills 731, 732 and 733, are merely bookkeeping transactions. There is no appropriation actually contained in any of them; these amounts have already been paid under Social Security, and this is simply an off-setting transaction—they are credits.

Mr. A. W. JOHNSON. I believe that is the explanation we wanted, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—193

Adams,	Fry,	Lawson,	Renwick,
Anderson, J. H.,	Fulmer,	Lee, A. M.,	Riley,
Anderson, S. A.,	Gailey,	Lee, K. B.,	Rovansek,
Arlene,	Gallagher,	Leonard,	Royer,
Auker,	George,	Limper,	Rubin,
Bachman,	Gibb,	Long, Wm. Jas.,	Rudisill,
Backenstoe,	Goldstein, J. H.,	Long, Wm. Jos.,	Scarcelli,
Blair,	Goldstein, M. H.,	Lutty,	Schaaf,
Boles,	Goodrich,	Manbeck,	Schuster,
Bonner,	Gramlich,	Markley,	Seltzer,
Bossert,	Gray,	Marsh,	Shelton,
Bower,	Greenlee,	Maxwell,	Shupnik,
Bowman,	Gremminger,	May,	Simmons,
Branca,	Gross,	McCandless,	Slack,
Breth,	Guthrie,	McCann,	Snare,
Buchanan,	Hamilton,	McCormack,	Stank,
Bush,	Hankins,	McDevitt,	Steckel,
Capano,	Hartley,	McDonald,	Stimmel,
Capitolo,	Haudenshield,	McKeever,	Stiteler,
Cauley,	Heavey,	McLaughlin,	Stone,
Cianfrani,	Heffner,	McNally,	Sullivan, J. A.,
Cioffi,	Helm,	Meholchick,	Sullivan, T. F.,
Clarke,	Henzel,	Merry,	Taylor,
Comer,	Hocker,	Mihm,	Thompson,
Cooley,	Holl,	Miller,	Tomascik,
Crossin,	Holliday,	Mills,	Trusio,
Curwood,	Holman,	Monroe,	Ujobai,
Davis,	Horst,	Morley,	Vanner,
Dengler,	Irvis,	Munley,	Verona,
Dennison,	Isaacs,	Murphy,	Wall,
Donaldson,	Jim,	Murray,	Wargo,
Dougherty,	Johnson, A. W.,	Musto,	Welsh,
Doughten,	Johnson, R. P.,	Needham,	Wescott,
Edwards,	Jones,	O'Dell,	Whittaker,
Eilberg,	Kamyk,	O'Donnell, J. A.,	Willard,
Elvey,	Keiser,	Ogilvie,	Willaredt,
Eshback,	Kelly,	Parlante,	Williams, A. D.,
Eshleman,	Kernaghan,	Pashley,	Williams, H. S.,
Ewing,	Kessler,	Perry,	Wilt,
Farabaugh,	King,	Petrosky,	Wood,
Fetterolf,	Kistler,	Piper,	Worley,
Filo,	Klein,	Polaski,	Wynd,
Fineman,	Knecht,	Polen,	Yetter,
Flynn,	Kooker,	Prendergast,	Zember,
Foerster,	Kornick,	Price,	Zimmerman,
Foor,	Korns,	Pursley,	Andrews,
Fox,	Kramer,	Reibman,	Speaker
Frascella,	Lamb,	Reidenbach,	

NAYS—0

NOT VOTING—17

Ashton,	Guesman,	Odorisio,	Walsh,
Down,	Magee,	Rutherford,	Weidner,
Esler,	McInroy,	Sakulsky,	
Gelfand,	Mullen,	Sherman,	
Gibbons,	O'Donnell, J. P.,	Tompkins.	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 733, entitled:

An Act making an appropriation to The Pennsylvania School for the Deaf in Philadelphia and crediting said appropriation to the indebtedness of said school to the Commonwealth of Pennsylvania.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—192

Adams,	Gallagher,	Leonard,	Renwick,
Anderson, S. A.,	George,	Limper,	Riley,
Arlene,	Gibb,	Lippincott,	Royer,

Auker,	Goldstein, J. H.,	Long, Wm. Jas.,	Rovansek,
Bachman,	Goldstein, M. H.,	Long, Wm. Jos.,	Rubin,
Backenstoe,	Goodrich,	Lutty,	Rudisill,
Blair,	Gramlich,	Manbeck,	Rutherford,
Boles,	Gray,	Markley,	Scarcelli,
Bonner,	Greenlee,	Marsh,	Schaaf,
Bossert,	Gremminger,	May,	Schuster,
Bower,	Gross,	Maxwell,	Seltzer,
Bowman,	Guesman,	McCandless,	Shelton,
Branca,	Guthrie,	McCann,	Shupnik,
Breth,	Hamilton,	McCormack,	Simmons,
Buchanan,	Hankins,	McDevitt,	Slack,
Bush,	Hartley,	McDonald,	Snare,
Capano,	Haudenshield,	McKeever,	Stank,
Cauley,	Heavey,	McLaughlin,	Steckel,
Cianfrani,	Heffner,	McNally,	Stimmel,
Cioffi,	Helm,	Meholchick,	Stiteler,
Clarke,	Henzel,	Merry,	Stone,
Comer,	Hocker,	Mihm,	Strausser,
Cooley,	Holl,	Miller,	Sullivan, J. A.,
Crossin,	Holliday,	Mills,	Sullivan, T. F.,
Curwood,	Holman,	Monroe,	Taylor,
Davis,	Horst,	Morley,	Thompson,
Dengler,	Irvis,	Mullen,	Tomascik,
Donaldson,	Isaacs,	Munley,	Tompkins,
Dougherty,	Jim,	Murphy,	Ujobai,
Doughten,	Johnson, A. W.,	Murray,	Varner,
Edwards,	Johnson, R. P.,	Musto,	Verona,
Ellberg,	Jones,	Needham,	Wall,
Elvey,	Kamyk,	O'Dell,	Walsh,
Eshback,	Keiser,	O'Donnell, J. A.,	Wargo,
Eshleman,	Kelly,	O'Donnell, J. P.,	Wescott,
Ewing,	Kernaghan,	Ogilvie,	Whittaker,
Farabaugh,	Kessler,	Parlante,	Willard,
Fetterolf,	Kistler,	Pashley,	Willaredt,
Filo,	Klein,	Perry,	Williams, A. D.,
Fineman,	Knecht,	Petrosky,	Williams, E. S.,
Flynn,	Kooker,	Piper,	Wilt,
Foerster,	Kornick,	Polaski,	Wood,
Foor,	Korns,	Polen,	Worley,
Fox,	Kramer,	Prendergast,	Wynd,
Frascella,	Lamb,	Price,	Yetter,
Fry,	Lawson,	Pursley,	Zember,
Fulmer,	Lee, K. B.,	Reibman,	Zimmerman,
Gailey,	Lee, A. M.,	Reidenbach,	Andrews, Speaker

NAYS—0

NOT VOTING—18

Anderson, J. H.,	Esler,	Magee,	Trusio,
Ashton,	Gelfand,	McInroy,	Weidner,
Capitolo,	Gibbons,	Odorisio,	Welsh,
Dennison,	Jenkins,	Sakulsky,	
Down,	King,	Sherman,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 806, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for the establishment and operation of area technical schools departments or classes by the Department of Public Instruction in certain cases.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. A. W. JOHNSON. Mr. Speaker, Senate bill 806 seems to project the Department of Public Instruction into a new field of education. Would the gentleman please explain this bill to the House and then after the explanation I would like to ask a few questions about it.

Mr. POLEN. Mr. Speaker, this bill is the result of the joint committee on unemployment headed by Senator Lane, and it was worked out by Senator Lane and the Governor's office for a training program for the unemployed. It gives the Department of Public Instruction the right to establish vocational schools where they do not have them. Presently this will not cost the State any money; it will just enable them to use Federal money that would be available if and when a program is not being conducted in certain areas of the Commonwealth.

Mr. A. W. JOHNSON. Mr. Speaker, the Department of Public Instruction, of course, is presently engaged in operating some educational institutions, is it not?

Mr. POLEN. Is the question: some educational institutions?

Mr. A. W. JOHNSON. Yes.

Mr. POLEN. The department itself, I do not believe, is operating any. Under the present program, the different school districts or the county boards can operate such training programs, but this is to be used in areas of great unemployment, where the local districts or the county superintendents do not feel that they are in a position to handle it, and this Federal money can be used by the Superintendent of Public Instruction to establish vocational training schools for the training of the unemployed.

Mr. A. W. JOHNSON. I believe the gentleman has stated that there is not an appropriation in this bill for that purpose?

Mr. POLEN. This is right.

Mr. A. W. JOHNSON. Was not the material that you read in your summary there as to receiving money from other sources, was that not stricken out of the bill?

Mr. POLEN. From other sources?

Mr. A. W. JOHNSON. There is only one page left in the bill, the method of payment, and so forth, has been stricken out of the bill.

Mr. POLEN. Yes, because the program would be operated by the Department of Public Instruction with Federal funds received for that purpose.

Mr. A. W. JOHNSON. Does it say that in the bill anywhere?

Mr. POLEN. Mr. Speaker, I do not have the bill before me, but that is what will be done.

Mr. A. W. JOHNSON. In glancing at the bill I cannot see where it is predicated on the receipt of Federal funds.

Do you have any information as to where these particular schools will be located?

Mr. POLEN. I could not say where they would be located, but it would be in an area where there is no training program that has been established by the local authorities, and where there is a great area of unemployment. For instance, Fayette County would be a prime target where the superintendent would establish a school of this nature. It is a training program for the unemployed to fit into the Federal program.

Mr. A. W. JOHNSON. I thank the gentleman.

Mr. Speaker, I believe the lady from Northampton would like to make a comment on it.

The SPEAKER pro tempore. The Chair recognizes the lady from Northampton, Mrs. Reibman.

Mrs. REIBMAN. Mr. Speaker, my information indicates to me that this is a part of the aid to depressed areas program on the Federal level to help provide money for the training of unemployed adults, as well as certain school children. This fits in with the Federal program on vocational training.

It is just stand-by legislation to permit the department to operate these special classes or special schools if the needs are not being met in certain areas of the Commonwealth.

Mr. A. W. JOHNSON. Mr. Speaker, I do not like to question the lady, but the bill of course does not say that. Anything with reference to Federal aid probably was stricken out of the bill.

I realize that it is probably not good judgment on our part to stand up here and say we do not want technical training schools established up in the coal regions, for instance, but one thing that strikes us is the way this is drawn. As I read it now, this school would be set up by the Department of Public Instruction where they feel that the local school boards are not doing the job. Of course, it is only one page; it does not say who would pay the teachers, whether there would be taxation for it, but it would appear to me the way this bill is drafted that it would be a direct appropriation from our State budget to operate those schools without any local effort or anything. That is the way it looks to me.

We realize that there are areas of unemployment where we must take these young people who have not gone to high school and train them and we do not like to vote against a bill like this, but it seems that we could carry out the idea of our local schools doing this and providing them with 100 percent of the money. If this is a bill, as it appears to me, that 100 percent of the money is to be provided by the State, you should let the local school boards do it and send them 100 percent of the money; let them get the Federal aid and do the job.

Although I do not believe we are going to vote against this particular bill, it certainly should be amended to provide that the local people can do it and if the State is going to pay 100 percent of it, plus Federal money, the local people ought to be commissioned to do it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, that is exactly what the intention is. Where the local district does it, that is O.K., but this would give the superintendent of Public Instruction the power, where they have not done it and they do not want to do it, or cannot do it, to go in and establish these schools for the training of the unemployed, in areas that are depressed.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre, Mr. Fulmer.

Mr. FULMER. Mr. Speaker and members of the House, it seems to me that the time has long come and gone when we should pay attention to the people who are trying to make a living by the use of their hands.

For many years we have been training people for post-high-school work in our colleges, and yet we have ignored a large part of our population which will be earning its living by the use of its hands. Now, it seems to me, as Mr. Johnson has said, that the local school districts should assume this responsibility. It is my understanding that at the present time, through the Department of Public Instruction, the local school districts can have programs of this nature. However, it seems to me that maybe someone will have to show the way for these school districts to adapt themselves to the needs in their particular communities.

Mr. Speaker, even though I think this bill should have more provisions as to how the money is supposed to be appropriated and how the program shall be conducted, I think that if it is abused between now and 1963, when we come back here into session, we can then correct these abuses. Therefore, Mr. Speaker, I would urge the members of the House to support this particular bill.

Mr. KORNICK. Mr. Speaker, this bill is very essential for us in Fayette County. Our school districts and the county board have a vocational program going on now, but it is spread all over the city of Uniontown. We are renting five or six buildings. Therefore, it is very essential and necessary that we have some type of legislation like this to take care of the adult training and also the students graduating from high school for vocational training. I ask the members on both sides of this House to vote for this bill.

Mr. WHITTAKER. Mr. Speaker, for many years I have been interested in vocational and technical training, living right next door to one of the best technical schools in Pennsylvania. To establish these schools helter-skelter is the wrong thing to do. We have legislation going through which will allow us to establish approximately 10 or 12 area technical schools. I would suggest that we do a good job with those 10 or 12 area technical schools before we open the door to allowing these schools to be put almost any place the department would like to place them. It takes a lot of money, millions of dollars, to establish a good technical school, and to establish a poor one is a crime.

This is not needed legislation, in my estimation, at the present time. This can be taken care of with present legislation. Let us establish the 10 or 12 good ones and go on from there at the next session. I advise you to vote against this bill.

Mrs. REIBMAN. Mr. Speaker, I would just like to say that this bill is just a completion of the entire vocational education program in Pennsylvania. I might say that numerous delays have been taking place in many areas of this Commonwealth which would have developed industrially had there been facilities for the training and retraining of adults and young people.

While Pennsylvania has postponed the establishment of these schools, other States such as Connecticut, North Carolina, Louisiana, Kentucky, Georgia and California have made rapid progress in implementing their plans. These States will soon occupy a favored position in the national competition for industry due to their ability to provide industry with the craftsmen and technicians needed.

I would hope that every member on both sides of the aisle would do everything in their power to assure that we have training facilities for all of our people, particularly for those in the depressed areas. Please support the bill.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—177

Anderson, S. A.,	Gallagher,	Limper,	Rovansek,
Arlene,	Gibb,	Lippincott,	Royer,
Bachman,	Goldstein, M. H.,	Long, Wm. Jas.,	Rubin,
Backenstoe,	Goodrich,	Long, Wm. Jos.,	Rudisill,
Blair,	Gramlich,	Lutty,	Rutherford,
Boies,	Gray,	Markley,	Scarcelli,
Bonner,	Greenlee,	Marsh,	Schaaf,
Bower,	Gremminger,	Maxwell,	Schuster,
Bowman,	Guesman,	May,	Seltzer,
Branca,	Guthrie,	McCann,	Shelton,
Breth,	Hamilton,	McCormack,	Shupnik,
Buchanan,	Hankins,	McDevitt,	Simmons,
Capano,	Hartley,	McDonald,	Snare,
Capitolo,	Haudenshield,	McKeever,	Slack,
Cauley,	Heavey,	McLaughlin,	Stank,
Cianfrani,	Heffner,	McNally,	Steckel,
Cioffi,	Helm,	Meholchick,	Stimmel,
Clarke,	Henzel,	Mihm,	Stone,
Comer,	Hocker,	Miller,	Sullivan, J. A.,
Cooley,	Holl,	Mills,	Sullivan, T. F.,
Crossin,	Holliday,	Monroe,	Taylor,
Curwood,	Holman,	Morley,	Thompson,
Davis,	Irvis,	Mullen,	Tomascik,
Dengler,	Isaacs,	Munley,	Trusio,
Dennison,	Jenkins,	Murphy,	Ujobai,
Donaldson,	Jim,	Murray,	Varner,
Dougherty,	Johnson, A. W.,	Musto,	Verona,
Doughten,	Johnson, R. P.,	Needham,	Wall,
Edwards,	Jones,	O'Donnell, J. A.,	Walsh,
Eilberg,	Kamyk,	O'Donnell, J. P.,	Wargo,
Eshback,	Keiser,	Ogilive,	Welsh,
Eshleman,	Kelly,	Parlante,	Wescott,
Ewing,	Kernaghan,	Pashley,	Willaredt,
Farabaugh,	Kessler,	Perry,	Williams, A. D.,
Fetterolf,	Kistler,	Petrosky,	Williams, E. S.,
Filo,	Klein,	Piper,	Wilt,
Fineman,	Knecht,	Polaski,	Wood,
Flynn,	Kooker,	Polen,	Worley,
Foerster,	Kornick,	Prendergast,	Wynd,
Foor,	Kramer,	Price,	Yetter,
Fox,	Lamb,	Pursley,	Zember,
Frascella,	Lawson,	Reibman,	Andrews,
Fry,	Lee, A. M.,	Reidenbach,	Speaker
Fulmer,	Lee, K. B.,	Renwick,	
Gailey,	Leonard,	Riley,	

NAYS—18

Adams,	George,	Korns,	Tompkins,
Anderson, J. H.,	Goldstein, J. H.,	Manbeck,	Whittaker,
Auker,	Gross,	Merry,	Zimmerman,
Bossert,	Horst,	O'Dell,	
Bush,	King,	Stiteler,	

NOT VOTING—15

Ashton,	Gelfand,	McInroy,	Strausser,
Down,	Gibbons,	Odorisio,	Weidner,
Elvey,	Magee,	Sakulsky,	Willard,
Esler,	McCandless,	Sherman,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 814, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for educational broadcasting and authorizing agreements relating thereto.

On the question,

Will the House agree to the bill on third reading?

Mrs. REIBMAN asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Section 2 (Section 524), page 7, line 8, by inserting after "EDUCATION" This section shall not be construed to authorize the expenditure of any State funds for such purposes unless specifically appropriated by the General Assembly.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

Mr. A. M. LEE. Mr. Speaker, for the information of the Republican members, these amendments were worked out between myself and Mrs. Reibman and I believe that they will solve the problems we discussed in our caucus.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 815, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further regulating the establishment and operation of audio-visual libraries and instructional material centers.

On the question,

Will the House agree to the bill on third reading?

Mrs. REIBMAN asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Section 2 (Section 2525), page 6, line 10, by striking out "WHICH" and inserting to

Amend Section 2 (Section 2525), page 6, line 14, by striking out "AND" and inserting or

Amend Section 2 (Section 2525), page 7, line 3, by inserting after "EDUCATION" This section shall not be construed to authorize the expenditure of any State funds for such purposes unless specifically appropriated by the General Assembly.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill 826, entitled:

An Act prohibiting the expression by the judge before the jury or any juror in a criminal proceeding of his belief opinion or thought concerning the guilt or innocence of any defendant in such proceeding.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LIPPINCOTT. Mr. Speaker, I had not really intended to speak on this bill, but it seems to me that this bill will result in a very drastic change in our trial of criminal cases.

In the first place, the bill, as you will notice, states that a judge will not be able in any manner whatsoever to express his own belief, opinion or thought concerning the guilt or innocence of any defendant.

It seems to me that there are many instances where a judge might perfectly properly say to the jury, for example, that he believes a sustaining witness of the defendant was telling the truth, or that an impartial witness was not telling the truth. It seems to me that this bill would prevent a judge from saying that.

In addition, the present law in Pennsylvania, which has been in operation for time immemorial, I think has worked very well. It permits a judge to give an opinion. The judge, of course, can say and does say properly to the jury that the jury need not follow his opinion. I agree that it has possibly been abused, but in the long run it seems to me that passage of this bill will result in a tremendous number of mistrials. It will benefit, of course, the criminal more than anyone. It will result in more motions for new trials, more writs of habeas corpus by prisoners who are already in jail, and I think it is a very drastic change in our present law and it is a bad bill.

Mr. McCORMACK. Mr. Speaker, I would like very briefly to discuss this bill that I see on the calendar. I have read it and I am inclined to agree with the gentleman from Delaware, Mr. Lippincott. There are many aspects in a bill like this that should be explored and gone into at considerable length. I think to present the General Assembly with a bill like this on the closing day of the session and realizing the significance of it is not clear to the committee that usually gets such a bill. The Judiciary Committee, it seems, should be given the opportunity of going into this bill to see whether or not a bill like this is really necessary. It is changing the law in Pennsylvania that has been in effect for a long time and, in order for us to justify a change, we should first decide, or have some evidence before us which would indicate, that there has been serious abuse resulting in unfair convictions of criminals, but I do not think there is anyone here in the House today who can speak on this bill and tell us of any abuses that have taken place.

I have done a considerable amount of criminal trial practice in Philadelphia and as an attorney representing defendants I thought many times it was unfair of the trial judge to express his opinion as to the guilt or innocence of my client to the jury, who are the sole triers of the facts, but at the same time I realize that in all the cases where that has been done there was never any abuses perpetrated. I am satisfied that I have had a fair trial in those cases despite the practice of the trial judge.

If there is any attorney here who is particularly interested in the passage of this bill, I would like to hear him get on the floor and tell me of some of the abuses so that, perhaps, I might alter my opinion that this is a bill that requires serious study by lawyer members of the General Assembly, and not a bill that is foisted upon us in the closing days of the session. Unless I hear some testimony concerning this aspect of it, I am going to have to vote "no" and ask the members of the House to vote "no." We can always bring it up next session and go into it at length, but I do not want to go any further into it today because everybody is anxious to adjourn. So I will ask the other members if they will vote against this bill at the present time.

Mr. FINEMAN. Mr. Speaker, I think the bill has much merit. As the gentleman from Philadelphia, Mr. McCormack, stated, a jury is the sole arbiter of the facts to be tried in a case and the decision to be reached. That is the purpose of the jury system and, when the members of the jury hear the presiding judge express an opinion about the innocence or the guilt, or the weight of the evidence, or the quality or quantity of the proof that has been produced, or has not been produced, they are unquestionably influenced by the thinking of the judge and it does not suffice for the judge to say to the jury, you may ignore my opinion on this question because you are the sole triers of the facts and you make the decision.

When it comes to questions of abuse, this is a double-edged sword and it will work to the disadvantage of the defendant, as well as to the disadvantage of a prosecutor or a plaintiff.

I know from personal experience that there is abuse exercised, fortunately, only by a very few judges, but even those few cases should not have been allowed to exist and, if this type of legislation were on our books, it would not exist.

Several years ago, Mr. Speaker, I tried a case in the Common Pleas Court of Philadelphia County involving the interpretation of a document. It is true that there is never any certainty about the outcome of litigation. As a matter of fact, the only certainty is the uncertainty. But being guided by all probabilities that I could observe as the trial progressed, I had that trial won hands down. It was a feeling that you get during the course of a trial from the reception you receive from the jury, from the nature of the arguments, but when the judge came to make his closing charge to the jury he took that trial completely out of my hands. This was an instance, Mr. Speaker, of abuse, abuse that should not have taken place. I do not think it should be properly the function of a trial judge to express an opinion as to whether a plaintiff or defendant, or the prosecution in a criminal case, or the defendant in a criminal case, should prevail. I think this is the function solely of the jury and this bill should receive favorable reception from the members of this House.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Gailey.

Mr. GAILEY. Very briefly, Mr. Speaker, it is not often that I find myself in disagreement with my colleague from Delaware on matters legal. But I think the fact that this

has been in our law for a long while does not of and in itself make this a good rule. As the gentleman of course knows and as he could have told you, this is not something by statute law; this is something that arises from common law and goes back centuries even before our jurisprudence system here in the United States, to the courts of England. There have been at least several appellate cases in recent years that have been appealed on this ground where the courts, the trial courts, said in no uncertain terms that he thought the defendant was guilty. Then so long as the trial court goes on to say, of course, it is not my opinion that counts, it is yours, it is not grounds for a new trial.

It seems to me that this does, in fact, violate the principles of the fair trial if the jury is to determine the guilt or the innocence of the accused. Our appellate court has criticized this law, but has said that it is rooted in our law and, in the absence of legislative direction to the contrary, they have no authority to make any change.

I think this is good legislation. I respectfully request that members on both sides of the House consider it carefully and I hope, of course, that they vote for this bill.

The SPEAKER. Does the gentleman from Allegheny, Mr. Cauley, desire to be recognized?

Mr. CAULEY. Mr. Speaker, I speak in behalf of this bill. This is good legislation. I thought from time to time over many years trying cases, where the judge has invaded the rights of the jury in telling them and pronouncing what he thought of the guilt or innocence, that it has taken away his constitutional rights, that it has invaded the constitution because there is a presumption of innocence. This is a good rule and this should be enacted. If it should fall now, I think in the years to come, or until it has had an opportunity to be corrected, you are going to find a greater invasion of this. The defendant in a criminal case is presumed to be innocent. The jury has the absolute right to determine those facts. A jury is impressed by a judge in his judicial character when he makes a pronouncement. I urge everybody to vote favorably on this legislation.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. McCormack.

Mr. McCORMACK. Mr. Speaker, I want it clearly stated on the record that I am not saying this is necessarily a bad bill; I am merely saying that we should be given more time to consider the implications involved in a bill such as this. It should not come over in the closing days of the session where we have not had an opportunity to go into it at length. It might very well be a good bill. I am not saying that it is not. I am just saying that we should be given more time.

The SPEAKER. The Chair recognizes the gentleman from Adams, Mr. Worley.

Mr. WORLEY. Thank you, Mr. Speaker, I want to say a few words in support of this bill.

I think that this is very good legislation. I have a recollection from my history books that the jury that tried William Penn was sent back by the court, and sent back, and finally sent back several times, until they came back and brought in a conviction.

Now that is something that started then and we have been trying to get away from it ever since in our Constitutions here in America.

Do not tell me that a statement made by a judge is not influential upon a jury. And for a judge then to say that you can disregard it is even more influential than to just say it without a request to disregard the court's opinion because it has the power of suggestion, and, psychologically, it has more influence than if the judge does not say anything about disregarding it after he has made the statement.

I say that this is a bad procedure. If the jury is going to be the determiner of the facts, then let the jury determine the facts and not the court.

Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—115

Anderson, S. A.,	Galley,	Lee, K. B.,	Prendergast,
Arlene,	Gallagher,	Leonard,	Price,
Boles,	Gibb,	Limper,	Reibman,
Bonner,	Goldstein, J. H.,	Long, Wm. Jas.,	Reidenbach,
Branca,	Goldstein, M. H.,	Long, Wm. Jos.,	Renwick,
Breth,	Gray,	Lutty,	Riley,
Buchanan,	Greenlee,	Marsh,	Rovansek,
Capano,	Gremminger,	May,	Rubin,
Capitolo,	Gross,	McCann,	Scarcelli,
Cauley,	Guesman,	McDevitt,	Schaaf,
Cianfrani,	Hamilton,	McDonald,	Schuster,
Cioffi,	Hankins,	McKeever,	Shelton,
Clarke,	Hartley,	McLaughlin,	Shupnik,
Comer,	Heavey,	McNally,	Simmons,
Cooley,	Henzel,	Meholchick,	Stank,
Curwood,	Holl,	Mihm,	Stone,
Donaldson,	Holman,	Monroe,	Sullivan, J. A.,
Dougherty,	Irvis,	Murphy,	Sullivan, T. F.,
Doughten,	Jenkins,	Murray,	Taylor,
Edwards,	Johnson, A. W.,	Musto,	Verona,
Eilberg,	Jones,	Needham,	Wall,
Farabaugh,	Kamyk,	O'Donnell, J. A.,	Walsh,
Filo,	Kelly,	O'Donnell, J. P.,	Welsh,
Fineman,	Kistler,	Parlante,	Williams, A. D.,
Flynn,	Klein,	Perry,	Worley,
Foerster,	Kornick,	Petrosky,	Wynd,
Frascella,	Kramer,	Piper,	Yetter,
Fry,	Lamb,	Polaski,	Andrews,
Fulmer,	Lawson,	Polen,	Speaker

NAYS—80

Adams,	Fox,	Korns,	Seltzer,
Anderson, J. H.,	George,	Lee, A. M.,	Slack,
Auker,	Goodrich,	Lippincott,	Snare,
Bachman,	Gramlich,	Manbeck,	Steckel,
Backenstoe,	Guthrie,	Markley,	Stimmel,
Blair,	Haudenshield,	Maxwell,	Stiteler,
Bossert,	Heffner,	McCandless,	Thompson,
Bower,	Helm,	McCormack,	Tomascik,
Bowman,	Hocker,	Merry,	Tompkins,
Bush,	Holliday,	Miller,	Ujobai,
Crossin,	Horst,	Mills,	Varner,
Davis,	Isaacs,	Morley,	Wargo,
Dengler,	Jim,	Mullen,	Wescott,
Dennison,	Johnson, R. P.,	Munley,	Whittaker,
Elvey,	Keiser,	O'Dell,	Willaredt,
Eshback,	Kernaghan,	Ogilvie,	Williams, E. S.,
Eshleman,	Kessler,	Pashley,	Wilt,
Ewing,	King,	Pursley,	Wood,
Fetterolf,	Knecht,	Royer,	Zember,
Foor,	Kooker,	Rutherford,	Zimmerman,

NOT VOTING—15

Ashton,	Gibbons,	Rudisill,	Trusio,
Down,	Magee,	Sakulsky,	Weidner,
Esler,	McInroy,	Sherman,	Willard,
Gelfand,	Odorisio,	Strausser,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 828, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled, "The Administrative Code of 1929" creating a State Commission on Academic Facilities providing for its membership powers and duties and imposing duties upon the Superintendent of Public Instruction.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—147

Anderson, S. A.,	Gallagher,	Limper,	Riley,
Arlene,	Goldstein, J. H.,	Long, Wm. Jas.,	Rovansek,
Bachman	Goldstein, M. H.,	Long, Wm. Jos.,	Royer,
Backenstoe,	Goodrich,	Lutty,	Rubin,
Boles,	Gray,	Manbeck,	Rudisill,
Bonner,	Greenlee,	Markley,	Rutherford,
Bowman,	Gremminger,	Marsh,	Scarcelli,
Branca,	Guesman,	Maxwell,	Schaaf,
Breth,	Hamilton,	McCann,	Schuster,
Buchanan,	Hankins,	McCormack,	Seltzer,
Capano,	Hartley,	McDevitt,	Shelton,
Capitolo,	Haudenshield,	McDonald	Shupnik,
Cauley,	Heavey,	McKeever,	Simmons,
Cianfrani,	Heffner,	McLaughlin,	Snare,
Cioffi,	Henzel,	McNally,	Stank,
Clarke,	Hocker,	Meholchick,	Stimmel,
Comer,	Holl,	Mihm,	Stone,
Cooley,	Holman,	Mills,	Sullivan, J. A.,
Crossin,	Horst,	Monroe,	Sullivan, T. F.,
Curwood,	Irvis,	Morley,	Taylor,
Dengler,	Jenkins,	Munley,	Thompson,
Donaldson,	Jim,	Murphy,	Tomascik,
Dougherty,	Johnson, A. W.,	Murray,	Trusio,
Doughten,	Jones,	Needham,	Verona,
Eilberg,	Kamyk,	O'Donnell, J. A.	Wall,
Elvey,	Keiser,	O'Donnell, J. P	Walsh,
Eshback,	Kelly,	Ogilvie,	Wargo,
Eshleman,	Kessler,	Parlante,	Welsh,
Farabaugh,	Kistler,	Pashley,	Williams, A. D.,
Filo,	Klein,	Perry,	Williams, E. S.,
Fineman,	Knecht,	Petrosky,	Wood,
Flynn,	Kooker,	Piper,	Worley,
Foerster,	Kornick,	Polaski,	Wynd,
Frascella,	Kramer,	Polen,	Yetter,
Fry,	Lamb,	Reibman,	Zember,
Fulmer,	Lawson,	Reidenbach,	Andrews,
Gailey,	Lee, A. M.,	Renwick,	Speaker

NAYS—46

Adams,	Foor,	King,	Slack,
Anderson, J. H.	Fox,	Korns,	Steckel,
Auker,	George,	Lee, K. B.,	Stiteler,
Blair,	Gibb,	Lippincott,	Ujobai,
Bossert,	Gramlich,	May,	Varner,
Bower,	Gross,	McCandless,	Wescott,
Bush,	Guthrie,	Merry,	Whittaker,
Davis,	Helm	Miller,	Willard,
Dennison,	Holliday,	O'Dell,	Willaredt,
Edwards,	Isaacs,	Price,	Wilt,
Ewing,	Johnson, R. P.,	Pursley,	Zimmerman,
Fetterolf,	Kernaghan,		

NOT VOTING—17

Ashton,	Leonard,	Odorisio,	Tompkins,
Down,	Magee,	Prendergast,	Weidner,
Esler,	McInroy,	Sakulsky,	
Gelfand,	Mullen,	Sherman,	
Gibbons,	Musto,	Strausser,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 870, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," changing the manner of filling vacancies in the office of assistant county superintendent.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. A. W. JOHNSON. Mr. Speaker, as we understand this bill, if there is a vacancy in the office of the assistant county superintendent of schools and it is not filled within 90 days by the local people, then the Superintendent of Public Instruction can make the appointment.

We think this is an unreasonable invasion of home rule and the right of the people back home to make these appointments. We can see no necessity for the law. Sometimes back home they do not make that appointment for 90 days for a reason, generally a good reason. They fill the vacancy when the time comes. We are, therefore, against this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—83

Anderson, S. A.,	Fry,	Limper,	Prendergast,
Arlene,	Gailey,	Long, Wm. Jas.,	Reibman,
Bachman,	Gallagher,	Lutty,	Reidenbach,
Branca,	Gray,	Manbeck,	Renwick,
Breth,	Greenlee,	McCann,	Riley,
Capano,	Gremminger,	McCormack,	Rovansek,
Capitolo,	Guesman,	McDevitt,	Rubin,
Cauley,	Hamilton,	McKeever,	Scarcelli,
Cianfrani,	Hankins,	McLaughlin,	Schuster,
Cioffi,	Hartley,	McNally,	Seltzer,
Clarke,	Heavey,	Mihm,	Shelton,
Comer,	Irvis,	Monroe,	Shupnik,
Cooley,	Jenkins,	Morley,	Stone,
Dougherty,	Jones,	Murphy,	Sullivan, J. A.,
Doughten,	Kamyk,	Murray,	Taylor,
Eilberg,	Kelly,	Musto,	Trusio,
Farabaugh,	Klein,	O'Donnell, J. A.,	Verona,
Fineman,	Kramer,	Parlante,	Welsh,
Flynn,	Lamb,	Pashley,	Yetter,
Foerster,	Lawson,	Perry,	Andrews,
Frascella,	Leonard,	Polen,	Speaker

NAYS—111

Adams,	George,	Kornick,	Simmons,
Anderson, J. H.,	Gibb,	Korns,	Slack,
Auker,	Goldstein, J. H.,	Lee, A. M.,	Snare,
Backenstoe,	Goldstein, M. H.,	Lee. K. B.,	Stank,
Blair,	Goodrich,	Lippincott,	Steckel,
Boles,	Gramlich,	Long, Wm. Jos.,	Stimmel,
Bonner,	Gross,	Markley,	Stiteler,
Bossert,	Guthrie,	Marsh,	Sullivan, T. F.,
Bower,	Haudenshield,	Maxwell,	Thompson,
Bowman,	Heffner,	May,	Tompkins,
Buchanan,	Helm,	McCandless,	Ujobai,
Bush,	Henzel,	McDonald,	Varner,
Crossin,	Hocker,	Meholchick,	Wall,
Curwood,	Holl,	Merry,	Walsh,
Davis,	Holliday,	Miller,	Wargo,
Dengler,	Holman,	Mills,	Wescott,

Dennison,	Horst,	Munley,	Whittaker,
Donaldson,	Isaacs,	Needham,	Willard,
Edwards,	Jim,	O'Dell,	Willaredt,
Elvey,	Johnson, A. W.,	Ogilvie,	Williams, A. D.,
Eshback,	Johnson, R. P.,	Piper,	Williams, E. S.,
Eshleman,	Keiser,	Polaski,	Wilt,
Ewing,	Kernaghan,	Price,	Wood,
Fetterolf,	Kessler,	Pursley,	Worley,
Filo,	King,	Royer,	Wynd,
Foor,	Kistler,	Rudisill,	Zember,
Fox,	Knecht,	Rutherford,	Zimmerman,
Fulmer,	Kooker,	Schaaf,	

NOT VOTING—16

Ashton,	Gibbons,	O'Donnell, J. P.,	Sherman,
Down,	Magee,	Odorisio,	Strausser,
Esler,	McInroy,	Petrosky,	Tomascik,
Gelfand,	Mullen,	Sakulsky,	Weidner,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 880, entitled:

An Act amending the act of August 16, 1951 (P. L. 1236), entitled, "An act authorizing the Supreme Court and the Superior Court to appoint and fix the compensation of reporters of their decisions and assistants and employes and repealing certain acts" removing the limitation on the salary of reporters.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. I hope the membership does not get the impression that we are against these bills. Of course we have voted for many of them, but here is another bill that is taking away from the General Assembly prerogatives that we enjoy, that of fixing the salary of this court reporter, and we are reposing it in the judges of the respective courts. We can see no reason for depriving ourselves of this prerogative that we have. If these reporters should have more money, I think the bill should so provide and we would raise that particular salary if that is in order. But for us to abdicate our function in that regard, we do not think is a good plan and we therefore ask the members to vote against this bill.

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, I too agree wtih Mr. Johnson that it is our responsibility to raise the money to afford the salaries of these various staffs of the courts and I feel it is also our duty and responsibility to establish their salaries.

On the question, recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—60

Anderson, S. A.,	Fineman,	Kramer,	Perry,
Arlene,	Flynn,	Lamb,	Reidenbach,
Bachman,	Gailey,	Lawson,	Renwick,
Boles,	Gallagher,	Leonard,	Rovanseк,
Branca,	Greenlee,	Limper,	Rubin,
Breth,	Gremminger,	Long, Wm. Jas.,	Scarcelli,
Capitolo,	Hamilton,	Lutty,	Schaaf,
Cauley,	Hankins,	McCann,	Schuster,
Cioffi,	Hartley,	McKeever,	Shelton,
Clarke,	Irvis,	McLaughlin,	Stank,
Comer,	Jim,	Mihm,	Taylor,
Cooley,	Jones,	Monroe,	Tomascik,
Dougherty,	Kamyk,	Morley,	Trusio,
Doughten,	Kelly,	O'Donnell, J. A.,	Welsh,
Ellberg,	Kornick,	Parlante,	Yetter,

NAYS—130

Adams,	Gibb,	Lee, K. B.,	Rudisill,
Anderson, J. H.,	Goldstein, J. H.,	Lippincott,	Rutherford,
Auker,	Goldstein, M. H.,	Manbeck,	Seltzer,
Backenstoe,	Goodrich,	Markley,	Shupnik,
Blair,	Gramlich,	Marsh,	Simmons,
Bonner,	Gray,	Maxwell,	Slack,
Bossert,	Gross,	May,	Snare,
Bower,	Guesman,	McCandless,	Steckel,
Bowman,	Guthrie,	McCormack,	Stimmel,
Buchanan,	Haudenshield,	McDevitt,	Stiteler,
Bush,	Heavey,	McDonald,	Stone,
Capano,	Heffner,	Meholchick,	Sullivan, J. A.,
Cianfrani,	Helm,	Merry,	Sullivan, T. F.,
Crossin,	Henzel,	Miller,	Thompson,
Curwood,	Hocker,	Mills,	Tompkins,
Davis,	Holl,	Munley,	Ujobai,
Dengler,	Holliday,	Murphy,	Varner,
Dennison,	Holman,	Murray,	Verona,
Donaldson,	Horst,	Musto,	Wall,
Edwards,	Isaacs,	Needham,	Walsh,
Elvey,	Jenkins,	O'Dell,	Wargo,
Eshback,	Johnson, A. W.,	Ogilvie,	Wescott,
Eshleman,	Johnson, R. P.,	Pashley,	Whittaker,
Ewing,	Keiser,	Piper,	Willaredt,
Fetterolf,	Kernaghan,	Polaski,	Williams, A. D.,
Filo,	Kessler,	Polen,	Williams, E. S.,
Foerster,	King,	Prendergast,	Wilt,
Foor,	Kistler,	Price,	Wood,
Fox,	Klein,	Pursley,	Worley,
Frascella,	Knecht,	Reibman,	Wynd,
Fry,	Kooker,	Riley,	Zember,
Fulmer,	Korns,	Royer,	Andrews,
George,	Lee, A. M.,		Speaker

NOT VOTING—20

Ashton,	Gibbons,	Mullen,	Sherman,
Down,	Long, Wm. Jos.,	O'Donnell, J. P.,	Strausser,
Esler,	Magee,	Odorisio,	Weidner,
Farabaugh,	McInroy,	Petrosky,	Willard,
Gelfand,	McNally,	Sakulsky,	Zimmerman,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 882, entitled:

An Act amending the act of December 3, 1959 (P. L. 1688), entitled "Housing Agency Law" clarifying and supplementing provisions of existing law relating to the financing of cooperatively-owned housing changing the terms of housing loans for elderly persons modifying the reserve requirement for outstanding Agency bonds and placing the Agency's report to the Legislature on an annual basis.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I understand the gentleman from York, Mr. Gailey, can explain this bill. In our caucus we did not have a memorandum on it. It may be a good bill, but we would like to hear somebody say so.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Gailey.

Mr. GAILEY. Mr. Speaker, the members of the House who were here last session will recall, I am sure, that our good friend and colleague, George Schwartz from Philadelphia, was one of the principal sponsors and exponents of this legislation.

It was found, however, due to some changes in the Federal Housing Law and due to circumstances which had arisen, that changes in fact had to be made. Now, this bill does four things: (1) the bill as we passed it two years ago states that in co-operative housing projects which are eligible for these loans or for this assistance.

The present law says that every member must be in the middle income category, which is defined as being the middle one-third of certain statistical data accumulated both by the state and Federal Government. They found out that as a practical matter this was almost impossible to achieve, that in any unit of any size you would find people outside this middle one-third. So the first thing this bill does is to change that to make the requirement that only 50 percent of the people need be in this middle income category. The balance can be either below or above.

The second thing that this bill does is in the area of the percentage of people in a co-operative housing project who must be elderly in order to qualify for certain assistance. Now the National Housing Law sets this requirement at 50 percent in the bill that we passed. We had increased that to 65 percent, and after a good bit of deliberation they decided that the 50 percent requirement, as set in the National Housing Law, was a much more reasonable figure and would enable this program to move forward a lot more rapidly.

The third thing that this bill does changes the requirement as to the aggregate principal amount of outstanding bonds in the relationship to the amount of capital reserve funds in these projects. Now, the present law says that the aggregate principal amount of outstanding bonds may not exceed twelve and one-half times the amount of the capital reserve fund. The bill is changed, striking out that requirement altogether. It should be pointed out, however, to the members this does not mean that there is no check whatsoever, because, of course, in order to have bonds outstanding there must be a bond debenture. And anyone who has had anything to do with bonds and debentures knows that the underwriters insist on all sorts of safeguards in order to protect the bondholders. So it would seem to me that there is still ample protection for the bondholders in removing this restriction which seems to the people who have sponsored this bill and who propose it to be much too restrictive.

One other thing that this bill does, a lesser one perhaps, has to do with the amount of interest credit which a co-operative housing group is entitled to. In other words, if they meet the requirements of 50 percent in the middle income provision, and if they meet the requirement of at least 50 percent, being elderly people, then they are entitled to certain credits on the interest they pay on the loan from the Pennsylvania Housing Authority's loan. Now, it provides that if, at any time, the people who own the project cooperatively do not need this cash, then they are in default in this aspect of it, and if it is accrued within twelve months, they lose this preferred rate of interest.

The final provision is to make the report from any given unit to the State from the authority to the legislature due on an annual basis rather than biennial. This would not be the kind of report which merely reports what has happened over the past year; it will also, of course, set forth their requirements for the forthcoming fiscal year. Since we are now on an annual basis instead of biennial, that is the reason for the change. I do not, of course, pretend to be an expert in all aspects of this. Should this explanation not be enough for the membership, I would be glad to obtain any information they may require in regard to it.

On the question, recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—146

Adams,	Gramlich,	Long, Wm. Jos.,	Renwick,
Anderson, S. A.,	Gray,	Lutty,	Riley,
Arlene,	Greenlee,	Manbeck,	Rovansek,
Bachman,	Gremminger,	Marsh,	Rubin,
Boles,	Guesman,	Maxwell,	Rudisill,
Bonner,	Hamilton,	McCann,	Scarcelli,
Bowman,	Hankins,	McCormack,	Schaaf,
Branca,	Hartley,	McDevitt,	Schuster,
Breth,	Haudenshield,	McDonald,	Seltzer,
Buchanan,	Heavey,	McKeever,	Shelton,
Capano,	Henzel,	McLaughlin,	Shupnik,
Cauley,	Holl,	McNally,	Simmons,
Cianfrani,	Holman,	Meholchick	Slack,
Cioffi,	Irvis,	Mihm,	Snare,
Clarke,	Isaacs,	Mills,	Stank,
Comer,	Jim,	Monroe,	Stone,
Cooley,	Jenkins,	Morley,	Sullivan, J. A.,
Crossin,	Johnson, A. W.,	Munley,	Sullivan, T. F.,
Curwood,	Johnson, R. P.,	Murphy,	Taylor,
Donaldson,	Jones,	Murray,	Thompson,
Dougherty,	Kamyk,	Musto,	Tomascik,
Doughten,	Keiser,	Needham,	Trusio,
Eilberg,	Kelly,	O'Donnell, J. A.,	Ujobai,
Elvey,	Kessler,	O'Donnell, J. P.,	Verona,
Farabaugh,	Kistler,	Ogilvie,	Wall,
Filo,	Klein,	Parlante,	Walsh,
Fineman,	Knecht,	Pashley,	Wargo,
Flynn,	Kooker,	Perry,	Welsh,
Foerster,	Kornick,	Petrosky,	Williams, A. D.,
Fox,	Kramer,	Piper,	Williams, E. S.,
Frascella,	Lamb,	Polaski,	Worley,
Fry,	Lawson,	Polen,	Wynd,
Gailey,	Lee, A. M.,	Prendergast,	Yetter,
Gallagher,	Lee, K. B.,	Price,	Zember,
Gibb,	Leonard,	Reibman,	Zimmerman,
Goldstein, J. H.,	Limper,	Reidenbach,	Andrews,
Goldstein, M. H.,	Long, Wm. Jas.,		Speaker

NAYS—47

Anderson, J. H.,	Ewing,	Kernaghan,	Rutherford,
Auker,	Fetterolf,	King,	Steckel,
Backenstoe,	Foor,	Korns,	Stimmel,
Blair,	Fulmer,	Lippincott,	Stiteler,
Bossert,	George,	Markley,	Tompkins,
Bower,	Goodrich,	May,	Varner,
Bush,	Gross,	McCandless,	Wescott,
Davis,	Guthrie,	Merry,	Whittaker,
Dengler,	Helm,	Miller,	Willaredt,
Dennison,	Hocker,	O'Dell,	Wilt,
Edwards,	Holliday,	Pursley,	Wood,
Eshleman,	Horst,	Royer,	

NOT VOTING—17

Ashton,	Gelfand,	McInroy,	Sherman,
Capitolo,	Gibbons,	Mullen,	Strausser,
Down,	Heffner,	Odorisio,	Weidner,
Eshback,	Magee,	Sakulsky,	Willard,
Esler,			

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 840

Mr. McCann (for Mr. Welsh). Mr. Speaker, I present the report of the Committee of Conference on House bill No. 840.

The SPEAKER. The report will lie over for printing under the Rules.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 791, entitled:

An Act relating to and regulating the solicitation of moneys and property.

The first section was read and agreed to.

The second section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendments:

Amend Sec. 2, page 2, line 5 by inserting after "corporation" trust, foundation, society.

Amend Sec. 2, page 2, lines 10 and 11 by striking out "or of a registered professional fund raiser" and inserting: "which maintains a permanent establishment within the State."

Amend Sec. 2, page 2, lines 14 to 17 by striking out "but shall not include any officer or" in line 14, all of lines 15 to 17 and inserting: "A bona fide salaried officer or employe of a charitable organization which maintains a permanent establishment within the Commonwealth shall not be deemed to be a professional solicitor.

"No attorney investment counselor or banker who advises an individual corporation or association to make a charitable contribution shall be deemed as the result of such advice to be a professional fund raiser or a professional solicitor."

They were agreed to.

The section was agreed to as amended.

The third section was read.

On the question,

Will the House agree to the section?

Mr. McCann offered the following amendments:

Amend Sec. 3, page 4, line 1 by striking out "(b)" and inserting: (c).

Amend Sec. 3, page 4, line 4 by striking out "(c)" and inserting: (d).

Amend Sec. 3, page 4, line 7 by striking out "(d)" and inserting: (e).

Amend Sec. 3, page 4, lines 8 to 10 by striking out "none" in line 8, all of line 9 and "solicitor" in line 10.

Amend Sec. 3, page 4, line 10 by inserting after "registration" fee.

Amend Sec. 3, page 4, line 11 by inserting after "affiliate" Each chapter, branch or affiliate or member of a federated fund raising agency may report the information required by this subsection to its parent organization and such parent organization may furnish such information in a consolidated form to the department, provided, however, that a chapter, branch or affiliate whose parent organization has its principal place of business outside of the Commonwealth shall furnish the information required hereunder, severally and individually.

They were agreed to.

The section was agreed to as amended.

The fourth section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendments:

Amend Sec. 4, page 5, line 17 by inserting after "year" provided, however, that if the solicitations from the public received by any such charitable organization during any year shall be in excess of one thousand dollars ($1000), it shall, within thirty days after the date it shall have received total contributions in excess of one thousand dollars ($1000) register with and report to the department as required by this act.

Amend Sec. 4, page 6, by inserting between lines 5 and 6

(7) Persons holding funds irrevocably dedicated to or held in trusts for named charities, subject to the provisions of section 3 of this act.

(8) Public libraries required to report to the State library and subject to the regulation of the Council on Library Development.

They were agreed to.

The section was agreed to as amended.

The fifth section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendment:

Amend Sec. 5, page 7, line 2 by inserting after "department" "The records from which such reports are prepared shall be retained for a period of at least three years after the end of the period of registration to which they relate.

It was agreed to.

The section was agreed to as amended.

The sixth section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendments:

Amend Sec. 6, page 7, line 3 by inserting after "Raisers" and Professional Solicitors.

Amend Sec. 6, page 7, line 4 by inserting after "raiser" or professional solicitor.

They were agreed to.

The section was agreed to as amended.

The seventh section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendment:

Amend Sec. 7, page 8, lines 1 to 7 by striking out all of said lines.

It was agreed to.

The section was agreed to as amended.

The eighth section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendment:

Amend Sec. 8, page 8, by striking out "8" and inserting: 7.

It was agreed to.

The section was agreed to as amended.

The ninth section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendments:

Amend Sec. 9, page 8, line 18 by striking out "9" and inserting 8.

Amend Bill, page 10, by inserting between lines 14 and 15:

Section 9. Limitation on Amount of Payments on Account of Solicitation Activities.

(a) No charitable organization, subject to the provisions of this act shall pay or agree to pay in the aggregate a total amount in excess of ten per cent of the total moneys, pledges or other property raised or received by reason of any solicitation activities or campaigns to professional fund raisers and professional solicitors and their employes, including reimbursement for expenses incurred by such professional fund raisers and professional solicitors and their employes.

(b) For purposes of this section, the total money, funds, pledges or other property raised or received shall be computed by first deducting therefrom the actual cost to the charitable organization, professional fund raiser or professional solicitor as the case may be of any goods, sold or services provided to the public in connection with the soliciting of contributions.

Section 10. Rules and Regulations. The department shall promulgate rules and regulations for the enforcement of this act.

Section 11. Misrepresentation and Misleading Statements.

(a) No charitable organization professional fund raiser or professional solicitor subject to provisions of this act shall use or exploit the fact of registration so as to lead the public to believe that such registration in any manner constitutes an endorsement or approval by the Commonwealth.

(b) No person shall in connection with the solicitation of contributions for or the sale of goods or services of a person other than a charitable organization misrepresent to or mislead any person by any manner means practice or device whatsoever that the person on whose behalf such solicitation or sale is being conducted is a charitable organization or that the proceeds of such solicitation or sale will be used for charitable purposes.

(c) No person shall make any representation that he is soliciting contributions for or on behalf of a charitable organization or shall use or display any emblem device or printed matter belonging to or associated with a charitable organization for the purpose of soliciting or inducing the contribution of funds from the public without first being authorized to do so by the charitable organization.

They were agreed to.

The section was agreed to as amended.

The tenth section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendments:

Amend Sec. 10, page 10, line 15 by striking out "10" and inserting: 12.

It was agreed to.

The section was agreed to as amended.

The eleventh section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendments:

Amend Sec. 11, page 12, line 1 by striking out "11" and inserting: 13.

It was agreed to.

The section was agreed to as amended.

The twelfth section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendments:

Amend Sec. 12, page 12, line 12 by striking out "12" and inserting: 14.

Amend Sec. 12, page 12, lines 13 to 15 by striking out "upon" in line 13, all of line 14 and "peace" in line 15 and inserting: be guilty of a misdemeanor and upon conviction thereof shall.

Amend Sec. 12, page 12, line 15 by striking out "one hundred dollars ($100)" and inserting: five hundred dollars ($500).

Amend Sec. 12, page 12, line 17 by striking out "ten (10)" and inserting: thirty (30).

They were agreed to.

The section was agreed to as amended.

The thirteenth section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendments:

Amend Sec. 13, page 13, line 8 by striking out "13" and inserting 15.

It was agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the House agree to the title?

Mr. McCANN offered the following amendments:

Amend Title, page 1, first line of Title by inserting after "and" where it appears the first time requiring the registration of certain charitable organizations.

Amend Title, page 1, first line of Title, by inserting after "property" by or on behalf of charitable organizations and placing duties on the Department of State.

They were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 884, entitled:

An Act amending the act of June 1, 1956 (P. L. 1997), entitled "An act relating to comic books magazines and other publications prohibiting and regulating the sale thereof in certain instances and imposing penalties" defining the word "obscene."

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—193

Adams,	**Galley,**	Lee, K. B.,	Renwick,
Anderson, J. H.	Gallagher,	**Limper,**	**Riley,**
Anderson, S. A.,	George,	Lippincott,	**Rovansek,**
Arlene,	**Gibb,**	Long, Wm. Jas.,	Royer,
Auker,	Goldstein, J. H.,	Long, Wm. Jos.,	Rubin,
Bachman	**Goldstein, M. H.,**	**Lutty,**	**Rudisill,**
Backenstoe,	**Goodrich,**	Manbeck,	**Rutherford,**
Blair,	Gramlich,	**Markley,**	Scarcelli,
Boles,	Gray,	**Marsh,**	**Schaaf,**
Bonner,	**Greenlee,**	Maxwell,	**Schuster,**
Bossert,	Gremminger,	May,	**Shupnik,**
Bower,	**Gross,**	**McCandless,**	Seltzer,
Bowman,	Guesman,	**McCann,**	Shelton,
Branca,	Guthrie,	McCormack,	Simmons,
Breth,	**Hamilton,**	McDevitt,	Slack,
Buchanan,	**Hankins,**	**McDonald**	**Snare,**
Bush,	**Hartley,**	McKeever,	**Stank,**
Capano,	**Haudenshield,**	McLaughlin,	**Steckel,**
Capitolo,	**Heavey,**	**McNally,**	**Stimmel,**

Cauley,	Heffner,	Meholchick,	Stiteler,
Cianfrani,	Helm,	Merry.	Stone,
Cioffi,	Henzel,	Mihm,	Sullivan, J. A.,
Clarke,	Hocker,	Miller,	Sullivan, T. F.,
Comer,	Holl,	Mills,	Taylor,
Cooley,	Holliday,	Monroe,	Thompson,
Crossin,	Holman,	Morley,	Tomascik,
Curwood,	Horst,	Mullen,	Tompkins,
Davis,	Irvis,	Munley,	Trusio,
Dengler,	Jenkins,	Murphy,	Ujobai,
Dennison,	Jim,	Murray,	Varner,
Donaldson,	Johnson, R. P.,	Musto,	Verona,
Dougherty,	Jones.	Needham,	Walsh,
Doughten,	Kamyk,	O'Dell,	Wargo,
Edwards,	Keiser,	O'Donnell, J. A.,	Welsh,
Eilberg,	Kelly,	O'Donnell, J. P.,	Wescott,
Elvey,	Kernaghan,	Ogilvie,	Whittaker,
Eshleman,	Kessler,	Parlante,	Willard,
Ewing,	King,	Pashley,	Willaredt,
Farabaugh,	Kistler,	Perry,	Williams, A. D.,
Fetterolf,	Klein,	Petrosky,	Williams, E. S.,
Filo,	Knecht,	Piper,	Wilt,
Fineman,	Kooker,	Polaski,	Wood,
Flynn,	Kornick,	Polen,	Worley,
Foerster,	Korns,	Prendergast,	Wynd,
Foor,	Kramer,	Price,	Yetter,
Fox,	Lamb,	Pursley,	Zember,
Frascella,	Lawson,	Reibman,	Zimmerman,
Fry,	Lee, A. M.,	Reidenbach,	Andrews,
Fulmer,			Speaker

NAYS—0

NOT VOTING—17

Ashton,	Gibbons,	Magee,	Sherman,
Down,	Isaacs,	McInroy,	Strausser,
Eshback,	Johnson, A. W.,	Odorisio,	Wall,
Esler,	Leonard,	Sakulsky,	Weidner,
Gelfand,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 901, entitled:

An Act amending the act of May 13, 1909 (P. L. 520), entitled "Pure Food Law" by providing for the use of sulphur dioxide in certain food items and changing the labeling requirements relating to artificial sweetening agents.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—194

Adams,	Gallagher,	Lee, K. B.,	Reidenbach,
Anderson, J. H.	George,	Leonard,	Renwick,
Anderson, S. A.,	Gibb,	Limper,	Riley,
Arlene,	Goldstein, J. H.,	Lippincott,	Rovansek,
Auker,	Goldstein, M. H.,	Long, Wm. Jas.,	Royer,
Bachman	Goodrich,	Long, Wm. Jos.,	Rubin,
Backenstoe,	Gramlich,	Lutty,	Rudisill,
Blair,	Gray,	Manbeck,	Rutherford,
Boles,	Greenlee,	Markley,	Scarcelli,
Bonner,	Gremminger,	Marsh,	Schaaf,
Bossert,	Gross,	Maxwell,	Schuster,
Bower,	Guesman,	May,	Seltzer,
Bowman,	Guthrie,	McCandless,	Shelton,
Branca,	Hamilton,	McCann,	Shupnik,
Breth,	Hankins,	McCormack,	Simmons,
Buchanan,	Hartley,	McDevitt,	Slack,
Bush,	Haudenshield,	McDonald	Snare,
Capano,	Heavey,	McKeever,	Steckel,
Capitolo,	Heffner,	McLaughlin,	Stimmel,
Cauley,	Helm,	McNally,	Stiteler,
Cianfrani,	Henzel,	Meholchick,	Stone,
Cioffi,	Hocker,	Merry,	Sullivan, J. A.,
Clarke,	Holl,	Mihm,	Sullivan, T. F.,
Comer,	Holliday,	Miller,	Taylor,
Cooley,	Holman,	Mills,	Thompson,
Crossin,	Horst,	Monroe,	Tomascik,
Curwood,	Irvis,	Morley,	Tompkins,
Davis,	Isaacs,	Mullen,	Trusio,
Dengler,	Jenkins,	Munley,	Ujobai,
Dennison,	Jim,	Murphy,	Varner,
Donaldson,	Johnson, A. W.,	Murray,	Verona,
Dougherty,	Johnson, R. P.,	Musto,	Wall,
Doughten,	Jones,	Needham,	Walsh,
Edwards,	Kamyk,	O'Dell,	Wargo,
Eilberg,	Keiser,	O'Donnell, J. A.,	Welsh,
Elvey,	Kelly,	O'Donnell, J. P.,	Wescott,
Eshleman,	Kernaghan,	Ogilvie,	Whittaker,
Ewing,	Kessler,	Parlante,	Willard,
Farabaugh,	King,	Pashley,	Willaredt,
Fetterolf,	Kistler,	Perry,	Williams, A. D.,
Filo,	Klein,	Petrosky,	Williams, E. S.,
Flynn,	Knecht,	Piper,	Wilt,
Foerster,	Kooker,	Polaski,	Wood,
Foor,	Kornick,	Polen,	Wynd,
Fox,	Korns,	Prendergast,	Yetter
Frascella,	Kramer,	Price,	Zember,
Fry,	Lamb,	Pursley,	Zimmerman,
Fulmer,	Lawson,	Reibman,	Andrews,
Gailey,	Lee, A. M.,		Speaker

NAYS—0

NOT VOTING—16

Ashton,	Fineman,	McInroy,	Stank,
Down,	Gelfand,	Odorisio,	Strausser,
Eshback,	Gibbons,	Sakulsky,	Weidner,
Esler,	Magee,	Sherman,	Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 905, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" excepting certain restaurants from the prohibition of granting licenses to places of amusement.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Goldstein.

Mr. M. H. GOLDSTEIN. Mr. Speaker, I want to call to the attention of the House that this is a special purpose bill designed to give a liquor license to one racing track in the State of Pennsylvania, that the laws of the State of Pennsylvania do not prohibit children under 21 from attending race tracks and that they would be able to participate in every event, including liquor and cocktails at the harness racing events.

Mr. McCANN. Mr. Speaker, Senate bill 905 would be for the purpose of granting license as the situation was outlined there. But I am sure if the gentleman has ever been at any of the race tracks he knows they have many

beautiful club houses in adjoining States. In those club houses they have facilities for cocktails and very good food and, certainly, in Pennsylvania, in the respective counties in which they voted favorably to grant such establishment, I would also hope that we would also grant to them the same rights for the purpose of operating club houses which would be brand new and would give an opportunity for people to properly have a drink with their food in the club houses in those facilities.

Mr. M. H. GOLDSTEIN. Mr. Speaker, will the majority leader consent to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. M. H. GOLDSTEIN. Mr. Speaker, does the majority leader know that there are States in these United States which have legalized gambling which absolutely prohibit the attendance of minors at these events?

Mr. McCANN. Yes, that is quite true.

Mr. M. H. GOLDSTEIN. And is it not true in the State of Florida?

Mr. McCANN. That is quite true and I believe also in one other State.

Mr. M. H. GOLDSTEIN. And does the gentleman not think it would be a healthy measure to make such a regulation as part of the law of Pennsylvania so that minors would not be attending these race tracks and being in these restaurants for the purpose, directly or indirectly, of drinking?

Mr. McCANN. Mr. Speaker, I am sure we can argue this both ways, but when you take your family with you in a properly conducted establishment, you bring your children with you, and, if you are there at the race track and many people would go there, and if that would be the case, you certainly would say that the children are there and can be influenced by the fact that alcoholic and malt beverages are served. I assume it would be the same as when I took my family to the hotel and they dine with me and the alcoholic beverages are served there.

Mr. M. H. GOLDSTEIN. Mr. Speaker, I am glad that the majority leader made the observation of bringing the family. I think we will have family night at the race tracks if this bill passes.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—106

Anderson, S. A.,	Gailey,	Long, Wm. Jas.,	Polaski,
Arlene,	Gallagher,	Long, Wm. Jos.,	Prendergast.
Bachman,	Gray,	Lutty,	Reibman,
Blair,	Greenlee,	McCann,	Reidenbach,
Boles,	Gremminger,	McCormack,	Renwick,
Bonner,	Guesman,	McDevitt,	Riley,
Bower,	Hamilton,	McDonald,	Rovansek,
Branca,	Hankins,	McKeever,	Rubin,
Capano,	Hartley,	McLaughlin,	Scarcelli,
Capitolo,	Heavey,	McNally,	Schaaf,
Cauley,	Irvis,	Meholchick,	Shelton,
Cianfrani,	Isaacs,	Mihm,	Shupnik,
Cioffi,	Jenkins,	Monroe,	Stank,
Clarke,	Jim,	Morley,	Stone,
Comer,	Jones,	Mullen,	Sullivan. J. A.,
Cooley,	Kamyk,	Munley,	Sullivan, T. F.,
Crossin,	Kelly,	Murray,	Taylor,
Curwood,	Kernaghan,	Musto,	Tomascik,
Dengler,	Klein,	Needham,	Varner,
Dougherty,	Knecht,	O'Dell,	Verona,
Doughten,	Kornick,	O'Donnell, J. A.,	Walsh,
Eilberg,	Kramer,	O'Donnell, J. P.,	Wargo,
Filo,	Lamb,	Parlante,	Welsh,
Fineman,	Lawson,	Pashley,	Williams, A. D.,
Flynn,	Leonard,	Perry,	Yetter,
Frascella,	Limper,	Petrosky,	Andrews,
Fry,	Lippincott,		Speaker

NAYS—89

Adams,	Gibb,	Kooker,	Seltzer,
Anderson, J. H.,	Goldstein, J. H.,	Korns,	Simmons,
Auker,	Goldstein, M. H.,	Lee, A. M.,	Slack,
Backenstoe,	Goodrich,	Lee, K. B.,	Snare,
Bossert,	Gramlich,	Manbeck,	Steckel,
Bowman,	Gross,	Markley,	Stimmel,
Breth,	Guthrie,	Marsh,	Stiteler,
Buchanan,	Haudenshield,	Maxwell,	Thompson,
Bush,	Heffner,	May,	Tompkins,
Davis,	Helm,	McCandless,	Ujobai,
Dennison,	Henzel,	Merry,	Wall,
Donaldson,	Hocker,	Miller,	Wescott,
Edwards,	Holl,	Mills,	Whittaker,
Elvey,	Holliday,	Murphy,	Willard,
Eshback,	Holman,	Ogilvie,	Willaredt,
Eshleman,	Horst,	Piper,	Williams, E. S.,
Ewing,	Johnson, A. W.,	Polen,	Wilt,
Fetterolf,	Johnson, R. P.,	Price,	Wood,
Foerster,	Keiser.	Pursley,	Worley,
Foor,	Kessler,	Royer,	Wynd,
Fox,	King,	Rutherford,	Zember,
Fulmer,	Kistler,	Schuster,	Zimmerman,
George,			

NOT VOTING—15

Ashton,	Gelfand,	Odorisio,	Strausser,
Down,	Gibbons,	Rudisill,	Trusio,
Esler,	Magee,	Sakulsky,	Weidner,
Farabaugh,	McInroy,	Sherman,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 914, entitled:

An Act amending the act of March 10, 1949 (P L 30), entitled "Public School Code of 1949" authorizing the awarding of additional scholarships.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—187

Adams,	Gailey,	Lee, A. M.,	Reibman,
Anderson, S. A.,	Gallagher,	Lee, K. B.,	Reidenbach,
Anderson, J. H.	George,	Leonard,	Renwick,
Arlene,	Gibb,	Limper,	Riley,
Blair,	Goldstein, J. H.,	Long, Wm. Jas.,	Rovansek,
Bachman	Goldstein, M. H.,	Long, Wm. Jos.,	Royer,
Backenstoe,	Goodrich,	Lutty,	Rubin,
Boles,	Gramlich,	Manbeck,	Rudisill,
Bonner,	Gray,	Markley,	Rutherford,
Bossert,	Greenlee,	Marsh,	Scarcelli,
Bower,	Gremminger,	Maxwell,	Schaaf,
Bowman,	Gross,	May,	Schuster,
Branca,	Guesman,	McCandless,	Seltzer,
Breth,	Guthrie,	McCann,	Shelton,
Buchanan,	Hamilton,	McCormack,	Shupnik,
Bush,	Hankins,	McDevitt,	Simmons,
Capano,	Hartley,	McDonald	Slack,
Capitolo,	Haudenshield,	McKeever,	Snare,
Cauley,	Heavey,	McLaughlin,	Stank,
Cianfrani,	Heffner,	McNally,	Steckel,
Cioffi,	Helm,	Meholchick,	Stimmel,
Clarke,	Hocker,	Merry,	Stiteler,
Comer,	Holliday,	Mihm,	Stone,
Cooley,	Holman,	Miller,	Sullivan, J. A.,

Crossin,	Horst,	Mills,	Sullivan, T. F.,
Curwood,	Irvis,	Monroe,	Taylor,
Davis,	Isaacs,	Morley,	Thompson,
Dengler,	Jenkins,	Mullen,	Tomascik,
Donaldson,	Jim,	Munley,	Tompkins,
Dougherty,	Johnson, A. W.,	Murphy,	Trusio,
Doughten,	Johnson, R. P.,	Murray,	Ujobai,
Edwards,	Jones,	Musto,	Verona,
Eilberg,	Kamyk,	Needham,	Wall,
Elvey,	Keiser,	O'Dell,	Wargo,
Eshback,	Kelly,	O'Donnell, J. A.,	Welsh,
Eshleman,	Kernaghan,	O'Donnell, J. P.,	Wescott,
Ewing,	Kessler,	Ogilvie,	Whittaker,
Farabaugh,	King,	Parlante,	Willaredt,
Fetterolf,	Kistler,	Pashley,	Williams, A. D.,
Filo,	Klein,	Perry,	Williams, E. S.,
Fineman,	Knecht,	Petrosky,	Wood,
Flynn,	Kooker,	Piper.	Worley,
Foerster,	Kornick,	Polaski,	Wynd,
Foor,	Korns,	Polen,	Yetter,
Fox,	Kramer,	Prendergast,	Zember,
Frascella,	Lamb,	Price,	Andrews,
Fry,	Lawson,	Pursley,	Speaker

NAYS—5

Auker,	Fulmer,	Wilt,	Zimmerman,
Dennison,			

NOT VOTING—18

Ashton,	Henzel,	Odorisio,	Varner,
Down,	Holl,	Sakulsky,	Walsh,
Esler,	Lippincott,	Sherman,	Weidner,
Gelfand,	Magee,	Strausser,	Willard,
Gibbons,	McInroy,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Mr. WALSH. Mr. Speaker, I went outside for a minute and when I came back I was locked out. I wish to be recorded as voting "aye."

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 915, entitled:

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes" Retirement Code of 1959" providing retirement credit for sabbatical leaves of absence.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—194

Adams,	Fulmer,	Lee, A. M.,	Renwick,
Anderson, J. H.,	Gailey,	Lee, K. B.,	Riley,
Anderson, S. A.,	Gallagher,	Leonard,	Rovansek,
Arlene,	George,	Limper,	Royer,
Auker,	Gibb,	Lippincott,	Rubin,
Bachman,	Goldstein, J. H.,	Long, Wm. Jas.,	Rudisill,
Backenstoe,	Goldstein, M. H.,	Long, Wm. Jos.,	Rutherford,
Blair,	Goodrich,	Lutty,	Scarcelli,
Boles,	Gramlich,	Manbeck,	Schaaf,
Bonner,	Gray,	Markley,	Schuster,
Bossert,	Greenlee,	Marsh,	Seltzer,
Bower,	Gremminger,	Maxwell,	Shelton,
Bowman,	Gross,	May,	Shupnik,
Branca,	Guesman,	McCandless,	Simmons,
Broth,	Guthrie,	McCann,	Slack,
Buchanan,	Hamilton,	McCormack,	Snare,
Bush,	Hankins,	McDevitt,	Stank,
Capano,	Hartley,	McDonald,	Steckel,
Capitolo,	Haudenshield,	McKeever,	Stimmel,
Cauley,	Heavey,	McLaughlin,	Stiteler,
Cianfrani,	Heffner,	McNally,	Stone,
Cioffi,	Helm,	Meholchick,	Sullivan, J. A.,
Clarke,	Henzel,	Merry,	Sullivan, T. F.,
Comer,	Hocker,	Miller,	Taylor,
Cooley,	Holl,	Mills,	Thompson,
Crossin,	Holliday,	Monroe,	Tomascik,
Curwood,	Holman,	Morley,	Tompkins,
Davis,	Horst,	Mullen,	Trusio,
Dengler,	Irvis,	Munley,	Ujobai,
Dennison,	Isaacs,	Murphy,	Varner,
Donaldson,	Jenkins,	Murray,	Verona,
Dougherty,	Jim,	Musto,	Wall,
Doughten,	Johnson, A. W.,	Needham,	Walsh,
Edwards,	Johnson, R. P.,	O'Dell,	Wargo,
Eilberg,	Jones,	O'Donnell, J. A.,	Welsh,
Elvey,	Kamyk,	Ogilvie,	Wescott,
Eshback,	Keiser,	Parlante,	Whittaker,
Eshleman,	Kelly,	Pashley,	Willard,
Ewing,	Kernaghan,	Perry,	Willaredt,
Farabaugh,	Kessler,	Petrosky,	Williams, A. D.,
Fetterolf,	King,	Piper,	Williams, E. S.,
Filo,	Kistler,	Polaski,	Wood,
Fineman,	Klein,	Polen,	Worley,
Flynn,	Kooker,	Prendergast,	Wynd,
Forester,	Kornick,	Price,	Yetter,
Foor,	Korns,	Pursley,	Zember,
Fox,	Kramer,	Reibman,	Zimmerman,
Frascella,	Lamb,	Reidenbach,	Andrews,
Fry,	Lawson,		Speaker

NAYS—1

Wilt,			

NOT VOTING—15

Ashton,	Gibbons,	Mihm,	Sherman,
Down,	Knecht,	O'Donnell, J. P.,	Strausser,
Esler,	Magee,	Odorisio,	Weidner,
Gelfand,	McInroy,	Sakulsky,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 924, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" further regulating the issuance of new licenses for airport restaurants.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—109

Adams,	Gray,	McCann,	Reidenbach,
Anderson, S. A.,	Greenlee,	McCormack,	Renwick,
Arlene,	Gremminger,	McDevitt,	Riley,
Bachman,	Guesman,	McDonald,	Rovansek,
Backenstoe,	Hamilton,	McKeever,	Rubin,
Blair,	Hankins,	McLaughlin,	Rudisill,
Boles,	Hartley,	McNally,	Scarcelli,
Bonner,	Heavey,	Meholchick,	Schaaf,
Branca,	Irvis,	Mihm,	Schuster,
Capano,	Jenkins,	Mills,	Shelton,
Capitolo,	Jim,	Monroe,	Shupnik,
Cauley,	Jones,	Morley,	Stank,
Cianfrani,	Kamyk,	Mullen,	Steckel,
Cioffi,	Kelly,	Munley,	Stimmel,
Clarke,	Klein,	Murray,	Stone,

Comer,	Kornick,	Musto,	Sullivan, J. A.,
Cooley,	Kramer,	Needham,	Sullivan, T. F.,
Crossin.	Lamb,	O'Donnell, J. A.,	Taylor,
Dougherty,	Lawson,	O'Donnell, J. P.,	Tomascik,
Doughten,	Leonard,	Parlante,	Trusio,
Eilberg,	Limper,	Pashley,	Verona,
Filo,	Lippincott,	Perry,	Walsh,
Fineman,	Long, Wm. Jas.,	Petrosky,	Wargo,
Flynn,	Long, Wm. Jos.,	Piper,	Welsh,
Frascella,	Lutty,	Polaski,	Yetter,
Fulmer,	Markley,	Prendergast,	Zember,
Gailey,	Maxwell,	Reibman,	Andrews,
Gallagher,			Speaker

NAYS—86

Anderson, J. H.,	Fry,	Kessler,	Rutherford,
Auker,	George,	King,	Seltzer,
Bossert,	Gibb,	Kistler,	Simmons,
Bower,	Goldstein, J. H.,	Knecht,	Slack,
Bowman,	Goldstein, M. H.,	Kooker,	Snare,
Breth,	Goodrich,	Korns,	Stiteler,
Buchanan,	Gramlich,	Lee, A. M.,	Thompson,
Bush,	Gross,	Lee, K. B.,	Tompkins,
Curwood,	Guthrie,	Manbeck,	Ujobai,
Davis,	Haudenshield,	Marsh,	Varner,
Dengler,	Heffner,	May,	Wall,
Dennison,	Helm,	McCandless,	Wescott,
Donaldson,	Hocker,	Merry,	Whittaker,
Edwards,	Holl,	Miller,	Willaredt,
Elvey,	Holliday,	Murphy,	Williams, A. D.,
Eshback,	Holman,	O'Dell,	Williams, E. S.,
Eshleman,	Horst,	Ogilvie,	Wilt,
Ewing,	Isaacs,	Polen,	Wood,
Fetterolf,	Johnson, A. W.,	Price,	Worley,
Forester,	Johnson, R. P.,	Pursley,	Wynd,
Foor,	Keiser,	Royer,	Zimmerman,
Fox,	Kernaghan,		

NOT VOTING—15

Ashton,	Gelfand,	McInroy,	Strausser,
Down,	Gibbons,	Odorisio,	Weidner,
Esler,	Henzel,	Sakulsky,	Willard,
Farabaugh,	Magee,	Sherman,	

The majority required by the Constitution having voted in the affirmative the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Mr. HELM IN THE CHAIR

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 763, 764, 765, 774, 776, 777, 778, 779, 780, 782, 789, 797, 798, 1431 and 1610.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

August 29, 1961

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 763, printer's No. 836, entitled "An Act making an appropriation to the Trustees of the Mary Bailey Foundation for Heart and Great Vessel Research."

DAVID L. LAWRENCE

August 29, 1961

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 764, printer's No. 837, entitled "An Act making an appropriation to the Department of Health for use of the Institute for Cancer Research Incorporated Fox Chase Philadelphia Pennsylvania."

DAVID L. LAWRENCE

August 29, 1961

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 765, printer's No. 838, entitled "An Act making an appropriation to the Department of Health for the diagnosis treatment and study of cerebral palsy at St. Christopher's Hospital."

DAVID L. LAWRENCE

August 29, 1961

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 774, printer's No. 847, entitled "An Act making appropriations to the Trustees of the University of Pittsburgh for the general maintenance and operation of the University for the School of Medicine for the Library School."

DAVID L. LAWRENCE

August 29, 1961

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 776, printer's No. 849, entitled "An Act making appropriations to the Trustees of Temple University at Philadelphia Pennsylvania for the general maintenance and operation of the University and for the School of Medicine."

DAVID L. LAWRENCE

August 29, 1961

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 777, printer's No. 850, entitled "An Act making an appropriation to the Trustees of the College of Lincoln University Chester County."

DAVID L. LAWRENCE

August 29, 1961

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 778, printer's No. 851, entitled "An Act making an appropriation to the Women's Medical College of Pennsylvania East Falls Philadelphia Pennsylvania."

DAVID L. LAWRENCE

August 29, 1961

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 779, printer's No. 852, entitled "An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania."

DAVID L. LAWRENCE

August 29, 1961

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day

approved and signed House bill No. 780, printer's No. 853, entitled "An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania."

DAVID L. LAWRENCE

August 29, 1961

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 782, printer's No. 855, entitled "An Act making an appropriation to the Philadelphia Textile Institute at Philadelphia Pennsylvania."

DAVID L. LAWRENCE

August 29, 1961

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 789, printer's No. 862, entitled "An Act making an appropriation to the Williamson Free School of Mechanical Trades."

DAVID L. LAWRENCE

August 29, 1961

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 797, printer's No. 870, entitled "An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school."

DAVID L. LAWRENCE

August 29, 1961

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 798, printer's No. 871, entitled "An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic."

DAVID L. LAWRENCE

August 29, 1961

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1431, printer's No. 2178, entitled "An Act making an appropriation to the Pennsylvania State College of Optometry Philadelphia Pennsylvania for maintenance and support."

DAVID L. LAWRENCE

August 29, 1961

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1610, printer's No. 2248, entitled "An Act making an appropriation to the Supreme Court of Pennsylvania for PORTRAITS OF FORMER CHIEF JUSTICE HORACE STERN AND Chief Justice Charles Alvin Jones."

DAVID L. LAWRENCE

DEMOCRATIC CAUCUS

Mr. McCANN. Mr. Speaker, I am going to ask the Democratic members to take their house calendars and immediately come to the new House caucus room so we can immediately caucus on bills on page 14, bills on concurrence in Senate amendments, on 911, 1487 and 1792, and the conference committee reports on pages 15, 16 and 17. As soon as that is over you will be released to eat.

Therefore, I ask the membership, when I make the necessary motion, to please come to the new House caucus room immediately and bring your calendars with you so that we can break after caucus and eat a bite and come back to our session in the evening.

REPUBLICAN CAUCUS

Mr. A. W. JOHNSON. Mr. Speaker, we are also calling a Republican caucus immediately. We will caucus on concurrences, on conference committee reports and several other bills on the final passage calendar. We will try to get the caucus over with as rapidly as possible as I understand we will not have to be back here until 8:30 tonight. That is correct, is it not?

Mr. McCANN. That is right.

Mr. A. W. JOHNSON. We want everyone on the Republican side to go to caucus immediately so we can finish the business of the caucus promptly.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

House BILL No. 56.

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177), authorizing departments boards and commissions to train personnel.

HOUSE BILL No. 112.

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58), providing additional enforcement procedures on traffic violations in boroughs towns and townships.

HOUSE BILL No. 400.

An Act requiring the erection and maintenance of medial barriers or guards on the Pennsylvania Turnpike

HOUSE BILL No. 670.

A Supplement to "The Pennsylvania Workmen's Compensation Act" approved June 2, 1915 (P. L. 736), providing for the payment of compensation to special school police appointed by boroughs or the dependents of such special school police.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 923.

An Act amending the act of August 4, 1959 (P. L. 587), entitled, "An Act creating and establishing the Legisla-

tive Budget and Finance Committee providing for its membership . . ." further providing for the personnel to be appointed by the Legislative Budget and Finance Committee.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 81

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 81.

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58), requiring commercial motor vehicles and truck tractors to be marked with the names and addresses of the owners or operators.

SENATE MESSAGE

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 254.

An Act amending "The Pennsylvania Workmen's Compensation Act" approved June 2, 1915 (P. L. 736), requiring employers to furnish employes with instructions on their rights in the event of an accident.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 255

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 255.

An Act amending "The Pennsylvania Occupational Disease Act" approved June 21, 1939 (P. L. 566), requiring employers to furnish employes with instructions on their rights in the event of disability or death caused by occupational disease.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 853

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 853.

An Act amending "The First Class Township Code" approved June 24, 1931 (P. L. 1206), authorizing a change in the compensation of certain township commissioners.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1407

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 1407.

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333), further regulating the affidavit of the circulator of a nomination petition.

SENATE MESSAGE

SENATE RESOLUTION SERIAL No. 130

The clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, August 31, 1961.

Whereas, There is a need for a closer medium of contact and communication between the General Assembly and the offices of the Governor and the various administrative offices and agencies, and

Whereas, Functions of the legislative arm of government are hampered and delayed by lack of facilities and lack of co-ordination of existing facilities between its own agencies and the members of the House of Representatives and Senate, and

Whereas, It is desirable to create a continuing commission of the General Assembly to direct the ways and means whereby the agencies, standing committees, officers and employees of the Assembly may operate for the best interests of the Commonwealth by expediting and simplifyng the legislative processes, assisting and advising with special committees and agencies, and generally acting as an advisory and executive arm of the Legislature.

Therefore Be It Resolved, (if the House of Representatives concurs) that there is hereby created the General Assembly Advisory Council whose function shall be to co-ordinate and advise on the duties of special committees and agencies of the General Assembly or either House thereof; to co-ordinate the functions and duties of the Legislative Reference Bureau, the Legislative Budget and Finance Committee, Joint State Government Commission, Local Government Commission, and other commissions or committees; the creation and staffing of a legislative library within one of the presently existing legislative commissions or committees, and to give immediate attention to a revision of the rules of the House and Senate whereby the major House and Senate committees shall receive and study proposed legislation during the interim between sessions of the Legislature and during the Fiscal Session of the Legislature.

And Be It Further Resolved, That the Council hereby created shall have the right and power to obtain, upon request, reports and information from all agencies, commissions and committees now or then currently engaged in programs of construction or planning, and to obtain facilities and space for the Legislature and its committees.

And Be It Finally Resolved, That the Council shall consist of not less than twenty nor more than thirty members of the General Assembly, to be appointed by the Speaker of the House and the President Pro Tempore of the Senate, the membership to be bi-partisan at all times, and the officers shall be elected by the members of the Council.

Ordered, that the clerk present the same to the House of Representatives for its concurrence.

Messrs. McCANN and A. W. JOHNSON asked and obtained unanimous consent for the immediate consideration of the resolution.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGES

The clerk of the Senate being introduced, presented extracts from the Journal of the Senate:

Amended House bills returned for concurrence Nos. 216, 337, 749 and 1707.

RECESS

The SPEAKER pro tempore. Without objection, the Chair will declare a recess of two hours.

The Chair hears none, and a recess is declared.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

RESOLUTION

CANNED MUSIC DEVICE IMPLEMENTATION

Mr. DENGLER offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted as follows:

In the House of Representatives August 31, 1961

Inasmuch as the House of Representatives is continuously striving to raise educational standards in the Commonwealth of Pennsylvania; and

Inasmuch as "music" is an integral part of our educational program in which the music teachers are trying to present the best in music; and

Inasmuch as 75% of the canned music, which is inflicted on us through the media of the juke boxes, radio, and television, is not melodious, not harmonious, is lacking in form and unity and appeals mostly to the lowest instincts of the human race, actuating not the brain nor the heart, but the feet; therefore be it

Resolved, That the members of the House of Representatives petition the makers of juke boxes and other mechanical devices for the projecting of canned music to include in the lists of the names of the records, a slot labelled "Silence" and thus make it possible for a person to deposit a coin in the slot "Silence" thereby gaining a temporary respite from the barbaric and senseless sounds that emanate from these infernal machines, and be it further

Resolved, That we petition the disc jockeys to play at least one classical or semi-classical selection every half-hour, and be it further

Resolved, That we congratulate the teenagers for their fundamental appreciation of good music in spite of the continuous flood of jangled sounds and noises that our commercial music interests are continually feeding us through a multitudinous number of musical media.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of Senate bill No. 919 entitled:

A Joint Resolution proposing an amendment to article nine section four of the Constitution of the Commonwealth of Pennsylvania providing for and regulating Commonwealth debt for capital improvements and certain other purposes and prohibiting debts and obligations inconsistent therewith.

The first section was read.

On the question,

Will the House agree to the section?

Mr. McCANN offered the following amendment:

Amend Sec. 1, (Sec. 4), page 3, line 15, by striking out "not to exceed thirty years" and inserting: of time which shall be provided by law.

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 195, entitled:

An Act providing for group life insurance for State employes establishing a schedule providing for payment providing for reduction of insurance upon retirement authorizing the Secretary of Property and Supplies to act as exclusive agent for the purpose of contracting for insurance and providing for administration and advisory services by the Department of Property and Supplies.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—198

Adams,	Gallagher,	Limper,	Rovansek,
Anderson, J. H.,	Gelfand,	Lippincott,	Royer,
Anderson, S. A.,	George,	Long, Wm. Jas.,	Rubin,
Arlene,	Gibb,	Long, Wm. Jos.,	Rudisill,
Auker,	Gibbons,	Lutty,	Rutherford,
Bachman,	Goldstein, J. H.,	Manbeck,	Sakulsky,
Backenstoe,	Goldstein, M. H.,	Markley,	Scarcelli,
Blair,	Goodrich,	Marsh,	Schaaf,
Boles,	Gramlich,	Maxwell,	Schuster,
Bonner,	Gray,	May,	Seltzer,
Bossert,	Greenlee,	McCandless,	Shelton,
Bower,	Gremminger,	McCann,	Shupnik,
Bowman,	Gross,	McCormack,	Simmons,
Branca,	Guesman,	McDevitt,	Slack,
Breth,	Guthrie,	McDonald,	Snare,
Buchanan,	Hamilton,	McKeever,	Stank,
Bush,	Hankins,	McLaughlin,	Steckel,
Capano,	Hartley,	McNally,	Stimmel,
Capitolo,	Haudenshield,	Meholchick,	Stiteler,
Cauley,	Heavey,	Merry,	Stone,
Cianfrani,	Heffner,	Mihm,	Strausser,
Cioffi,	Hocker,	Miller,	Sullivan, J. A.,
Clarke,	Holl,	Mills,	Sullivan, T. F.,
Comer,	Holliday,	Monroe,	Taylor,
Cooley,	Holman,	Morley,	Thompson,
Crossin,	Horst,	Mullen,	Tomascik,
Curwood,	Irvis,	Munley,	Tompkins,
Davis,	Isaacs,	Murphy,	Trusio,
Dengler,	Jenkins,	Murray,	Ujobai,
Dennison,	Jim,	Musto,	Varner,
Donaldson,	Johnson, A. W.,	Needham,	Verona,
Dougherty,	Johnson, R. P.,	O'Dell,	Wall,
Doughten,	Jones,	O'Donnell, J. A.,	Walsh,
Edwards,	Kamyk,	O'Donnell, J. P.,	Wargo,
Eilberg,	Keiser,	Ogilvie,	Welsh,
Elvey,	Kelly,	Parlante,	Wescott,
Eshleman,	Kernaghan,	Pashley,	Whittaker,
Ewing,	Kessler,	Perry,	Willard,
Farabaugh,	Kistler,	Petrosky,	Willaredt,
Fetterolf,	Klein,	Piper,	Williams, A. D.,
Filo,	Knecht,	Polaski,	Williams, E. S.,
Fineman,	Kooker,	Polen,	Wilt,
Flynn,	Kornick,	Prendergast,	Wood,
Foerster,	Korns,	Price,	Worley,
Foor,	Kramer,	Pursley,	Wynd,
Fox,	Lamb,	Reibman,	Yetter,
Frascella,	Lawson,	Reidenbach,	Zember,

Fry,	Lee, A. M.,	Renwick,	Zimmerman,
Fulmer,	Lee, K. B.,	Riley,	Andrews,
Gailey,	Leonard,		Speaker

NAYS—0

NOT VOTING—12

Ashton,	Esler,	King,	Odorisio,
Down,	Helm,	Magee,	Sherman,
Eshback,	Henzel,	McInroy,	Weidner,

The majority required by the Constitution having voted in the affirmative the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 373, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" changing certain salaries and work loads prescribing general extension education areas decreasing the number of names needed for free extension education raising the deposit fee and providing for a tuition fee in certain instances deleting provisions relating to free evening schools providing for payments on account of approved vocational extension classes and making an appropriation.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—175

Adams,	Gailey,	Lee, A. M.,	Reidenbach,
Anderson, S. A.,	Gallagher,	Lee, K. B.,	Renwick,
Arlene,	Gelfand,	Leonard,	Riley,
Auker,	Gibb,	Limper,	Royer,
Bachman	Gibbons,	Long, Wm. Jas.,	Rubin,
Backenstoe,	Goldstein, J. H.,	Long, Wm. Jos.,	Rudisill,
Blair,	Goldstein, M. H.,	Lutty,	Rutherford,
Boies,	Goodrich,	Manbeck,	Sakulsky,
Bonner,	Gramlich,	Markley,	Scarcelli,
Bossert,	Gray,	Marsh,	Schaaf,
Bower,	Greenlee,	Maxwell,	Schuster,
Branca,	Gremminger,	May,	Seltzer,
Breth,	Guesman,	McCann,	Shelton,
Buchanan,	Guthrie,	McCormack,	Shupnik,
Bush,	Hamilton,	McDevitt,	Simmons,
Capano,	Hankins,	McDonald	Slack,
Capitolo,	Hartley,	McKeever,	Snare,
Cauley,	Haudenshield,	McLaughlin,	Stank,
Cianfrani,	Heavey,	McNally,	Steckel,
Cioffi,	Heffner,	Meholchick,	Stimmel,
Clarke,	Helm,	Merry,	Stiteler,
Comer,	Henzel,	Mihm,	Stone,
Cooley,	Holl,	Miller,	Sullivan, J. A.,
Crossin,	Holliday,	Mills,	Sullivan, T. F.,
Curwood,	Holman,	Monroe,	Taylor,
Davis,	Horst,	Morley,	Thompson,
Dengler,	Irvis,	Mullen,	Tomasčík,
Dennison,	Jenkins,	Munley,	Trusio,
Donaldson,	Jim,	Murphy,	Ujobai,
Dougherty,	Johnson, A. W.,	Murray,	Varner,
Doughten,	Johnson, R. P.,	Musto,	Verona,
Eilberg,	Jones,	Needham,	Walsh,
Elvey,	Kamyk,	O'Donnell, J. A.,	Wargo,
Eshback,	Kelly,	O'Donnell, J. P.,	Welsh,
Eshleman,	Kessler,	Parlante,	Wescott,
Farabaugh,	Kistler,	Pashley,	Willaredt,
Fetterolf,	Klein,	Perry,	Williams, A. D.,
Filo,	Knecht,	Petrosky,	Williams, E. S.,
Fineman,	Kooker,	Polaski,	Wood,
Flynn,	Kornick,	Polen,	Wynd,
Foerster,	Korns,	Prendergast,	Yetter,
Frascella,	Kramer,	Price,	Zember,
Fry,	Lamb,	Pursley,	Andrews,
Fulmer,	Lawson,	Reibman,	Speaker

NAYS—23

Anderson, J. H.	George,	Lippincott,	Tompkins,
Bowman,	Gross,	McCandless,	Wall,
Edwards,	Hocker,	O'Dell,	Whittaker,
Ewing,	Isaacs,	Ogilvie,	Wilt,
Foor,	Keiser,	Piper,	Zimmerman,
Fox,	Kernaghan,	Strausser,	

NOT VOTING—12

Ashton,	King,	Odorisio,	Weidner,
Down,	Magee,	Rovansek,	Willard,
Esler,	McInroy,	Sherman,	Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 916, entitled:

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code" authorizing counties to make appropriations and to enter into contracts for improvement of transportation operations and facilities and to accept gifts grants and federal loans in connection therewith.

On the question,

Will the House agree to the bill on third reading?

Messrs. FETTEROLF and GIBBONS asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Sec. 1, (Sec. 1997), page 2, line 6, by inserting after "Facilities" (a)

Amend Sec. 1, (Sec. 1997), page 2, line 9, by inserting after "may" subject to a referendum

Amend Sec. 1, (Sec. 1997), page 2, by inserting between lines 16 and 17: (b) The referendum procedure shall be as follows:

A petition requesting that the commissioners enter into contracts and long range cooperative programs with federal, State and local governmental agencies or public utilities for the improvement of transportation operations and facilities within and across county lines shall be signed by qualified electors of the county equal in number to at least one per cent (1%) of the highest total vote cast for any county office at the last municipal election. The petition shall be in the form required for nomination petitions by the election laws of the Commonwealth, except that the said petition shall be circulated for not more than six (6) months prior to the last filing day, which shall be ninety (90) days before the general or municipal election at which it is desired to submit the question. The petition shall be filed with the county board of elections, and the validity of the petition and any objections thereto shall be determined in accordance with the election laws of the Commonwealth.

The election on the question shall be governed in all respects by the election laws of the Commonwealth insofar as they are applicable.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER. The gentleman from Montgomery, Mr. Fetterolf, still has the floor.

Mr. GALLAGHER, Mr. Speaker, I desire, at the proper time, to speak on these amendments.

The SPEAKER. The gentleman desires to inform the House as to the nature of the amendments he is offering.

Mr. FETTEROLF. Mr. Speaker, in order to point out more clearly the purpose of the amendments, I would like briefly to summarize the purpose of the bill.

This bill is an amendment to the county code which would permit the board of county commissioners to enter into contracts and long-range cooperative programs with Federal, State and local governmental agencies or public utilities for the improvement of transportation operations and facilities within and across county lines. It also gives the board of county commissioners the right to contribute county money and to expect Federal funds in the support of this sort of transportation project.

Now then, the amendment which I have introduced, in conjunction and collaboration with Mr. Gibbons from Delaware, amounts to providing for a referendum on this matter.

I believe that all the people should have the right to decide for themselves if they wish to have their tax moneys poured into this new and probably worthwhile project, one which, in all likelihood, could mushroom to great proportions in the years ahead. It is probably true but that a scant 25 percent of the people living in the suburban Philadelphia counties commute to Philadelphia by way of public transportation. It perhaps is not proper that all in a suburban county subsidize a project for the benefit of the minority. Therefore, I believe it not only proper but fair to allow all the people to speak their minds in a referendum on this issue.

There is another point which should be made. Some of the members of the House may not be aware of the tremendous impression which has been created in the minds of hundreds of thousands of suburban Philadelphia residents ever since Congressman Bill Green insisted that portions of neighboring counties be annexed to Philadelphia for political purposes in order to preserve the six congressional seats in Philadelphia and they have become wary. Does this sort of action mean eventual physical annexation? they ask. Does this mean Bill Green will eventually dictate all things to us? Truly many believe this a possibility and they are today watching and waiting. I say people in this state of mind have a proper right to consider carefully this mass transportation project being hand in hand with the big city of Philadelphia. Philadelphia stands to be the gainer, and suburbanites realize this. They want a chance to express themselves on the degree to which their counties commit them.

For these reasons I ask that the people of the Philadelphia suburbs be given this opportunity in a referendum. I ask all of you in this House to consider their interest and support this most important amendment. Of course there is no question that our railroads need a financial shot in the arm. Too long have they suffered in this commuter service between the suburbs in Montgomery, Delaware, Bucks and Chester counties and the big city. But I say too, that 300,000 people whom I represent also have a right to their expression. Ladies and gentlemen of this House, I make a very sincere plea for your support in this vote.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, I would like to address my remarks to the members of the Assembly in opposition to these amendments.

I would like to say, first of all, that I am surprised that the gentleman is offering these amendments this evening when The Philadelphia Bulletin, in tonight's paper, carries this story, "Four Suburban Counties Agree to Join City in Commuter Line Plans." This news item is the result of a combination of meetings and agreements which the four suburban counties and the city of Philadelphia, the county commissioners of each of these counties, in working out an agreement and a plan whereby the residents of these counties will eventually have the opportunity to take the advantage of better commuter service.

I would like to say again that the gentleman has raised a specter of the reapportionment program as an issue here, but apparently the county commissioners of these four counties do not believe that this is an issue. They look at this problem as one of cooperating with neighboring counties and providing for the public and the citizens of these counties the best possible transportation available.

This bill that we have before us today will entitle these counties to $230,000 of Federal funds to provide a better commuter service in the area.

I have before me correspondence from my county commissioners wherein they cite a resolution that they adopted authorizing their participation in this program.

The move to place these amendments into the bill to provide for referendum at this time, after the Republican Party has instituted scare tactics in these areas about the congressional reapportionment program, would be fatal to the bill and thereby lose this Federal aid to our commuter problem, this aid to our mass transportation problem. I can speak with authority on this situation because I have been one who has come out and opposed this reapportionment program, and all the petitions and all the nonsense that the Republican Party is trying to institute at rallies in these suburban counties will not reapportion this State's congressional system. It is my vote, the vote of Representative Gremminger, the vote of Representative Fry that are going to decide this matter. I say that the Republican Party has made a mistake in trying to institute these scare tactics and now we are faced with this problem here. We are not talking about municipal annexation; we are talking about municipal cooperation. We have seen this thing work in the city of Philadelphia where they have improved mass transportation in the city. We have seen it work to the extent that the county commissioners in the four suburban counties, who are mainly Republican county commissioners, have seen fit to come to an agreement with the city of Philadelphia that they may enter into an agreement with the city; that they may participate in the Federal program for aid to this program.

With all this in mind, ladies and gentlemen, with the fact that in tonight's Bulletin the county commissioners have agreed to enter into this plan—they are waiting for my county commissioners to come back from vacation to sign the agreement. They will sign it after Labor Day. This is how far they have gone into this and I feel that the referendum is not necessary. These people are elected by the people of the various counties. They were elected on the basis that they would represent the people

of the counties. They know what the people want; they know that they need this mass transportation program; they know that they need additional commuter service; they know the feeling, the temper, the actual fact of the matter, and they can well decide this.

So, Mr. Speaker, I would ask the members on both sides of this House to vote down these amendments and to support this bill for progress in this area.

The SPEAKER. Does the gentleman from Delaware, Mr. Isaacs, desire recognition?

Mr. ISAACS. Mr. Speaker, I would like to interrogate the gentleman from Bucks, Mr. Gallagher.

The SPEAKER. Will the gentleman from Bucks, Mr. Gallagher, permit himself to be interrogated?

Mr. GALLAGHER. I will, Mr. Speaker.

Mr. ISAACS. Mr. Speaker, I understand you to say that you would oppose the Green plans for the reapportionment of the Congressional District by a Philadelphia district overlapping a suburban county, and if I understood you correctly, you said that Representatives Gremminger and Fry from the counties of Delaware and Bucks would likewise oppose any such plans whereby any Philadelphia Congressional District would overlap a suburban county.

The SPEAKER. The Chair would hope. . . . . .

Mr. GALLAGHER. Mr. Speaker, I will answer the question, please.

The SPEAKER. The Chair would hope that we do not get involved in reapportionment while discussing this thing.

Mr. ISAACS. Mr. Speaker, the bill was the last question on the floor of this House. He opened the door. I am interrogating him on his statement, Mr. Speaker.

Mr. GALLAGHER. Mr. Speaker, seeing that Mr. Fetterolf opened the question when he referred to the problem. . . . . .

The SPEAKER. The Chair does not like to be shouted at. He does not shout at the gentleman from Delaware. If his remarks were provocative then the Chair did not say anything, and the Chair simply expressed the hope that we would not get into reapportionment in discussing this measure. If the House wants to do that, the House is privileged to do so.

Mr. GALLAGHER. Mr. Speaker, probably if I answered the gentleman's question I could clarify the matter. I said that the position of the Republican Party in the suburban counties will not bring about the defeat of the Green proposal to congressional reapportionment. I said that my vote, and I have publicly announced as being opposed to this plan, my vote and the votes of Representatives Gremminger and Fry will help to decide this issue. I did not say that those two gentlemen were opposed to this.

Mr. ISAACS. Mr. Speaker, that is all I wanted to know and I thank the gentleman for his answer and I am pleased to know that he is representing the sentiments of Representative Fry and Representative Gremminger. Both gentlemen being here in the House, if this is not a fact, I think they should know about it. I thank the gentleman, Mr. Speaker.

Mr. GALLAGHER. Mr. Speaker, I have to clarify this. I am not representing their position. I am saying that the petitions you people are circulating will do no good. It will take the votes of myself and these other two gentlemen to accomplish what you are trying to accomplish upon the people by signing these petitions.

Mr. ISAACS. I understand the gentleman clearly, Mr. Speaker, and I thank him for his remarks.

The SPEAKER. Does the gentleman from Bucks, Mr. Williams, desire to be recognized?

Mr. A. D. WILLIAMS, Jr. I do, Mr. Speaker, for a few words on this amendment.

The SPEAKER. The Chair thanks the gentleman for offering to speak on the amendments.

Mr. A. D. WILLIAMS, Jr. There must be a spirit of congeniality which we have arising out of these sessions which develops at the end of the session, and I have the pleasure and the opportunity for probably the first time in my three years here to agree completely with the other Representative from Bucks County, Mr. Gallagher, on this issue. We in Bucks County want our hands free to cooperate with Philadelphia if we so choose. That is the only issue here involved. This is a question which is entirely one of Home Rule. We merely want the legal authority to enter into a commuter train pact if we so desire. We have not made any formal agreements yet that I know of, but we desire to have a right to do so if we wish. I would like to see these amendments defeated and the bill passed.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. FETTEROLF and LIPPINCOTT and were as follows:

YEAS—74

Adams,	George,	Kernaghan,	Snare,
Anderson, J. H.,	Gibb,	Kistler,	Steckel,
Backenstoe,	Gibbons,	Knecht,	Stimmel,
Blair,	Goldstein, J. H.,	Lee, K. B.,	Stiteler,
Bossert,	Goodrich,	Lippincott,	Strausser,
Bowman,	Gramlich,	Manbeck,	Thompson,
Buchanan,	Gross,	Markley,	Tompkins,
Davis,	Guthrie,	Marsh,	Ujobai,
Dengler,	Haudenshield,	McCandless,	Varner,
Dennison,	Heffner,	Merry,	Walsh,
Donaldson,	Helm,	O'Dell,	Wescott,
Elvey,	Henzel,	Ogilive,	Willaredt,
Eshleman,	Hocker,	Price,	Williams, E. S.,
Ewing,	Holl,	Royer,	Wilt,
Fetterolf,	Horst,	Rutherford,	Wood,
Foor,	Isaacs,	Seltzer,	Wynd,
Fox,	Johnson, A. W.,	Simmons,	Zember,
Fry,	Johnson, R. P.,	Slack,	Zimmerman,
Fulmer,	Keiser,		

NAYS—121

Anderson, S A.,	Galley.	Maxwell,	Prendergast,
Arlene,	Gallagher,	May,	Pursley,
Auker,	Gray,	McCann,	Reibman,
Bachman.	Greenlee,	McCormack,	Reidenbach,
Boles,	Gremminger,	McDevitt,	Renwick,
Bonner,	Guesman,	McDonald,	Riley,
Bower,	Hankins,	McKeever,	Rovansek,
Branca,	Hartley,	McLaughlin,	Rubin,
Breth,	Heavey,	McNally,	Rudisill,
Bush,	Holman,	Meholchick,	Sakulsky,
Capano,	Irvis,	Mihm,	Scarcelli,
Capitolo,	Jenkins,	Miller,	Schaaf,
Cauley,	Jim,	Mills,	Schuster,
Cianfrani,	Jones,	Monroe,	Shelton,
Cioffi,	Kamyk,	Morley,	Shupnik,
Clarke,	Kelly,	Mullen,	Stank,
Comer,	King,	Munley,	Stone,
Cooley,	Klein,	Murphy,	Sullivan, J. A.,
Crossin,	Kooker,	Murray,	Sullivan, T. F.,
Curwood,	Kornick,	Musto,	Taylor,
Dougherty,	Korns,	Needham,	Tomascik,
Doughten,	Kramer,	O'Donnell, J. A.,	Verona,
Edwards,	Lamb,	O'Donnell, J. P.,	Wall,

Ellberg,	Lawson,	Parlante,	Wargo,
Fahbach,	Lee, A. M.,	Pashley,	Welsh,
Farabaugh,	Leonard,	Perry,	Whittaker,
Filo,	Limper,	Petrosky,	Williams, A. D.,
Fineman,	Long, Wm. Jas.,	Piper,	Worley,
Flynn,	Long, Wm. Jos.,	Polaski,	Yetter,
Foerster,	Lutty,	Polen,	Andrews,
Frascella,			Speaker

NOT VOTING—15

Ashton,	Goldstein, M. H.,	Magee,	Trusio,
Down,	Hamilton,	McInroy,	Weidner,
Esler,	Holliday,	Odorisio,	Willard,
Gelfand,	Kessler,	Sherman,	

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Lippincott.

Mr. LIPPINCOTT. Mr. Speaker, I would like to interrogate the gentleman from Bucks, Mr. Gallagher?

The SPEAKER. Will the gentleman from Bucks, Mr. Gallagher, permit himself to be interrogated?

Mr. GALLAGHER. I will, Mr. Speaker.

Mr. LIPPINCOTT. Mr. Speaker, did the gentleman state or did I understand him to say that the Bulletin article indicated an agreement had been reached concerning regional planning on this mass transit between certain counties?

Mr. GALLAGHER. Mr. Speaker, the Bulletin article said that, "Four Suburban Counties agree to join City in Commuter Line Plan" "Will Sign Pact After Labor Day".

Mr. LIPPINCOTT. Does that mean, Mr. Speaker, that this bill is not necessary? In other words, have they reached an agreement without this bill?

Mr. GALLAGHER. Mr. Speaker, I would suggest that these gentleman are doing this in anticipation of this bill because. . . .

Mr. LIPPINCOTT. Is that indicated in the article that they are doing it in anticipation of this bill?

Mr. GALLAGHER. Mr. Speaker, I do not know that the article gives that inference, but I would be glad to have the gentleman read it and decide for himself.

Mr. LIPPINCOTT. I was sure that you had read it and that is why I asked you.

Mr. GALLAGHER. Mr. Speaker, I had read it but you might read into it a different interpretation than I would. Maybe you would like to read it now and decide what your opinion is on the matter.

Mr. LIPPINCOTT. I thank the gentleman. Mr. Speaker, I say seriously that there is a great deal of confusion among a lot of people concerning this regional planning and this mass transit idea. I think there has been a lot of confused statements by people of both parties concerning this idea, as printed in many newspaper articles and many press releases recently. It seems to me that the implications of this bill on mass transit are very serious and very tremendous as far as the suburbs are concerned. I feel and I know many of my colleagues in our county feel, and many of the leaders in our county feel, that this could develop into a tremendous financial monster as far as the suburbs of Philadelphia in particular are concerned. It seems to me that we should go easy before we pass a bill like this in the very last minutes of this session. I recall reading another Bulletin editorial in line with what the gentleman from Montgomery and the gentleman from Delaware said, which said in effect that regional planning had been set back ten years by the grand political annexation plan which certainly is tied in with this whole idea. I say that we should go very slow in passing this type of legislation. There is no rush on this and I ask all the members to vote against this bill.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, I would like to speak in behalf of the bill.

Mr. Speaker, I would like to say that some months ago, myself, Representative Gremminger and Representative Fry introduced a bill in this House that would exempt the suburban residents from the Philadelphia wage tax, and when I introduced that bill I suggested that if the Mayor of the city of Philadelphia wanted the counties to participate in his mass transportation program, the first thing he should do is agree to support that bill and thereby gain the confidence of the people in the suburban counties. Unfortunately, the county commissioners in each of these suburban counties, who happen to be Republican, saw fit to ingore this offer of compromise and enter into this agreement. Now, they have missed the point because of their actions, but I still must support this bill because it is a good bill for the people of the suburban counties. They need this type of mass transportation program, and even though they threw out our bargaining point and their ace, I still think that this is a good bill and have agreed to support it wholeheartedly, and I respectfully request each and every member to support the bill.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Isaacs.

Mr. ISAACS. Mr. Speaker, appropos to the remarks of the gentleman from Bucks, Mr. Gallagher, concerning the Philadelphia wage tax, that bill was in the Committee on Municipal Corporations. I believe, and I may be wrong, that he may have been secretary of the committee. I happen to be a member of that committee. I was there at every meeting; I may have missed one. The bill was not brought up. I did not hear the gentleman ask that the bill be brought up, I did not hear him ask the chairman to bring it up. I might say the Republicans were there to supply the votes for the bill. That is just to straighten out the record, Mr. Speaker.

The SPEAKER. The Chair recognizes. Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, the gentleman has entered into a round which I cannot answer because we are not permitted to speak about activities in committee, but he knows full well what happened in those committee meetings and if his people had been there we would have done something. I ask that we have a roll call at this time, Mr. Speaker.

The SPEAKER. For what purpose does the majority leader rise?

Mr. McCANN. Mr. Speaker, I hope that they have debated the bill fully. The bill is Senate bill 916 and I would appreciate it if we could go to a roll call.

Mr. ISAACS. Mr. Speaker, I did not bring up anything about the Philadelphia wage tax.

The SPEAKER. The Chair does not like to be shouted at when he has been very, very lenient and calm, and so forth.

Mr. ISAACS. I apologize to the Speaker if I was shouting, but I did not bring up the Philadelphia wage tax, Mr. Speaker, into this discussion. And inasmuch as the gentleman from Bucks sought to do so, I think I am entitled to answer the gentleman and I am just trying to keep the record straight.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—143

Adams,	Fry,	Long, Wm. Jas.,	Renwick,
Anderson, J. H.,	Gailey,	Long, Wm. Jos.,	Riley,
Anderson, S. A.,	Gallagher,	Lutty,	Rovansek,
Arlene,	Gelfand,	Markley,	Royer,
Auker,	Gibb,	Maxwell,	Rubin,
Bachman,	Goldstein, M. H.,	May,	Rutherford,
Backenstoe,	Gray,	McCann,	Sakulsky,
Boles,	Greenlee,	McCormack,	Scarcelli,
Bonner,	Gremminger,	McDevitt,	Schaaf,
Branca,	Guesman,	McDonald,	Schuster,
Breth,	Hamilton,	McKeever,	Shelton,
Buchanan,	Hankins,	McLaughlin,	Shupnik,
Capano,	Hartley,	McNally,	Stank,
Capitolo,	Heavey,	Meholchick,	Steckel,
Cauley,	Hocker,	Mihm,	Stimmel,
Cianfrani,	Holl,	Miller,	Stone,
Cioffi,	Holliday,	Mills,	Strausser,
Clarke,	Holman,	Monroe,	Sullivan, J. A.,
Comer,	Horst,	Morley,	Sullivan, T. F.,
Cooley,	Irvis,	Mullen,	Taylor,
Crossin,	Jenkins,	Munley,	Tomascik,
Curwood,	Jim,	Murphy,	Trusio,
Donaldson,	Jones,	Needham,	Verona,
Dougherty,	Kamyk,	O'Donnell, J. A.,	Wall,
Doughten,	Keiser,	O'Donnell, J. P.,	Wargo,
Edwards,	Kelly,	Parlante,	Welsh,
Eilberg,	Kistler,	Pashley,	Wescott,
Eshback,	Klein,	Perry,	Williams, A. D.,
Eshleman,	Kooker,	Petrosky,	Williams, E. S.,
Farabaugh,	Kornick,	Piper,	Wilt,
Fetterolf,	Kramer,	Polaski,	Wood,
Filo,	Lamb,	Polen,	Worley,
Fineman,	Lawson,	Prendergast,	Yetter,
Flynn,	Lee, A. M.,	Price,	Zember,
Foerster,	Leonard,	Reibman,	Andrews,
Frascella,	Limper,	Reidenbach,	Speaker

NAYS—54

Blair,	Gibbons,	Kessler,	Seltzer,
Bossert,	Goldstein, J. H.,	Knecht,	Simmons,
Bower,	Goodrich,	Korns,	Snare,
Bowman,	Gramlich,	Lee, K. B.,	Stiteler,
Bush,	Gross,	Lippincott,	Thompson,
Davis,	Guthrie,	Manbeck,	Tompkins,
Dengler,	Haudenshield,	Marsh,	Ujobai,
Dennison,	Heffner,	McCandless,	Varner,
Elvey,	Helm,	Merry,	Walsh,
Ewing,	Henzel,	Murray,	Whittaker,
Foor,	Isaacs,	O'Dell,	Willaredt,
Fox,	Johnson, A. W.,	Ogilvie,	Wynd,
Fulmer,	Johnson, R. P.,	Pursley,	Zimmerman,
George,	Kernaghan,		

NOT VOTING—13

Ashton,	Magee,	Odorisio,	Slack,
Down,	McInroy,	Rudisill,	Weidner,
Esler,	Musto,	Sherman,	Willard,
King,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 932, entitled:

An Act amending the act of December 22, 1959 (P. L. 1978), entitled "State Harness Racing Law" changing the commission to an independent administrative commission permitting corporation organized to hold race meetings to have a perpetual duration permitting the renewal of licenses and authorizing elections to determine if a racing plant is to be located within the county once every four years.

On the question,

Will the House agree to the bill on third reading?

Mr. McCANN asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 2, second line of Title, by inserting after "commission" providing for its membership

Amend Bill, page 6, by inserting after line 18

Section 2. The members of the State Harness Racing Commission in office at the time of this enactment shall continue in office and shall continue to have the same powers and duties as heretofore granted until the expiration of the term for which they were appointed.

Section 3. This act shall take effect immediately.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, these amendments are the ones that restore the State harness racing commission to office; at the time it was enacted it provided that they should continue in office and continue to have the same powers and duties as heretofore granted until the expiration of the terms for which they were appointed. They are the restoration amendments to the so-called "ripper section" which restores the harness racing commission in that section.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. M. H. Goldstein.

Mr. M. H. GOLDSTEIN. I have a series of amendments but I would like to have Mr. McCann correct me if I am wrong. These constitute a temporary abatement of the "ripper," and when the individuals' terms have expired, then no longer will the commission be under the jurisdiction of the Secretary of Agriculture, is that not true?

Mr. McCANN. Mr. Speaker, that would be true. That is the other section of the bill.

Mr. M. H. GOLDSTEIN. Thank you.

Mr. McCANN. This restores that section, as I indicated very clearly, Mr. Speaker.

Mr. M. H. GOLDSTEIN. Mr. Speaker, all I would say is that I think it would be better to have had this particular bureau under the Secretary of Agriculture, it relates to horses and horses are associated with agriculture.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. M. H. Goldstein. Has the gentleman from Allegheny finished?

Mr. M. H. GOLDSTEIN. Have the amendments of Mr. McCann been agreed upon?

The SPEAKER. They have not.

Mr. M. H. GOLDSTEIN. I have no desire to debate them; I just made my observation, that's all. I do not care for a roll call on this particular issue, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Foor.

Mr. FOOR. Mr. Speaker, I desire to offer amendments at the proper time.

The SPEAKER. The Chair will recognize the gentleman at the proper time.

Mr. McCANN. This vote has been agreed to according to information that I have.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

Mr. M. H. GOLDSTEIN asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 2, first and second lines of Title, by striking out "changing the commission to an independent administrative commission" and inserting: regulating and limiting charges imposed by licensees; further regulating the appointment of employes;

Amend Title, page 2, third line of Title, by striking out "perpetual" and inserting: longer

Amend Title, page 2, third to last lines of Title, by striking out "permit" in third line, all of fourth to last lines, and inserting: prohibiting the grant of licenses except at a public meeting of the commission and the subleasing of harness horse race plants or facilities and requiring the publication of the names, addresses and occupations of owners of stock in licensed corporations and their lessors; prohibiting public officers, public employes and party officers from having an interest in pari-mutuel racing activities.

Amend Sec. 1, page 2, lines 1 and 2, by striking out "The title section 1 clause (5) of section 3 subsections (a) and (c) of section 7 and subsection (a) of section 20" and inserting: Section 1

Amend Sec. 1, page 2, line 11, by striking out "are" and inserting: is

Amend Sec. 1 (Title), page 3, lines 1 to 10, by striking out all of said lines.

Amend Sec. 1 (Sec. 1), page 3, line 12, by striking out the brackets before and after "a departmental"

Amend Sec. 1 (Sec. 1), page 3, lines 12 and 13, by striking out "an independent"

Amend Sec. 1 (Sec. 1), page 3, lines 13 and 14, by striking out the bracket before "within" in line 13 and after "culture" in line 14.

Amend Sec. 1 (Sec. 1), page 4, line 1, by inserting brackets before and after "The commission shall appoint such" and inserting immediately thereafter: Such

Amend Sec. 1 (Sec. 1), page 4, line 2, by inserting brackets before and after "it may deem" and inserting immediately thereafter: may be

Amend Sec. 1 (Sec. 1), page 4, lines 2 and three, by inserting a bracket before "who" in line 2 and after "appoint" in line 3 and inserting immediately thereafter: and

Amend Sec. 1 (Sec. 1), page 4, line 4, by inserting brackets before and after "it may deem" and inserting immediately thereafter: as may be

Amend Sec. 1 (Sec. 1), page 4, lines 4 and 6, by inserting brackets before "and" in line 4 and after "therefore" in line 6 and inserting immediately thereafter: shall be appointed in the manner prescribed by the act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," and its amendments.

Amend Bill, page 5, by inserting between lines 2 and 3:

Section 2. The act is amended by adding, after section 2, a new section to read:

Section 2.1. Charges.—(a) All charges imposed by any licenscee shall be subject to approval by the State Harness Racing Commission.

(b) Charges for any purpose shall be imposed only in accordance with a list of charges filed with the State Harness Racing Commission not more than sixty days and not less than thirty days prior to any harness horse race meet.

(c) The charges imposed by the State Harness Racing Commission shall provide for an annual return which will cover reasonable expenses, taxes and a fair and reasonable return on the property owned by the licensee which is used and useful in the operation of the race track and in no event shall exceed six per cent of the necessary reasonable cost thereof.

Section 3. Section 3 of the act is amended to read:

Amend Sec. 1 (Sec. 3), page 5, line 3, by inserting after "Incorporation" (a)

Amend Bill, page 5, lines 9 to 11, by striking out all of said lines and inserting:

(1) The name of the proposed corporation.

(2) The object for which it is to be formed and the location at which it is proposed to conduct its business.

(3) The amount and description of the capital stock.

(4) The location of its principal business office.

(5) Its duration, which shall not exceed [fifty] ninety-nine years.

(6) The number of its directors, not less than five nor more than thirteen.

(7) The names and post office addresses of the directors for the first year.

(8) The post office addresses of the subscribers and a statement of the number of shares of stock which each agrees to take in the corporation.

Each certificate shall be accompanied by the fees, bonus and taxes required by law in the case of corporations organized under the "Business Corporation Law," of 1933.

(b) No corporation organized pursuant to this act shall have or be given the right or power to conduct any harness horse race meet pursuant to this act, except on obtaining a license from the commission at a meeting open to the public and at the location designated in its certificate of incorporation as the place at which it was proposed to conduct its business: Provided, however, That this restriction shall not apply to any such corporation whose racing plant or the usefulness thereof or of any material part thereof, in the discretion of the commission, shall, for any reason beyond the control of such corporation, be totally destroyed, or so substantially interferred with or damaged as to render same unfit for continued operation. Pending the rebuilding or restoration of its usefulness, or the making of the required repairs to said plant or the part thereof so destroyed or damaged, the State Harness Racing Commission may, subject to the provisions of section 3.1 of this act, license such corporation to conduct its harness horse race meetings at any other suitable location in the same county or in any other county in which a harness racing plant may be located.

Section 4. The act is amended by adding, after section 3, a new section to read:

Section 3.1. Subleasing of Facilities Probihited.—No harness horse race track plant or facilities at which any harness horse race meets have been authorized shall be subleased to another licensee for conducting harness horse race meets.

Section 5. Section 4 of the act is amended by adding, at the end thereof, a new subsection to read:

Section 4. Filing of Information Concerning Stock Transfers; Necessity for Commission's Approval.—* * *

(f) On or before the thirty-first day of January of each year, the names, address and occupations of all owners of stock of any corporation which is licensed under this

act and of any corporation which leases to such licenses the track at which it conducts pari-mutual races shall be advertised in at least one newspaper published or of general circulation in the couty in which the licensee is authorized to conduct harness horse racing meets.

Section 6. Subsection (a) of section 7 of the act is amended to read:

Amend Sec. 1 (Sec. 7), page 5, line 14 by inserting after "[annually]" biennially

Amend Sec. 1 (Sec. 7), page 6, lines 2 and 3 by striking out "Any license so issued" in line 2 and all of line 3.

Amend Sec. 1 (Sec. 7), page 6, lines 5 to 11 by striking out all of said lines.

Amend Sec. 1 (Sec. 20), page 6, lines 12 to 18, by striking out all of said lines.

Amend Bill, page 6, by inserting after line 18:

Section 7, The act is amended by adding, after section 7, a new section to read:

Section 7.1 Prohibition of Interest by Public Officers, Public Employes and Party Officers in Pari-mutual Racing Activities.—(a) No public officer, public employe or party officer shall:

(1) Hold any license from the State Harness Racing Commission: or

(2) Own or hold, directly or indirectly, any proprietary interest, stock or obligation of any firm, association or corporation (i) which is licensed by such commission to conduct pari-mutuel racing; or (ii) which is licensed to conduct its occupation, trade or business at race tracks at which pari-mutuel race meets are conducted; or (iii) which owns or leases to any licensed association or corporation a race track at which pari-mutuel racing is conducted; or (iv) which participates in the management or any licensee conducting parti-mutuel racing: or

(3) Hold any office or employment with any firm, association or corporation specified in clause (2) of this section; or

(4) Sell (or be a member of a firm or own ten per centum or more of the stock of any corporation which sells) any goods or services to any firm, association or corporation specified in cause (2) of this section.

(b) Notwithstanding any other provision of law, and in addition to any other cause of removal provided by law, a knowing and wilful violation of this section shall be cause for removal from public office, public employment or party office. In any such case, such public officer, public employe or party officer violating this section shall be removed from office by appropriate authority having the power of removal or at the suit of the Attorney General.

(c) As used in this section, the following terms shall mean and include:

(1) "Public Officer." Every person elected to any public office of the Commonwealth or any political subdivision thereof.

(2) "Public Employe." Every person employed by the Commonwealth or any political subdivision thereof.

(3) "Party Officer." The following members or officers of any political party: (i) a member of a National committee, (ii) a chairman, vice-chairman, secretary, treasurer or counsel of a State committee or member of the executive committee of a State committee, (iii) a county chairman, vice-chairman, counsel, secretary or treasurer of a county committee.

(d) A public officer, public employe or party officer who owns or holds directly or indirectly any proprietary interest, stock or obligation prohibited by subsection (a) of this section as of the effective date of this act shall not be in violation of this section if such interest or obligation is disposed of within one year from the date this act takes effect.

(e) The State Harness Racing Commission shall have the power to refuse to grant or to revoke or suspend a license of any firm, association or corporation which aids or knowingly permits or conspires to permit any public officer, public employe or party officer to acquire or retain any interest prohibited by this section.

Section 8. The provisions of this act shall not be construed to affect the provisions of clause (1) of subsection (b) of section 2 of the act hereby amended.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Goldstein, who will explain the first set of amendments he is offering.

Mr. M. H. GOLDSTEIN. Mr. Speaker, I recognize that we are in the last, or next to the last day of this session.

The SPEAKER. We hope.

Mr. M. H. GOLDSTEIN. We hope. What tomorrow brings nobody knows. I also recognize we have very many important matters to discuss. I am extremely sorry that these particular matters could not be reviewed and debated at great length.

The purport of my amendments is simply this: The majority leader is familiar with the amendments. In plain English, if you believe in taking politics out of harness racing, you will vote for these amendments. If you believe in keeping harness racing in politics, then you will vote against the amendments. I ask for a roll call.

Mr. Speaker, I want to correct a statement which I might have made inadvertently. The purpose of these amendments is to keep politics out of harness racing.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Eilberg.

Mr. EILBERG. Mr. Speaker, I rise in opposition to these amendments. There is no reason why we should make public officers, public employes or party officials second-class citizens. We, in effect, are doing this if this amendment should go into the bill. It is my belief that this amendment is patterned after the New York racing law, and I call to the attention of the members that this provision that is proposed by Mr. Goldstein is probably unconstitutional because it limits the opportunities of persons from doing what they should be free to do.

I might say in respect to the New York law that the New York law has not been tested. Mr. Goldstein oversimplifies the problem. The problem is whether we are to take away from our people the freedom of engaging in any legal enterprise.

Mr. M. H. GOLDSTEIN. Mr. Speaker, will the gentleman from Philadelphia consent to be interrogated?

Mr. EILBERG. I shall, Mr. Speaker.

Mr. M. H. GOLDSTEIN. Mr. Speaker, is it not true that these amendments are identical with the statute passed to that effect in the State of New York?

Mr. EILBERG. Mr. Speaker, in my remarks I indicated it was my belief that that was the case. I also indicated that that statute has not been tested in the courts and I am of the opinion that this provision would be unconstitutional.

Mr. M. H. GOLDSTEIN. Mr. Speaker, is it not true that this particular type of statute was passed in the State of New York because of the terrific scandal involving politicians of both parties in connection with the establishment of harness racing tracks?

Mr. EILBERG. I am not familiar with the situation as it exists in New York.

Mr. M. H. GOLDSTEIN. Mr. Speaker, if Mr. Eilberg is not familiar with the situation, I think in a matter of this great import he should have studied it, because the facts

are these, that this particular type of legislation was passed in order to eliminate the scandals whereby politicians made tremendous sums of money because of their interest in race tracks.

No. 2, I am not trying to make second-class citizens out of politicians, I am trying to make first-class citizens out of politicians. When you have a public office, you have a public trust and you also subordinate yourself to certain obligations. Today in the State of Pennsylvania if you are a member of the PUC you cannot hold public utility stock, and that does not make a public utility commissioner a second-class citizen. When a man or a politician has great influence and when you are giving an individual, a group of individuals, a monopoly for the benefit of themselves, their children and their grandchildren, I say the act is not only constitutional, but morally right and proper.

I ask everybody, both Democratic and Republican, to vote "aye" on this. If this is to be a party measure and part of the Democratic platform to vote to keep politicians in harness racing, let the people of the State of Pennsylvania know where you stand.

I ask for a roll call.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Eilberg.

Mr. EILBERG. Mr. Speaker, we should not take this opportunity to discourage people from rendering public service work. Instead of encouraging public service, the sponsors of this amendment attempt to penalize persons who engage in such public service. We want to encourage people to go into public service and we want to encourage people to go into politics.

Too often we forget that people like Jefferson, Madison, Hamilton and Lincoln were also politicians, Mr. Speaker. I say vote down these amendments.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. M. H. GOLDSTEIN and EILBERG and were as follows:

YEAS—97

Adams,	Fry,	Kessler,	Simmons,
Anderson, J. H.,	Fulmer,	King,	Slack,
Auker,	George,	Kistler,	Snare,
Backenstoe,	Gibb,	Knecht,	Steckel,
Blair,	Gibbons,	Kooker,	Stimmel,
Bossert,	Goldstein, J. H.,	Korns,	Stiteler,
Bower,	Goldstein, M. H.,	Kramer,	Strausser,
Bowman,	Goodrich,	Lee, A. M.,	Thompson,
Buchanan,	Gramlich,	Lee, K. B.,	Tompkins,
Bush,	Gross,	Lippincott,	Ujobai,
Cauley,	Guthrie,	Manbeck,	Varner,
Davis,	Haudenshield,	Markley,	Wall,
Dengler,	Heffner,	Marsh,	Wescott,
Dennison,	Helm,	May,	Whittaker,
Donaldson,	Henzel,	McCandless,	Willard,
Edwards,	Hocker,	Merry,	Willaredt,
Elvey,	Holl,	Miller,	Williams, A. D.,
Eshback,	Holliday,	Ogilvie,	Williams, E. S.,
Eshleman,	Holman,	Piper,	Wilt,
Esler,	Horst,	Price,	Wood,
Ewing,	Isaacs,	Pursley,	Worley,
Fetterolf,	Johnson, A. W.,	Royer,	Wynd,
Foerster,	Johnson, R. P.,	Rutherford,	Zember,
Foor,	Keiser,	Seltzer,	Zimmerman,
Fox,			

NAYS—103

Anderson, S. A.,	Gray,	McCormack,	Prendergast,
Arlene,	Greenlee,	McDevitt,	Reibman,
Bachman,	Gremminger,	McDonald,	Reidenbach,
Boles,	Guesman,	McKeever,	Renwick,
Bonner,	Hamilton,	McLaughlin,	Riley,
Branca,	Hankins,	McNally,	Rovansek,
Breth,	Hartley,	Meholchick,	Rubin,
Capano,	Heavey,	Mihm,	Sakulsky,
Capitolo,	Irvis,	Mills,	Scarcelli,
Cianfrani,	Jenkins,	Monroe,	Schaaf,
Cioffi,	Jim,	Morley,	Schuster,
Clarke,	Jones,	Mullen,	Shelton,
Comer,	Kamyk,	Munley,	Shupnik,
Cooley,	Kelly,	Murphy,	Stank,
Crossin,	Kernaghan,	Murray,	Stone,
Curwood,	Klein,	Musto,	Sullivan, J. A.,
Dougherty,	Kornick,	Needham,	Sullivan, T. F.,
Doughten,	Lamb,	O'Dell,	Taylor,
Eilberg,	Lawson,	O'Donnell, J. A.,	Tomascik,
Filo,	Leonard,	O'Donnell, J. P.,	Trusio,
Fineman,	Limper,	Parlante,	Verona,
Flynn,	Long, Wm. Jas.,	Pashley,	Wargo,
Frascella,	Long, Wm. Jos.,	Perry,	Welsh,
Gailey,	Lutty,	Petrosky,	Yetter,
Gallagher,	Maxwell,	Polaski,	Andrews,
Gelfand,	McCann,	Polen,	Speaker

NOT VOTING—10

Ashton,	Magee,	Rudisill,	Walsh,
Down,	McInroy,	Sherman,	Weidner,
Farabaugh,	Odorisio,		

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third reading as amended?

Mr. M. H. GOLDSTEIN asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 2, last line of Title by inserting after "years" and prohibiting the attendance at harness horse race meetings by minors and requiring the commission to provide by rule for enforcement of certain provisions of the act

Amend Sec. 1, page 2, line 2 by striking out "and" where it appears the second time

Amend Sec. 1, page 2, line 2 by inserting after "20" and section 21

Amend Bill, page 6, by inserting after line 18,

Section 21. Prohibiting of Wagering by Certain Officials, Employes and Minors, Prohibition of Attendance by Minors—No commissioner, secretary, deputy, officer, representative, employe or counsel of the commission shall bet upon the outcome of any harness horse race conducted at a track at which pari-mutuel betting is conducted by any licensee of the commission, and no corporation which is licensed under this act shall permit any person who is actually and apparently under twenty-one years of age to bet at, or attend a harness race meeting conducted by it. The State Harness Racing Commission shall by rule provide for enforcement of this section.

Section 2. This act shall take effect immediately.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. M. H. Goldstein, who will explain the second set of amendments.

Mr. M. H. GOLDSTEIN. The import of these amendments is very simple. Many people who favor legalized gambling do not favor establishment of a family night in connection with legalized gambling. These amendments clearly provide, like many other States, that minors cannot attend harness racing events. I certainly hope for sup-

port of the majority on this particular amendment, and I ask for a roll call.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Eilberg, desire to be recognized?

Mr. EILBERG. I do.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Eilberg.

Mr. EILBERG. Will the gentleman from Allegheny, Mr. M. H. Goldstein, agree to be interrogated?

Mr. M. H. GOLDSTEIN. I shall, Mr. Speaker.

Mr. EILBERG. Would you mind reiterating what the effect of these amendments would be?

Mr. M. H. GOLDSTEIN. These amendments, Mr. Speaker, merely state that if you are under twenty-one years of age, you cannot attend a harness racing event. These amendments are in accord with the laws of the State of Florida, which prohibit the attendance of minors at harness racing events. And I am quite certain that many people who attend these events would not want minors either to witness gambling or to be in an area where there is public and open drinking. Therefore, I would solicit your support in connection with these amendments.

Mr. EILBERG. Mr. Speaker, I rise in opposition to these amendments. The law presently provides that minors may not bet at harness racing tracks. The commission, the race track commission, has agreed that minors between the ages of ten and sixteen may attend only if they are accompanied by adults; over sixteen they may attend.

Now, Mr. Speaker, it is our feeling that minors should be able, should be permitted, to visit race tracks because racing is a sport just as football, just as baseball, is a sport. Racing is part of the American heritage. How else will youngsters see and learn the sport? Mr. Speaker, I say that there is nothing wrong with youngsters observing and seeing what races are like. The amendment is unduly harsh; the law is completely effective now in prohibiting betting; the regulations that the racing commission have are very fair. I ask that you vote against the amendments.

Mr. M. H. GOLDSTEIN. Mr. Speaker, will the gentleman from Philadelphia consent to be interrogated?

Mr. EILBERG. I shall, Mr. Speaker.

Mr. H. M. GOLDSTEIN. Is the gentleman from Philadelphia familiar with the regulations of the Pennsylvania Harness Racing Commission in respect to attendance by minors?

Mr. EILBERG. I believe I am.

Mr. M. H. GOLDSTEIN. Now, for my clarification did you say that minors under the age of sixteen can attend if they are accompanied by an adult. Is that correct?

Mr. EILBERG. That is correct. By a parent or guardian, I should say.

Mr. M. H. GOLDSTEIN. By a parent or another adult. And those between sixteen and twenty-one can attend without any parental control whatsoever, is that correct?

Mr. EILBERG. That is correct. Just as any such minor can attend a baseball or football game.

Mr. M. H. GOLDSTEIN. That is all, thank you.

Mr. Speaker, I shall be brief. One of the problems that we are discussing in America today is juvenile delinquency. Now, if the gentleman from Philadelphia thinks that we are aiding in the abatement of juvenile delinquency by allowing juveniles between sixteen and twenty-one to attend harness racing events, where local gambling is conducted—where the type of people who attend these events—where there is open drinking, then I say that he is on the wrong side of the fence. I ask everybody on both sides of the aisle to vote in favor of these amendments.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Eilberg.

Mr. M. H. GOLDSTEIN. Pardon me, I just want to make one more observation. Mr. Eilberg has stressed the fact that children and young people go to baseball games and to football games. There is no public betting at baseball games and football games, at least in Pittsburgh. I said "public betting."

The SPEAKER. The Chair again recognizes the gentleman from Philadelphia, Mr. Eilberg.

Mr. EILBERG. Mr. Speaker, the gentleman from Allegheny, Mr. M. H. Goldstein, suggests that there is something awful, something dirty, something malicious about attending a harness race track. I think the gentleman must not have attended many harness racing tracks. You have a very beautiful park; you have a situation which is very well policed and patrolled. When the gentleman talks about juvenile delinquency, certainly he should not talk about juvenile delinquency at the race track.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. M. H. GOLDSTEIN and EILBERG and were as follows:

YEAS—98

Adams,	George,	Kistler,	Seltzer,
Anderson, J. H.,	Gibb,	Knecht,	Simmons,
Auker,	Gibbons,	Kooker,	Slack,
Backenstoe,	Goldstein, J. H.,	Korns,	Snare,
Blair,	Goldstein, M. H.,	Lee, A. M.,	Steckel,
Bossert,	Goodrich,	Lee, K. B.,	Stimmel,
Bower,	Gramlich,	Lippincott,	Stiteler,
Bowman,	Gross,	Manbeck,	Strausser,
Buchanan,	Guthrie,	Markley,	Thompson,
Bush,	Hamilton,	Marsh,	Tompkins,
Davis,	Haudenshield,	May,	Ujobai,
Dengler,	Heffner,	McCandless,	Varner,
Dennison,	Helm,	Merry,	Wall,
Donaldson,	Henzel,	Miller,	Wargo,
Edwards,	Hocker,	Munley,	Wescott,
Elvey,	Holl,	Murphy,	Whittaker,
Eshback,	Holliday,	Needham,	Willaredt,
Eshleman,	Holman,	O'Dell,	Williams, A. D.,
Ewing,	Horst,	Ogilvie,	Williams, E. S.
Fetterolf,	Isaacs,	Piper,	Wilt,
Foerster,	Johnson, A. W.,	Price,	Worley,
Foor,	Johnson, R. P.,	Pursley,	Wynd,
Fox,	Keiser,	Rudisill,	Zember,
Fry,	Kernaghan,	Rutherford,	Zimmerman,
Fulmer,	Kessler,		

NAYS—97

Anderson, S. A.,	Gailey,	Lutty,	Prendergast,
Arlene,	Gallagher,	McCann,	Reibman,
Bachman,	Gelfand,	McCormack,	Reidenbach,
Boles,	Gray,	McDevitt,	Renwick,
Bonner,	Greenlee,	Long, Wm. Jos.,	Riley,
Branca,	Gremminger,	McDonald,	Rovansek,
Breth,	Guesman,	McKeever,	Rubin,
Capano,	Hankins,	McLaughlin,	Sakulsky,
Capitolo,	Hartley,	McNally,	Scarcelli,
Cauley,	Heavey,	Meholchick,	Schaaf,
Cianfrani,	Irvis,	Mihm,	Schuster,
Cioffi,	Jenkins,	Monroe,	Shelton,
Clarke,	Jim,	Morley,	Shupnik,
Comer,	Jones,	Mullen,	Stank,
Cooley,	Kamyk,	Murray,	Stone,
Crossin,	Kelly,	Musto,	Sullivan, J. A.,
Curwood,	Klein,	O'Donnell, J. A.,	Sullivan, T. F.,
Dougherty,	Kornick,	O'Donnell, J. P.,	Taylor,
Doughten,	Kramer,	Parlante,	Tomascik,
Eilberg,	Lamb,	Pashley,	Trusio,

Farabaugh,	Lawson,	Perry,	Verona,
Filo,	Leonard,	Petrosky,	Welsh,
Fineman,	Limper,	Polaski,	Yetter,
Flynn,	Long, Wm. Jas.,	Polen,	Andrews,
Frascella,			Speaker

NOT VOTING—15

Ashton,	Magee,	Odorisio,	Weidner,
Down,	Maxwell,	Royer,	Willard,
Esler,	McInroy,	Sherman,	Wood,
King,	Mills,	Walsh,	

So the question was determined in the affirmative and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third reading as amended?

Mr. FOOR asked unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the clerk for information.

Amend Title, page 2, fourth to last line of Title, by striking out "authorizing elections to determine" in fourth line, all of last two lines, and inserting: changing provisions relating the privilege of local option in counties.

Amend Sec. 1 (Sec. 20), page 6, line 16, by inserting after "question" Therefore the commission may license a racing plant within such county until a majority of the electorate of the county, at a subsequent election, vote against locating a racing plant within the county. Thereafter the authority of the commission to license a racing plant within any county shall be determined by the results of the last preceding election on the question.

Amend Sec. 1 (Sec. 20), page 6, line 17, by striking out "four-year" and inserting: ten-year

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Foor.

Mr. FOOR. Mr. Speaker, the amendments which I offer would amend section 20. As it now reads, section 20 provides for local option every four years until a county agrees to establish a racing corporation. After that there is no provision for the people to eliminate this corporation. My amendment would merely provide that after harness racing had been established in a county, that the people then would have the opportunity to vote against it if they so desire. We changed the period to read "ten years" instead of "four years." This is in order that once the racing corporation has been established, they would have ten years to protect their investment. Certainly if the county has the right to vote for harness racing, if it becomes bad, they should have the right to vote to eliminate it.

I would like to ask everyone to vote to support these amendments for home rule, and I ask for a roll call vote.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Eilberg.

Mr. EILBERG. Mr. Speaker, I rise to oppose the amendments offered for the reason that a track operation runs somewhere between $12 million and $20 million. It would be extremely unfair to investors of such an enormous amount of money to face the prospect of oblivion after such a relatively short time. Please vote down the amendments.

Mr. FOOR. Mr. Speaker, I purposely changed the time limit to ten years to allow a horse racing corporation to protect their investment. Certainly there is nothing in these amendments that say there must be a referendum in ten years; it is only there to protect the people if the horse racing corporation becomes undesirable. Certainly the opposition to this would not want to deny the people of Pennsylvania, once they have established a horse racing corportion, forever to have to put up with it and never be able to vote on it.

I ask you to vote in favor of the amendments.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. FOOR and EILBERG and were as follows:

YEAS—91

Adams,	Gibb,	Kistler,	Slack,
Anderson, J. H.,	Gibbons,	Knecht,	Snare,
Auker,	Goldstein, J. H.,	Kooker,	Steckel,
Backenstoe,	Goldstein, M. H.,	Korns,	Stimmel,
Blair,	Goodrich,	Lee, A. M.,	Stiteler,
Bossert,	Gramlich,	Lee, K. B.,	Strausser,
Bowman,	Gross,	Lippincott,	Thompson,
Buchanan,	Guthrie,	Manbeck,	Tompkins,
Bush,	Haudenshield,	Markley,	Ujobai,
Davis,	Heffner,	Marsh,	Varner,
Dengler,	Helm,	May,	Wall,
Dennison,	Henzel,	McCandless,	Wescott,
Donaldson,	Hocker,	Merry,	Whittaker,
Edwards,	Holl,	Miller,	Willaredt,
Elvey,	Holliday,	O'Dell,	Williams, A. D.,
Eshback,	Holman,	Ogilvie,	Williams, E. S.,
Ewing,	Horst,	Piper,	Wilt,
Fetterolf,	Isaacs,	Price,	Wood,
Foerster,	Johnson, A. W.,	Pursley,	Worley,
Foor,	Johnson, R. P.,	Royer,	Wynd,
Fox,	Keiser,	Rutherford,	Zember,
Fulmer,	Kernaghan,	Seltzer,	Zimmerman,
George,	Kessler,	Simmons,	

NAYS—104

Anderson, S. A.,	Galley,	Lutty,	Prendergast,
Arlene,	Gallagher,	McCann,	Reibman,
Bachman,	Gelfand,	McCormack,	Reidenbach,
Boles,	Gray,	McDevitt,	Renwick,
Bonner,	Greenlee,	McDonald,	Riley,
Branca,	Gremminger,	McKeever,	Rovansek,
Breth,	Guesman,	McLaughlin,	Rubin,
Capano,	Hamilton,	McNally,	Rudisill,
Capitolo,	Hankins,	Meholchick,	Sakulsky,
Cauley,	Hartley,	Mihm,	Scarcelli,
Cianfrani,	Heavey,	Monroe,	Schaaf,
Cioffi,	Irvis,	Morley,	Schuster,
Clarke,	Jenkins,	Mullen,	Shelton,
Comer,	Jim,	Munley,	Shupnik,
Cooley,	Jones,	Murphy,	Stank,
Crossin,	Kamyk,	Murray,	Stone,
Curwood,	Kelly,	Musto,	Sullivan, J. A.,
Dougherty,	Klein,	Needham,	Sullivan, T. P.,
Doughten,	Kornick,	O'Donnell, J. A.,	Taylor,
Eilberg,	Kramer,	O'Donnell, J. P.,	Tomascik,
Farabaugh,	Lamb,	Parlante,	Trusio,
Filo,	Lawson,	Pashley,	Verona,
Fineman,	Leonard,	Perry,	Wargo,
Flynn,	Limper,	Petrosky,	Welsh,
Frascella,	Long, Wm. Jas.,	Polaski,	Yetter,
Fry,	Long, Wm. Jos.,	Polen,	Andrews,
			Speaker

NOT VOTING—15

Ashton,	Esler,	McInroy,	Walsh,
Bower,	King,	Mills,	Weidner,
Down,	Magee,	Odorisio,	Willard,
Ehleman,	Maxwell,	Sherman,	

So the question was determined in the negative and the amendments were not agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

RECONSIDERATION OF VOTE

Mrs. MUNLEY. Mr. Speaker, I move that the vote by which the second set of amendments offered by the gentleman from Allegheny, Mr. Goldstein, to Senate bill No. 932 were agreed to be reconsidered.

Mr. NEEDHAM. Mr. Speaker, I second the motion.

The SPEAKER. How did the lady from Lackawanna, Mrs. Munley, vote on the amendments to this bill?

Mrs. MUNLEY. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Lackawanna, Mr. Needham vote on the amendments to this bill?

Mr. NEEDHAM. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

Mr. M. H. GOLDSTEIN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. M. H. GOLDSTEIN. Can the motion to reconsider be considered on the same legislative day?

The SPEAKER. It can if some sort of business has intervened from the time the original action was taken.

Mr. M. H. GOLDSTEIN. Well, Mr. Speaker, if that be the case, has some sort of business . . .

The SPEAKER. A motion to reconsider any vote must be made on the same day on which the vote to be reconsidered was taken, or within the succeeding five days in which the House was in session.

Mr. M. H. GOLDSTEIN. Did I understand the Speaker to say if some other business intervened, it could be reconsidered the same day?

The SPEAKER. There was another amendment pending considered by the House, and that consideration of the other amendment was business before the House and made the motion to reconsider a perfectly proper parliamentary motion.

Mr. M. H. GOLDSTEIN. Mr. Speaker, I ask for a roll call on the motion to reconsider.

Mr. A. W. JOHNSON. Mr. Speaker, I yield to the majority leader and then I would like to be recognized.

Mr. McCANN. Mr. Speaker, I yield to the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, to the extent that this motion is debatable, this is probably the second time this session—we gave in before, but here is a situation—where we should not reconsider, and those amendments should stay in the bill.

Now this race track is going to be in Philadelphia. You know it is a large city and I am not saying that there is any more juvenile delinquency in that lovely city than there is in any other, but we know that there is plenty of it down there. Here are amendments put in the bill to make sure that minors do not go to race tracks and, as Representative Goldstein pointed out, to frequent the bars and become addicted to gambling on horses in early years. Here is a splendid amendment which everybody in all sincerity wrote into this bill and it certainly should stay there for the good of Pennsylvania, for the good of the sport. I have been in Florida where minors are not allowed to attend the track and they run it pretty well down there and we would run it pretty well in Pennsylvania.

So we are asking everybody to vote "no" on the motion.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. McCann.

Mr. McCANN. Mr. Speaker, I ask the membership on this side of the House to vote "aye" on the reconsideration.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. A. W. JOHNSON and McCANN and were as follows:

YEAS—105

Anderson, S. A.,	Gelfand,	McCann,	Prendergast,
Arlene,	Gray,	McCormack,	Reibman,
Bachman,	Greenlee,	McDevitt,	Reidenbach,
Boies,	Gremminger,	McDonald,	Renwick,
Bonner,	Guesman,	McKeever,	Riley,
Branca,	Hamilton,	McLaughlin,	Rovansek,
Breth,	Hankins,	McNally,	Rubin,
Capano,	Hartley,	Meholchick,	Rudisill,
Capitolo,	Heavey,	Mihm,	Sakulsky,
Cauley,	Irvis,	Mills,	Scarcelli,
Cianfrani,	Jenkins,	Monroe,	Schaaf,
Cioffi,	Jim,	Morley,	Schuster,
Clarke,	Jones,	Mullen,	Shelton,
Comer,	Kamyk,	Munley,	Shupnik,
Cooley,	Kelly,	Murphy,	Stank,
Crossin,	Klein,	Murray,	Stone,
Curwood,	Kornick,	Musto,	Sullivan, J. A.,
Dougherty,	Kramer,	Needham,	Sullivan, T. F.,
Doughten,	Lamb,	O'Donnell, J. A.,	Taylor,
Eilberg,	Lawson,	O'Donnell, J. P.,	Tomascik,
Filo,	Leonard,	Parlante,	Trusio,
Fineman,	Limper,	Pashley,	Verona,
Flynn,	Long, Wm. Jas.,	Perry,	Wargo,
Frascella,	Long, Wm. Jos.,	Petrosky,	Welsh,
Fry,	Lutty,	Polaski,	Yetter,
Galley,	Maxwell,	Polen,	Andrews, Speaker
Gallagher,			

NAYS—93

Adams,	George,	Kessler,	Simmons,
Anderson, J. H.,	Gibb,	Kistler,	Slack,
Auker,	Gibbons,	Knecht,	Snare,
Backenstoe,	Goldstein, J. H.,	Kooker,	Steckel,
Blair,	Goldstein, M. H.,	Korns,	Stimmel,
Bossert,	Goodrich,	Lee, A. M.,	Stiteler,
Bower,	Gramlich,	Lee, K. B.,	Strausser,
Bowman,	Gross,	Lippincott,	Thompson,
Buchanan,	Guthrie,	Manbeck,	Tompkins,
Bush,	Haudenshield,	Markley,	Ujobai,
Davis,	Heffner,	Marsh,	Varner,
Dengler,	Helm,	May,	Wall,
Dennison,	Henzel,	McCandless,	Wescott,
Donaldson,	Hocker,	Merry,	Whittaker,
Edwards,	Holl,	Miller,	Willaredt,
Elvey,	Holliday,	O'Dell,	Williams, A. D.,
Eshback,	Holman,	Ogilive,	Williams, E. S.,
Eshleman,	Horst,	Piper,	Wilt,
Ewing,	Isaacs,	Price,	Wood,
Fetterolf,	Johnson, A. W.,	Pursley,	Worley,
Foerster,	Johnson, R. P.,	Royer,	Wynd,
Foor,	Keiser,	Rutherford,	Zember,
Fox,	Kernaghan,	Seltzer,	Zimmerman,
Fulmer,			

NOT VOTING—12

Ashton,	Farabaugh,	McInroy,	Walsh,
Down,	King,	Odorisio,	Weidner,
Esler,	Magee,	Sherman,	Willard,

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the second set of amendments offered by Mr. Goldstein?

Mr. A. W. JOHNSON. Mr. Speaker, I just wanted to ask for a roll call and for reasons expressed before we ask that the members of the House vote "aye" on the amendments offered by Mr. Goldstein.

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Filo, rise?

Mr. FILO. Mr. Speaker, for the information of the members and for myself, I would like to know and have the amendments read that we are voting on at the present time.

The SPEAKER. The amendments will be read by the clerk in full.

For what purpose does the gentleman from Bedford rise?

MOTION TO ADJOURN

Mr. FOOR. Mr. Speaker, if the Democratic Party in the House is going to play this kind of politics and play politics with the juveniles of our State, I hereby make a motion that this House now be adjourned to reconvene tomorrow morning—

The SPEAKER. Will the gentleman yield until the amendments are read? The gentleman certainly is not privileged to discuss them.

Mr. FOOR. Mr. Speaker, is not a motion to adjourn in order at any time?

The SPEAKER. If the Speaker heard him. The Speaker might not be able to hear him.

The clerk will read the amendments.

The amendments were read by the clerk as follows:

Amend Title, page 2, last line of Title by inserting after "years" and prohibiting the attendance at harness horse race meetings by minors and requiring the commission to provide by rule for enforcement of certain provisions of the act

Amend Sec. 1, page 2, line 2 by striking out "and" where it appears the second time

Amend Sec. 1 page 2, line 2 by inserting after "20" and section 21

Amend Bill, page 6, by inserting after line 18,

Section 21 Prohibition of Wagering by Certain Officials, Employes and Minors, Prohibition of Attendance by Minors.—No commissioner, secretary, deputy, officer, representative, employe or counsel of the commission shall bet upon the outcome of any harness horse race conducted at a track at which pari-mutuel betting is conducted by any licensee of the commission, and no corporation which is licensed under this act shall permit any person who is actually and apparently under twenty-one years of age to bet at, or attend a harness race meeting conducted by it. The State Harness Racing Commission shall by rule provide for enforcement of this section.

Section 2. This act shall take effect immediately.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question recurring,

Will the House agree to the amendments?

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Goldstein.

Mr. M. H. GOLDSTEIN. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. M. H. GOLDSTEIN. I am reading from the Pennsylvania Manual, page 215, the by-line is:

Defeated Cannot Be Offered Again

The point of order was raised that "the amendment is out of order, because it had been offered and voted down when the section was under consideration, decided April 29, 1911.

Now if that be the rule that was voted down, why does not the same principle apply when it was approved? I would like to have a ruling from the Parliamentarian.

And, incidentally, I am asking the gentleman who made the motion to adjourn to withdraw it. We have a lot of important business to consider, and I want this issue to be decided on its merits. I am not interested in any filibustering nor delaying tactics.

RULING BY SPEAKER

The SPEAKER. The Chair will rule in conformity with Mason's Legislative Manual.

An amendment once adopted may not thereafter be changed or modified except by reconsideration of the vote by which it was adopted. When a proposed amendment has been defeated, the same amendment may not be proposed again without first reconsidering the vote by which the amendment lost. It is therefore important that every amendment be in final form before being voted upon.

The Chair thinks that it is very clear that an amendment defeated can be, and, frequently has been, reconsidered. But you cannot offer the same amendment again.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. M. H. GOLDSTEIN and A. W. JOHNSON and were as follows:

YEAS—95

Adams,	George,	Kessler,	Simmons,
Anderson, J. H.	Gibb,	Kistler,	Slack,
Auker,	Gibbons,	Knecht,	Snare,
Backenstoe,	Goldstein, J. H.,	Kooker,	Steckel,
Blair,	Goldstein, M. H.,	Korns,	Stimmel,
Bossert,	Goodrich,	Lee, A. M.,	Stiteler,
Bower,	Gramlich,	Lee, K. B.,	Strausser,
Bowman,	Gross,	Lippincott,	Thompson,
Buchanan,	Guthrie,	Manbeck,	Tompkins,
Bush,	Hamilton,	Markley,	Ujobai,
Davis,	Haudenshield,	Marsh,	Varner,
Dengler,	Heffner,	May,	Wall,
Dennison,	Helm,	McCandless,	Wescott,
Donaldson,	Henzel,	Merry,	Whittaker,
Edwards,	Hocker,	Miller,	Willaredt,
Elvey,	Holl,	O'Dell,	Williams, A. D.,
Eshback,	Holliday,	Ogilvie,	Williams, E. S.,
Eshleman,	Holman,	Piper,	Wilt,
Ewing,	Horst,	Prendergast,	Wood,
Fetterolf,	Isaacs,	Price,	Worley,
Foerster,	Johnson, A. W.,	Pursley,	Wynd,
Foor,	Johnson, R. P.,	Royer,	Zember,
Fox,	Keiser,	Rutherford,	Zimmerman,
Fulmer,	Kernaghan,	Seltzer,	

NAYS—104

Anderson, S. A.,	Galley,	Maxwell,	Polen,
Arlene,	Gallagher,	McCann,	Reibman,
Bachman	Gelfand,	McCormack,	Reidenbach,
Boies,	Gray,	McDevitt,	Renwick,
Bonner,	Greenlee,	McDonald	Riley,
Branca,	Gremminger,	McKeever,	Rovansek,
Breth,	Guesman,	McLaughlin,	Rubin,
Capano,	Hankins,	McNally,	Rudisill,
Capitolo,	Hartley,	Meholchick,	Sakulsky,
Cauley,	Heavey,	Mihm,	Scarcelli,
Cianfrani,	Irvis,	Mills,	Schaaf,
Cioffi,	Jenkins,	Monroe,	Schuster,
Clarke,	Jim,	Morley,	Shelton,
Comer,	Jones,	Mullen,	Shupnik,
Cooley,	Kamyk,	Munley,	Stank,

Crossin,	Kelly,	Murphy,	Stone,
Curwood,	Klein,	Murray,	Sullivan, J. A.,
Dougherty,	Kornick,	Musto,	Sullivan, T. F.,
Doughten,	Kramer,	Needham,	Taylor,
Eilberg,	Lamb,	O'Donnell, J. A.,	Tomascik,
Farabaugh,	Lawson,	O'Donnell, J. P.,	Trusio,
Filo,	Leonard,	Parlante,	Verona,
Fineman,	Limper,	Pashley,	Wargo,
Flynn,	Long, Wm. Jas.,	Perry,	Welsh,
Frascella,	Long, Wm. Jos.,	Petrosky,	Yetter,
Fry,	Lutty,	Polaski,	Andrews, Speaker

NOT VOTING—11

Ashton,	King,	Odorisio,	Weidner,
Down,	Magee,	Sherman,	Willard,
Esler,	McInroy,	Walsh,	

So the question was determined in the negative and the amendments were not agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Mr. HELM IN THE CHAIR

SENATE MESSAGE

The clerk of the Senate being introduced, presented an extract from the Journal of the Senate:

Amended House Bill returned for concurrence No. 1598.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 613, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" changing the per pupil unit cost reimbursement for elementary and secondary school construction authorizing reimbursement in the year of acquisition for school building sites purchased in advance of their need and harmonizing provisions related thereto and extending the provisions for reimbursement on preliminary payments on account of approved building construction to include the State Public School Building Authority and Municipal Authorities and abolishing the cost limitations on school building projects for reimbursement purposes.

On the question,

Will the House agree to the bill on third reading?

Mrs. REIBMAN asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Title, page 1, fourth to sixth line of Title, by striking out "changing the" in fourth line, all of fifth line, and "school construction" in sixth line.

Amend Sec. 1, page 2, lines 1 to 12; page 3, lines 1 to 20; page 4, lines 1 to 18, by striking out all of said lines.

Amend Sec. 2, page 4, line 19, by striking out "2" and inserting: 1

Amend Sec. 2, page 4, line 19, by striking out "of the act" and inserting: act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949"

Amend Sec. 3, page 5, line 13, by striking out "3" and inserting: 2

Amend Sec. 4, page 6, line 7, by striking out "4" and inserting: 3

Amend Sec. 5, page 7, line 4, by striking out "5" and inserting: 4

Amend Sec. 6, page 7, line 16, by striking out "6" and inserting: 5

Amend Sec. 7, page 7, line 18, by striking out "7" and inserting: 6

Amend Sec. 7, page 7, line 18, by striking out "July 1, 1961" and inserting: immediately

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

Mr. McCANN. Mr. Speaker, may I explain this to our caucus so they will understand this particular bill? Our calendars are marked to drop this bill. Mr. Speaker, we have been informed that Senate bill No. 613 must be used, and the other items dealing with the extra money on each classroom is being stripped out by these amendments so that we may have a bill to vote on the increase of the school building authority; otherwise, there is no bill at this session increasing the school authority and therefore the projects could not continue for reimbursement. I will ask that the membership agree to the amendments offered by the lady from Northampton, Mrs. Reibman, and that the bills be ordered into print as soon as possible.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

RECONSIDERATION OF VOTE ON SENATE BILL No. 934

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill was agreed to on third reading as amended be reconsidered.

Mr. A. W. JOHNSON. Mr. Speaker, I second the motion.

The motion was agreed to.

Mr. McCANN. Mr. Speaker, I move that the vote by which the amendments to Senate bill No. 934 were agreed to on third reading be reconsidered.

Mr. A. W. JOHNSON. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. McCANN. Mr. Speaker, it is my understanding that the bill is in the position of its prior print number now, and Mr. Johnson asks that they have an opportunity to caucus on it in this position.

The SPEAKER pro tempore. You know it is presently on third reading.

Mr. McCANN. In its original print number of 1262. Is that right? Do I have to make any other motion that it lie there until such time as they will caucus and we call up the vote?

The SPEAKER pro tempore. No.

BILL PASSED OVER

There being no objection

Senate bill No. 934, printer's No. 1262,

was passed over temporarily at the request of Mr. A. W. JOHNSON.

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, there is a bill on page 14, Senate bill 639, on which a promise was made that that bill would be called up and we would have the recommittal motion and the prospective amendments by Mr. Prendergast. Time is flying and we would like to have the amendments offered and get that in print so we can act on it tomorrow.

Mr. McCANN. Mr. Speaker, that is true and I also have two other bills.

Mr. A. W. JOHNSON. Before we get into these concurrences? They can be done tomorrow, I would think. I am not going to make the motion to make this a special order of business, but I certainly would like to. It seems that you could call it up and, if you have any other bills that you would like to amend and get to the printer, we ought to do it forthwith.

Mr McCANN. Mr. Speaker, will you run the three concurrences then and we will proceed to that one?

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 911.

A Supplement to the act of May 27, 1937 (P. L. 917), entitled "An act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and the Department of Labor and Industry imposing duties on employers providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders exempting certain persons from the provisions of this act and providing penalties" concerning minimum wages providing for a minimum wage for employes in this Commonwealth providing a wage board procedure for establishing supplementary minimum wages defining the powers and duties of the Department of Labor and Industry and providing penalties

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 3, page 4, line 6, by inserting after the word "capacity" the words "or as an outside salesman"; page 5, line 3, by striking out after the word "firm" the letter "(i)" and by striking out all of lines 4 and 5 and part of line 6, as follows: "operating in a city borough town or township of less than fifteen thousand population according to the latest official United States census and (ii)" and by inserting after line 9, the following:

(f) Employed by amusement parks which operate on a seasonal basis.

(g) Employed by a resort hotel.

(h) Employed by a motion picture theatre.

(i) Seasonably employed by a nonprofit health or welfare agency engaged in activity dealing with handicapped or exceptional children or a person employed by a day or resident seasonal recreation camp for children under the age of eighteen years which operates for a period of less than three months in any one year.

(j) Employed by a non-profit hospital or non-profit nursing home a religious or charitable organization or an institution engaged in the care of the mentally deficient the aged or infirm.

(k) Employed in a hotel or restaurant except in cities of the first and second class; page 7, by inserting after line 2, the following:

(11) "Resort hotel" means one that provides accommodations of a vocational and recreational nature and meals and lodging to the public or to members or guests of members and provides without charge on a weekly basis lodging accommodations and meals to the majority of its employes and meets one of the three following criteria of seasonal operation.

(a) Operates for not more than seven months in any calendar year or

(b) Being located in a rural community or in a city borough town or township of less than fifteen thousand population increased its number of employe work days (including adult males) during any consecutive four-week period by at least one hundred per cent over the number of employe work days (including adult males) in any other consecutive four-week period within the preceding calendar year or

(c) Being located in a rural community or in a city borough town or township of less than fifteen thousand population increased its number of guest days during any consecutive four-week period at least one hundred per cent over the number of guest days in any other consecutive four-week period in the preceding calendar year

Amend section 5, page 11, by inserting after line 9, subsection (g) as follows:

(g) The provisions of section six (6) and section eight (8) shall not apply to subsection (6) of section 3

Amend section 12, page 20, line 18, by striking out after "tions" at the beginning of the line the word "of" and inserting in lieu thereof the word "or"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Mr. TOMPKINS. We concur, Mr. Speaker.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—189

Adams,	Gallagher,	Lawson,	Renwick,
Anderson, J. H.,	Gelfand,	Lee, A. M.,	Riley,
Anderson, S. A.,	George,	Lee, K. B.,	Rovansek,
Arlene,	Gibb,	Leonard,	Royer,
Auker,	Gibbons,	Limper,	Rubin,
Bachman,	Goldstein, J. H.,	Long, Wm. Jas.,	Rudisill,
Backenstoe,	Goldstein, M. H.,	Long, Wm. Jos.,	Rutherford,
Boies,	Goodrich,	Lutty,	Sakulsky,
Bonner,	Gray,	Manbeck,	Scarcelli,
Bossert,	Greenlee,	Maxwell,	Schaaf,
Bower,	Gremminger,	May,	Schuster,
Bowman,	Gross,	McCann,	Seltzer,
Branca,	Guesman,	McCormack,	Shelton,
Breth,	Guthrie,	McDevitt,	Shupnik,
Buchanan,	Hamilton,	McDonald,	Simmons,
Bush,	Hankins,	McKeever,	Slack,
Capano,	Hartley,	McLaughlin,	Snare,
Capitolo,	Heavey,	McNally,	Stank,
Cauley,	Heffner,	Meholchick,	Steckel,
Cianfrani,	Helm,	Merry,	Stimmel,
Cioffi,	Henzel,	Mihm,	Stone,
Clarke,	Hocker,	Miller,	Strausser,
Comer,	Holl,	Mills,	Sullivan, J. A.,
Cooley,	Holliday,	Monroe,	Sullivan, T. F.,
Crossin,	Holman,	Morley,	Taylor,
Curwood,	Horst,	Mullen,	Thompson,
Davis,	Irvis,	Munley,	Tomascik,
Dengler,	Isaacs,	Murphy,	Tompkins,
Dennison,	Jenkins,	Murray,	Ujobai,
Dougherty,	Jim,	Musto,	Varner,
Doughten,	Johnson, A. W.,	Needham,	Verona,
Edwards,	Johnson, R. P.,	O'Dell,	Wall,

Ellberg,	Jones,	O'Donnell, J. A.,	Walsh,
Elvey,	Kamyk,	O'Donnell, J. P.,	Wargo,
Eshback,	Keiser,	Ogilvie,	Welsh,
Eshleman,	Kelly,	Parlante,	Wescott,
Ewing,	Kernaghan,	Pashley,	Whittaker,
Farabaugh,	Kessler,	Perry,	Williams, A. D.,
Fetterolf,	King,	Petrosky,	Williams, E. S.,
Filo,	Kistler,	Piper,	Wilt,
Fineman,	Klein,	Polaski,	Wood,
Flynn,	Knecht,	Polen,	Worley,
Foerster,	Kooker,	Prendergast,	Wynd,
Fox,	Kornick,	Price,	Yetter,
Frascella,	Korns,	Pursley,	Zember,
Fry,	Kramer,	Reibman,	Zimmerman,
Fulmer,	Lamb.	Reidenbach,	Andrews,
Gailey,			Speaker

NAYS—8

Blair,	Gramlich,	Marsh,	Stiteler,
Foor,	Lippincott,	McCandless,	Willaredt,

NOT VOTING—13

Ashton,	Haudenshield,	McInroy,	Trusio,
Donaldson,	Magee,	Odorisio,	Weidner,
Down,	Markley,	Sherman,	Willard,
Esler,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1487.

An Act amending the act of May 1, 1929 (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and non-resident real estate brokers and real estate salesmen and their business" changing educational and training requirements for licensure changing the place of hearing specifying the nature and weight to be given to the report of a representative appointed by the commission to hold hearings in connection with any of its disciplinary proceedings and providing for the taking of testimony

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 2, line 1 of Title, by inserting after the word "proceedings" the word "and"; line 2 of Title, by striking out all of said line as follows: "and bringing auctioneers within the provisions of the act"

Amend section 2, page 4, line 12, by striking out after the word "States" the word "and"; line 16, by inserting after the word "thereto" the following:

"And (4) professional education as the commission may by rule and regulation prescribe but no such regulation shall bear upon the amount of general education possessed by any applicant"; page 5, lines 10 to 20 inclusive, by striking out all of said lines; page 6, lines 1 and 2, by striking out all of said lines; line 4, by striking out after the word "Section" the figure "4" and inserting in lieu thereof the figure "3"; page 7, line 1, by striking out after the word "Section" the figure "5" and inserting in lieu thereof the figure "4"; page 9, line 2, by striking out after the word "Section" the figure "6" and inserting in lieu thereof the figure "5"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

The SPEAKER pro tempore. The gentleman from Cameron, Mr. Tompkins, yields to the gentleman from Dauphin, Mr. Bowman.

The Chair recognizes the gentleman from Dauphin, Mr. Bowman.

Mr. BOWMAN. Mr. Speaker, very briefly, there may be some confusion with respect to the Senate amendments to this bill, at least on our side of the House.

As this bill passed the House, auctioneers were included within the provisions of the real estate brokerage license act. The amendment put in by the Senate removes auctioneers from the bill, which means they are not subject to the commission. They made one other provision with respect to the commission being empowered to require by rule and regulation certain additional non-educational, at least non-college, degree requirements.

Gentleman, as you all well know, I am bloody and scarred from this session and I would very much appreciate, in spite of the fact that I have fanned many windmills this session, I would very much appreciate your support in concurring in the amendments to this bill. Thank you very much.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—188

Adams,	Fry,	Korns,	Pursley,
Anderson, J. H.,	Gailey,	Kramer,	Reibman,
Anderson, S. A.,	Gallagher,	Lawson,	Reidenbach,
Arlene,	Gelfand,	Lee, A. M.,	Renwick,
Auker,	George,	Lee, K. B.,	Riley.
Bachman,	Gibb,	Leonard,	Rovansek,
Backenstoe,	Gibbons,	Limper.	Rubin,
Blair,	Goldstein, J. H.,	Lippincott,	Rudisill,
Boles,	Goodrich,	Long, Wm. Jas.,	Rutherford,
Bonner,	Gramlich,	Long, Wm. Joe.,	Sakulsky,
Bossert,	Gray,	Lutty,	Scarcelli,
Bower,	Greenlee,	Manbeck,	Schaaf,
Bowman,	Gremminger,	Markley,	Schuster,
Branca,	Gross,	Maxwell,	Seltzer,
Breth,	Guesman,	McCandless,	Shelton,
Buchanan,	Guthrie,	McCann,	Shupnik,
Bush,	Hamilton,	McCormack,	Simmons,
Capano,	Hankins,	McDevitt,	Slack,
Capitolo,	Hartley,	McDonald,	Snare,
Cauley,	Haudenshield,	McKeever,	Stank,
Cianfrani,	Heavey,	McLaughlin,	Steckel,
Cioffi,	Heffner,	McNally,	Stimmel,
Clarke,	Helm,	Meholchick,	Stiteler,
Comer,	Henzel,	Merry,	Strausser,
Cooley,	Hocker,	Mihm,	Sullivan, J. A.,
Crossin,	Holl,	Mills,	Sullivan, T. F.,
Curwood,	Holliday,	Monroe,	Taylor,
Davis,	Holman,	Morley,	Thompson,
Dengler,	Horst,	Mullen,	Tomascik,
Dennison,	Irvis,	Munley,	Tompkins,
Donaldson,	Isaacs,	Murphy,	Trusio,
Dougherty,	Jenkins,	Murray,	Ujobai,
Doughten,	Jim,	Musto,	Varner,
Edwards,	Johnson, A. W.,	Needham,	Verona,
Ellberg,	Johnson, R. P.,	O'Dell,	Wall,
Elvey,	Jones,	O'Donnell, J. A.,	Wargo,
Eshback,	Kamyk,	O'Donnell, J. P.,	Welsh,
Eshleman,	Keiser,	Ogilvie,	Wescott,

Ewing,	Kelly,	Parlante,	Whittaker,
Farabaugh,	Kernaghan,	Pashley,	Willaredt,
Fetterolf,	Kessler,	Perry,	Williams, A. D.,
Filo,	King,	Petrosky,	Williams, E. S.,
Flynn,	Kistler,	Piper,	Wynd,
Foerster,	Klein,	Polaski,	Yetter,
Foor,	Knecht,	Polen,	Zember,
Fox,	Kooker,	Prendergast,	Zimmerman,
Frascella,	Kornick,	Price,	Andrews, Speaker

NAYS—10

Fulmer,	Marsh,	Walsh,	Wood,
Goldstein, M. H.,	May,	Wilt,	Worley,
Lamb,	Miller,		

NOT VOTING—12

Ashton,	Fineman,	Odorisio,	Stone,
Down,	Magee,	Royer,	Weidner,
Esler,	McInroy,	Sherman,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1793.

An Act reenacting and amending the act of May 21, 1943 (P. L. 340), entitled as amended "An act empowering counties of the third fourth fifth sixth seventh and eighth classes municipality authorities cities of the third class boroughs incorporated towns and townships adjoining each other to co-operate with each other through joint agreements in the exercise of their governmental powers duties and functions" extending the provisions of the act to counties of the second class and to local governmental units outside of the Commonwealth changing procedure for agreements contracts and further regulating joint purchases providing for the supply and exchange of certain services and the appointment of optional joint advisory boards and prescribing their powers and duties.

With the information that the Senate has passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 1, line 2, by inserting after the word "empowering" the following: "counties of the third fourth fifth sixth seventh and eighth classes"; line 8 of title, by inserting after the word "counties" the following: "of the sec-"; page 2, line 1 of title by striking out at the beginning of the line the following: "ond class"; line 2 of title, by striking out after the word "agreements" the word "and"; line 3 of title by inserting the following: providing for the supply and exchange of certain services and the appointment of optional joint advisory boards and prescribing their powers and duties

Amend Section 1, page 2, line 1, by striking out after the word and figures "sections 1" where they appear the second time the word and figure "and 2"; line 6, by striking out after the word "amended" the following: "September 29, 1959 (P. L. 990)," and inserting in lieu thereof the following: "July 18, 1961 (Act No. 345)"; line 9 (Title of Act), by inserting after the word "empowering" the following: [counties of the third fourth fifth sixth seventh and eighth classes]; page 3, line 1 (Title of Act) by inserting after the word "counties" the following: "other than counties of the first and second class"; line 7 (Section 1 of Act), by inserting after [counties of the third fourth fifth sixth seventh and eighth classes]; line 10, by inserting after the word "counties the following: "other than counties of the first and second class"; page 4, by inserting after line 3, the following: municipal services and functions which may be separately exercised and performed under such existing provisions of law may be supplied or exchanged by municipalities under the joint agreements; page 4, by inserting after line 10, the following:

Section 2.1 (a) Municipalities may establish optional joint advisory boards to aid and advise them in ways and means of effectuating the purposes authorized by this act whenever such an advisory board is established the governing body of each municipality shall by majority vote select one of its number to act as its representative on the board each representative shall serve without compensation but shall be entitled to receive traveling and other necessary expenses actually incurred in the performance of his duties any vacancy on the board caused by death resignation or otherwise shall be filled for the remainder of the unexpired term in the same manner as the original appointment was made

(b) Any agreement creating an optional joint advisory board shall contain but not be limited to provisions relating to

(1) The nature and scope of activities with respect to which the board shall make studies recommend programs and policies and give advice to the cooperating municipalities

(2) The manner in which the board shall make reports

(3) The furnishing by the cooperating municipalities of office space facilities equipment and supplies and such professional technical or clerical personnel as may be required in the work of the board

(4) Sharing of expenses of the board and

(5) Any other provisions that may be appropriate and desirable to govern the establishment functioning and termination of the board

Amend Section 2, page 6, line 7, by striking out after the word "section" where it appears the second time, the number "2" and inserting in lieu thereof the number "2.1"; line 9, by striking out after the word "Section" the number "2.1" and inserting in lieu thereof the number "2.2".

Amend Section 3, page 7, line 7, by striking out at the beginning of the line the following: "September 29, 1959 (P. L. 990)" and inserting in lieu thereof the following: "July 18, 1961 (Act No. 345)"

Amend Section 5, page 8, line 16, by striking out after the word "amended" the following: "September 29, 1959 (P. L. 990)" and inserting in lieu thereof "July 18, 1961 (Act No. 345)", line 20, by striking out after the word "than" the following: "five hundred dollars ($500) one thousand dollars ($1000)" and inserting in lieu thereof "one thousand dollars ($1000)"

Amend Section 6, page 9, line 6, by striking out after the word "amended" the following: "September 29, 1959 (P. L. 990)" and inserting in lieu thereof "July 18, 1961 (Act No. 345)"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. TOMPKINS. Mr. Speaker, they are all on their own on this side of the House.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—187

Adams,	Gailey,	Lee, A. M.,	Renwick,
Anderson, J. H.,	Gallagher,	Lee, K. B.,	Rovansek,
Anderson, S. A.,	Gelfand,	Leonard,	Riley,
Arlene,	George,	Limper,	Rubin,
Auker,	Gibb,	Long, Wm. Jas.,	Rudisill,
Bachman,	Gibbons,	Long, Wm. Jos.,	Rutherford,
Backenstoe,	Goldstein, J. H.,	Lutty,	Sakulsky,
Blair,	Goldstein, M. H.,	Manbeck,	Scarcelli,
Boies,	Goodrich,	Markley,	Schaaf,
Bonner,	Gray,	Marsh,	Schuster,
Bossert,	Greenlee,	Maxwell,	Seltzer,
Bower,	Gremminger,	May,	Shelton,
Bowman,	Gross,	McCandless,	Shupnik,
Branca,	Guesman,	McCann,	Simmons,
Breth,	Guthrie,	McCormack,	Slack,
Buchanan,	Hamilton,	McDevitt,	Snare,
Bush,	Hankins,	McDonald,	Stank,
Capano,	Hartley,	McKeever,	Steckel,
Capitolo,	Haudenshield,	McLaughlin,	Stimmel,
Cauley,	Heavey,	McNally,	Stiteler,
Cianfrani,	Heffner,	Meholchick,	Stone,
Cioffi,	Helm,	Mihm,	Strausser,
Clarke,	Henzel,	Miller,	Sullivan, J. A.,
Comer,	Hocker,	Mills,	Sullivan, T. F.,
Cooley,	Holliday,	Monroe,	Taylor,
Crossin,	Holman,	Morley,	Thompson,
Curwood,	Horst,	Mullen,	Tomascik,
Davis,	Irvis,	Munley,	Trusio,
Dengler,	Jenkins,	Murphy,	Ujobai,
Dennison,	Jim,	Murray,	Varner,
Donaldson,	Johnson, A. W.,	Musto,	Verona,
Dougherty,	Johnson, R. P.,	Needham,	Walsh,
Doughten,	Jones,	O'Dell,	Wargo,
Edwards,	Kamyk,	O'Donnell, J. A.,	Welsh,
Ellberg,	Keiser,	O'Donnell, J. P.,	Wescott,
Elvey,	Kelly,	Ogilvie,	Whittaker,
Eshback,	Kessler,	Parlante,	Willaredt,
Eshleman,	King,	Pashley,	Williams, A. D.,
Ewing,	Kistler,	Perry,	Williams, E. S.,
Farabaugh,	Klein,	Petrosky,	Wood,
Filo,	Knecht,	Piper,	Worley,
Flynn,	Kooker,	Polaski,	Wynd,
Foerster,	Kornick,	Polen,	Yetter,
Fox,	Korns,	Price,	Zember,
Frascella,	Kramer,	Pursley,	Zimmerman,
Fry,	Lamb,	Reibman,	Andrews,
Fulmer,	Lawson,	Reidenbach,	Speaker

NAYS—10

Fetterolf,	Holl,	Lippincott,	Tompkins,
Foor,	Isaacs,	Merry,	Wilt,
Gramlich,	Kernaghan,		

NOT VOTING—13

Ashton,	Magee,	Prendergast,	Wall,
Down,	McInroy,	Royer,	Weidner,
Esler,	Odorisio,	Sherman,	Willard,
Fineman,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Dengler.

Mr. DENGLER. Mr. Speaker, I voted under a misapprehension. I would like to be recorded as voting "no" on the record on that last bill.

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record.

The SPEAKER pro tempore. For what purpose does the lady from Montgomery, Mrs. Henzel, rise?

Mrs. HENZEL. Mr. Speaker, having voted under a misapprehension, I would like to be recorded as voting "no."

The SPEAKER pro tempore. The remarks of the lady will be spread upon the record.

Mr. McCANN. Mr. Speaker, I call up Senate bill No. 639 on page 14.

The SPEAKER pro tempore. On page 14 of today's calendar, the gentleman calls up bills on third reading postponed, Senate bill 639, printer's No. 737.

When this bill was last before the House the question was raised on a constitutional point of order by the gentleman from Philadelphia, Mr. Gelfand. It would simplify the proceedings for this evening if the gentleman would withdraw his constitutional point of order.

CONSTITUTIONAL POINT OF ORDER WITHDRAWN

Mr. GELFAND. Mr. Speaker, I will withdraw my constitutional point of order.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILL ON THIRD READING POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCANN.

The House resumed the consideration on third reading of Senate bill No. 639, entitled:

An Act limiting landowner's liability for personal injuries suffered by any persons while hunting or fishing upon or who has entered for his own purposes on the landowner's property.

On the question recurring,

Will the House agree to the bill on third reading?

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. For what purpose does the minority leader rise?

Mr. A. W. JOHNSON. A parliamentary inquiry. I understand Mr. Fineman wants to make a motion to recommit. Mr. Prendergast has amendments he would like to insert in the bill. Now it is a question of who gets to the microphone first which one of these proceedings will take preference over the other.

Mr. FINEMAN. Mr. Speaker, I think I had the floor first.

The SPEAKER pro tempore. The motion to recommit has precedence.

Mr. PRENDERGAST. I yield the floor to Mr. Fineman.

MOTION TO RECOMMIT

Mr. FINEMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. O'Dell.

Mr. O'DELL. Mr. Speaker, I wish to oppose the motion to recommit. I think it should come up for a vote and I ask all the members to vote against recommittal. I request a roll call.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Farabaugh.

Mr. FARABAUGH. Mr. Speaker, this bill has been on the calendar a good while and I am asking the membership to vote down this motion to recommit so we can amend it and make it acceptable.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. McCandless.

Mr. McCANDLESS. Mr. Speaker, I just wanted to say that I rise to oppose this motion. I hope that all the mem-

bers of the House will vote against it. This bill has been on the calendar for a long time and I am telling you this, that this affects agriculture. Agriculture has asked very little in this session and I would like to see something done on this.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Isaacs.

Mr. ISAACS. Mr. Speaker, I am not going to debate the merits of this bill or try to. However, I am going to make a statement and I would like a little latitude in making it.

The SPEAKER pro tempore. The motion before the House is to recommit. Remarks will be confined to that motion.

Mr. ISAACS. This statement will be on the motion to recommit, Mr. Speaker.

The SPEAKER pro tempore. The Chair will remind the gentleman if he gets off the track.

Mr. ISAACS. Mr. Speaker, I happen to be the only layman on the Committee on Judiciary. The sportsmen in my district want this bill and they want it badly. The bill did not come out of Judiciary Committee. The Chairman of that committee is Mr. Rudisill from York, as fine and honest a gentleman as occupies a seat in this House. I think, and I am sure, had the Judiciary Committee been able to consider this bill and make a report, you would have had a better bill on the floor than is here today.

I am going to vote against the motion to recommit but I do it with reservations, Mr. Speaker.

The SPEAKER pro tempore. For what purpose does the gentleman from Adams, Mr. Worley, rise?

Mr. WORLEY. Mr. Speaker, I am not going to speak on the bill.

The SPEAKER pro tempore. I can assure the gentleman he is not. The motion before the House is to recommit.

Mr. WORLEY. I am going to speak on the history of the present law.

The SPEAKER pro tempore. The motion before the House is for the recommittal of the bill.

Mr. WORLEY. Well, I understand the history is something that was relevant here the other day when I objected to the gentleman from Philadelphia. The history is relevant on a motion to recommit and I will ask the gentleman to rule again.

The SPEAKER pro tempore. The gentleman heard the Chair: The motion before the House is a motion to recommit, and his remarks will be confined to that motion and the reasons for recommittal.

Mr. WORLEY. Mr. Speaker, may I speak against the motion to recommit?

The SPEAKER pro tempore. The gentleman is in order.

Mr. WORLEY. In relation to that I would like to tell a little story that happened . . .

The SPEAKER pro tempore. There cannot be any connection between a story and a motion to recommit.

Mr. WORLEY. Just about two weeks ago I spoke to the Adams County Federation of Sportsmen.

This is on the motion to recommit and if I am out of order I will appreciate your ruling so.

The SPEAKER pro tempore. The gentleman will proceed and we will stop him if he gets out of order.

Mr. WORLEY. When I spoke to that group of farmers and sportsmen who were present there one of the group got up and stated this: . . .

POINT OF ORDER

Mr. FINEMAN. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FINEMAN. The gentleman must confine his remarks to the motion. Any story that might have been told outside of the committee room or reasons affecting the motion are not germane to the subject before the House at this monment.

The SPEAKER pro tempore. The Chair has ruled the gentleman must confine his remarks to the motion before the House. The gentleman will have every opportunity to speak on the bill when the bill come up for passage.

Mr. WORLEY. Thank you, Mr. Speaker.

This man in the meeting said . . .

The SPEAKER pro tempore. The gentleman is out of order.

For what purpose does the gentleman from Erie, Mr. Schaaf, rise?

Mr. SCHAAF. Mr. Speaker, under the circumstances I feel compelled to move the question, and I ask for the necessary 20 seconds.

The SPEAKER pro tempore. The Chair would like to request the gentleman not to make the motion to move the previous question.

Mr. SCHAAF. There will be opportunity to debate the bill if this recommittal motion fails. I do not think it is fair to the rest of us.

The SPEAKER pro tempore. The gentleman is correct. There will be every opportunity given to debate the bill, and the Chair will insist that the gentleman from Adams confine his remarks to the motion to recommit.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. O'DELL and FINEMAN and were as follows:

YEAS—82

Anderson, S. A.,	Gailey,	Limper,	Petrosky,
Arlene,	Gallagher,	Long, Wm. Jas.,	Polaski,
Bachman,	Gelfand,	Lutty,	Prendergast,
Boles,	Gray,	McCann,	Reibman,
Bowman,	Greenlee,	McCormack,	Reidenbach,
Branca,	Gremminger,	McDevitt,	Riley,
Capitolo,	Guesman,	McKeever,	Rubin,
Cauley,	Hankins,	McLaughlin,	Rudisill,
Cianfrani,	Hartley,	Mihm,	Scarcelli,
Cioffi,	Irvis,	Monroe,	Schaaf,
Clarke,	Jenkins,	Morley,	Schuster,
Comer,	Jones,	Mullen,	Shelton,
Cooley,	Kamyk,	Munley,	Shupnik,
Crossin,	Kelly,	Musto,	Sullivan, J. A.,
Dougherty,	Kornick,	Needham,	Sullivan, T. F.,
Doughten,	Kramer,	O'Donnell, J. A.,	Taylor,
Eilberg,	Lamb,	O'Donnell, J. P.,	Tomascik,
Fineman,	Lawson,	Parlante,	Walsh,
Foerster,	Lee, A. M.,	Pashley,	Wargo,
Frascella,	Leonard,	Perry,	Welsh,
Fry,			Williams, A. D.,

NAYS—117

Adams,	Gibb,	Knecht,	Sakulsky,
Anderson, J. H.,	Gibbons,	Kooker,	Seltzer,
Auker,	Goldstein, J. H.,	Korns,	Simmons,
Backenstoe,	Goldstein, M. H.,	Lee, K. B.,	Slack,
Blair,	Goodrich,	Lippincott,	Snare,
Bonner,	Gramlich,	Long, Wm. Jos.,	Stank,
Bossert,	Gross,	Manbeck,	Steckel,
Bower,	Guthrie,	Markley,	Stimmel,
Breth,	Hamilton,	Marsh,	Stiteler,
Buchanan,	Haudenshield,	Maxwell,	Stone,

Bush,	Heavey,	May,	Strausser,
Capano,	Heffner,	McCandless,	Thompson,
Curwood,	Helm,	McNally,	Tompkins,
Davis,	Henzel,	Meholchick,	Ujobai,
Dengler,	Hocker,	Merry,	Varner,
Dennison,	Holl,	Miller,	Verona,
Donaldson,	Holliday,	Mills,	Wall,
Edwards,	Holman,	Murphy,	Wescott,
Elvey,	Horst,	Murray,	Whittaker,
Eshback,	Isaacs,	O'Dell,	Willaredt,
Eshleman,	Jim,	Ogilvie,	Williams, E. S.,
Ewing,	Johnson, A. W.,	Piper,	Wilt,
Farabaugh,	Johnson, R. P.,	Polen,	Wood,
Fetterolf,	Keiser,	Price,	Worley,
Filo,	Kernaghan,	Pursley,	Wynd,
Flynn,	Kessler,	Renwick,	Yetter,
Foor,	King,	Rovansek,	Zember,
Fox,	Kistler,	Royer,	Zimmerman,
Fulmer,	Klein,	Rutherford,	Andrews,
George,			Speaker

NOT VOTING—11

Ashton,	Magee,	Odorisio,	Weidner,
Down,	McDonald,	Sherman,	Willard,
Esler,	McInroy,	Trusio,	

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Messrs. PENDERGAST and FARABAUGH asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Title, page 1, first line of Title, by striking out "landowner's liability" and inserting: the liability of landowners of agricultural lands or woodlands .

Amend Title, page 1, last two lines of Title, by striking out "or who has entered for his own purposes on"

Amend Sec. 1, page 1, line 1, by inserting after "landowner" of agricultural lands or woodlands.

Amend Sec. 1, page 1, line 3, by striking out "or who has entered for his own purposes on"

Amend Sec 1, page 2, line 2, by striking out "the" and inserting: such.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Prendergast.

Mr. PRENDERGAST. Mr. Speaker, the amendments which I have offered I think carry out the intent and purpose of the bill, which is to limit the liability of those owners of agricultural and woodlands that are subjected to people who come on their lands without their leave for the purposes of hunting and fishing. It limits their liability with respect to any negligent action which might occur on their premises except in those cases where the negligence occurs or where the act or omission which occurs is of a willful or malicious nature.

It is my impression, Mr. Speaker, that the members on both sides of the House are almost fully in agreement with these amendments. As a little bypass, or let us say, a footnote, I would like to point out to the Speaker of the House and I refer to the Speaker of the House that these amendments were orginally prepared on June 28th and this particular bill was reported out of committee on June 11. Sometime, perhaps five weeks later, we members of the House were subjected or were the recipients of two issues of "Disspelling the Fog", a very admirable and a very informative piece of journalistic ability. However, in these two particular issues, the Speaker of the House pointed out that this amendment should be introduced to this bill or this bill should be amended with respect to the purpose and intent for which it was orginally introduced in the House. I merely make this for the record to point out to the Speaker that there are members of the House, many of us, to whom these particular amendments occurred on our first reading of the bill the first time it came on the floor of the House. I hope that every member of this House will concur in the amendments and vote in favor of them. Thank you very much.

The SPEAKER pro tempore. Does the gentleman desire a roll call on his amendments?

Mr. PRENDERGAST. I desire a roll call, Mr. Speaker.

The SPEAKER pro tempore. Is the request seconded?

Mr. AUKER. I second the request.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER pro tempore. All the votes recorded on the boards were in favor of the amendments and the machinery in recording the roll call has skipped and failed to properly record. Is the House satisfied to take a voice vote on the adoption of the amendments?

On the question recurring,

Will the House agree to the amendments?

The were agreed to.

Ordered, That the bill as amended lie over for printing.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY THE SENATE

The clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1048.

An Act amending the "Liquor Code" approved April 12, 1951 (P. L. 90), further regulating the procedure for the revocation and suspension of licenses.

HOUSE BILL No. 1059.

An Act amending the "County Institution District Law", approved June 24, 1937, (P. L. 2017), increasing the amount the institution district may pay for burial costs in each case.

HOUSE BILL No. 1080.

An Act amending the "State Employes' Retirement Code of 1959", approved June 1, 1959 (P. L. 392), providing for death benefits for certain annuitants who are receiving a disability allowance.

HOUSE BILL No. 1597.

An Act amending "The Insurance Company Law of 1921", approved May 17, 1921, (P. L. 682), clarifying the provisions relating to the merger or consoldiation of certain domestic insurance companies and making editorial changes.

HOUSE BILL No. 1781.

An Act amending the act of July 31, 1941 (P. L. 605), entitled "An act relating to the summoning and service of jurors (except grand jurors) in the civil and criminal courts of the several counties of the Commonwealth except counties of the first and second class", extending the provisions to counties of the first class.

HOUSE BILL No. 1818.

An Act amending the "Unemployment Compensation

Law", approved December 5, 1936 (1937 P. L. 2897), redefining State and modifying certain provisions as to eligibility of individuals while in training or when permanently separated.

With the information that the Senate has passed the same without amendment.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. ADAMS. RESOLUTION No. 106.

In the House of Representatives, August 31, 1961.

Legislative Route No. 06041 between Mertztown and the Berks-Lehigh County line in Longswamp Township, Berks County is badly in need of repair and improvement.

A considerable amount of new home construction in this area has in recent years more than doubled the flow of traffic over this road which was highly inadequate even prior to its increased usage.

The numerous accidents which have occured on this narrow and hazardous highway of slightly over two miles in length attest to the dire need for prompt remedial action; therefore be it

Resolved, That the House of Representatives hereby urges the Pennsylvania Department of Highways to expedite the widening, blacktopping and general improvement of the aforementioned Legislative Route No. 06041 in order to alleviate the extremely hazardous conditions which presently exist and to prevent further accidents; and be it further

Resolved, That a copy of this resolution be transmitted to the Secretary of Highways.

Referred to the Committee on Rules.

By Mr. ADAMS. RESOLUTION No. 107.

In the House of Representatives, August 31, 1961.

Probable water well pollution in the Oley Township Area near Pleasantville, Berks County, has the possible danger of illness for the large number of people in the area depending on the wells as the source of water for home consumption; therefore, be it

Resolved, That the Sanitary Water Board in the Department of Health is hereby requested to cause an investigation of the alleged water well pollution in the Oley Township Area near Pleasantville, Berks County, and to take any necessary steps to eradicate the source of any contamination found to exist; and, be it further

Resolved, That a copy of this resolution be forwarded to the Sanitary Water Board.

Referred to the Committee on Rules.

HOUSE RESOLUTION No. 90

Mr. McCANN. Mr. Speaker, I call up House Resolution No. 90 on page 17 of today's calendar.

The resolution was read, considered and adopted as follows:

In the House of Representatives, July 12, 1961.

The interest of the Commonwealth in the welfare of its men and women who served their State and Nation as members of the armed forces is reflected by certain rights and privileges conferred upon these veterans by the General Assembly Some of the statutes date back to the Civil War others are as recent as the present session of the General Assembly Many of the veterans' laws are duplications and some may no longer be necessary Often provisions specifically affecting veterans are contained in general legislation where they are difficult to locate In order to assure that the current laws reflect the continuing interest and gratitude of the citizens of the Commonwealth to those who served their State and Nation when called upon to do so in the past it is essential that the entire area of veterans' laws be examined and studied in order to ascertain which laws should be retained or modified and which should be repealed as duplications therefore be it

Resolved That the Joint State Government Commission study the various laws of the Commonwealth affecting veterans and be it further

Resolved That the Joint State Government Commission be directed to report its findings and recommendations to the 1963 Session of the General Assembly.

HOUSE RESOLUTION No. 101

Mr. McCANN. Mr. Speaker, I call up House Resolution No. 101 on page 17 of today's calendar.

The resolution was read, considered and adopted as follows:

In the House of Representatives, August 21, 1961.

The Federal Highway Law presently prohibits the construction or location of commercial establishments or facilities of any nature on the rights-of-way of the Interstate Highway System

The purpose of this prohibition is highly commendable as it is intended to protect the traveling public from dangers and distractions caused by such establishments and also to protect the scenic beauty of the countryside

A minor exception to this provision in the Federal law however appears both desirable and necessary that exception being authorization for the erection at certain intervals of public telephones

The ready availability of public telephones along these highways would make possible the immediate reporting of any accident or other emergency Such telephones would also add greatly to the convenience of travelers and would not be unsightly therefore be it

Resolved (The Senate concurring) That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to make necessary amendments to the Federal Highway Law in order to permit the erection of public telephones within the rights-of-way of the Interstate Highway System and be it further

Resolved That copies of this resolution be transmitted to the presiding officers of each house of the Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.

HOUSE RESOLUTION No. 102

Mr. McCANN. Mr. Speaker, I call up House Resolution No. 102 on page 17 of today's calendar.

The resolution was read, considered and adopted as follows:

In the House of Representatives, August 22, 1961.

Whereas the General Assembly requires for its use comprehensive factual information concerning the numerous problems before it and

Whereas for the purpose of obtaining such information the following resolutions have been introduced at this Session of the General Assembly

Senate Concurrent Resolution No 108
Senate Concurrent Resolution No 109
Senate Concurrent Resolution No 110
Senate Concurrent Resolution No 111
Senate Concurrent Resolution No 113
Senate Concurrent Resolution No 114
Senate Concurrent Resolution No 122
Senate Concurrent Resolution No 128
Senate Resolution No 35
Senate Resolution No 43
Senate Resolution No 48
Senate Resolution No 62
Senate Resolution No 81
Senate Resolution No 84
Senate Resolution No 1-A
House Resolution No 6
House Resolution No 8
House Concurrent Resolution No 12
House Resolution No 13
House Resolution No 25
House Concurrent Resolution No 29

House Concurrent Resolution No 37
House Resolution No 43
House Concurrent Rsolution No 47
House Resolution No 59
House Resolution No 63
House Resolution No 64
House Resolution No 67
House Resolution No 68
House Resolution No 69
House Concurrent Resolution No 72
House Resolution No 75
House Resolution No 79
House Resolution No 80
House Resolution No 81
House Resolution No 82
House Resolution No 83
House Concurrent Resolution No 85
House Resolution No 86
House Resolution No 87
House Resolution No 90
House Concurrent Resolution No 92
House Resolution No 96
House Resolution No 99

and

Whereas by House Concurrent Resolution No 79 Session of 1953 the General Assembly directed the Joint State Government Commission to make a continuing study of the public schools of this Commonwealth and

Whereas the General Assembly deems such information useful to it and to the standing committees of the Senate and the House of Representatives now therefor be it

Resolved (the Senate concurring) That the above-enumerated resolutions shall constitute the study and investigation directives from the General Assembly to the Joint State Government Commission and be it further

Resolved That the Executive Committee of the Commission shall taking into consideration the time and funds available therefor determine the priority and extent of such studies and investigations and report to the General Assembly the Commission's findings and recommendations with such drafts of legislation necessary to carry the recommendation into effect.

SENATE RESOLUTION SERIAL No. 120

Mr. McCANN. Mr. Speaker, I call up Senate Resolution Serial No. 120 on page 17.

The resolution was read by the clerk as follows:

SENATE MESSAGE

The clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

SENATE RESOLUTION SERIAL No. 120

In the Senate, May 24, 1961.

Whereas, The American Indian is the original American and has resided on this continent since time immemorial; and

Whereas, He has made an indelible imprint on our national character and culture and history is replete with names and deeds of many outstanding American Indians who have contributed immeasurably to our way of life, our moral standards and our love of nature; and

Whereas, Indian words and water lore, arts and handicraft are basic in the manuals of the Boy Scouts, Girl Scouts, Camp Fire Girls and the many other American patriotism-building youth groups, while outdoor enthusiasts, young and old, all over the world rely on Indian folkways for guidance and inspiration; and

Whereas, The American Indian has made such other outstanding contributions to our American economy and the cultivation of corn, cotton, tobacco, beans, squash, tomatoes, peanuts, melons, and other vegetables, which have today become basic American industries; and

Whereas, A number of states celebrate "Indian Days" in September when traditional Indian festivals are held in recognition of the contributions the American Indian has made to our national life; and

Whereas, The ancient Pennsylvania American Indian contributed philosophies of confederacy, cooperative democracy and the brotherhood of man, which have been embodied in our modern way of life which makes fitting recognition by our Commonwealth; therefore be it

Resolved (The House of Representatives concurring), That the fourth Saturday in September of every year is designated as Pennsylvania American Indian Day, and the Governor of this Commonwealth is authorized and directed to issue annually a proclamation setting aside that day as a public occasion and inviting the people of the Commonwealth to observe that day with appropriate ceremonies.

Ordered, that the clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE RESOLUTION SERIAL No. 121

Mr. McCANN. Mr. Speaker, I call up Senate Resolution Serial No. 121 on page 18 of today's calendar.

The resolution was read by the clerk as follows:

SENATE MESSAGE

The clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

SENATE RESOLUTION SERIAL No. 121

In the Senate, June 1, 1961.

Resolved (The House of Representatives concurring), That there is hereby established a Commission to be known as The United States Constitution 175th Anniversary Commission of Pennsylvania (hereinafter referred to as the "Commission"), for the celebration of the 175th anniversary of the adoption of the Constitution, and to be composed of six commissioners as follows: The Governor of Pennsylvania, the President of the Senate and the Speaker of the House of Representatives ex-officio; two persons to be appointed by the Governor; two Senators to be appointed by the President Pro Tempore of the Senate; and two Representatives to be appointed by the Speaker of the House of Representatives; and be it further

Resolved, The commissioners shall receive no compensation for their services, but shall be paid their actual and necessary traveling, hotel, and other expenses incurred in the discharge of their duties; and be it further

Resolved. The Commission shall select a Chairman and appoint a State Director who shall appoint, with the approval of the Commission, such assistants and subordinates as he deems necessary; and be it further

Resolved, That it shall be the duty of the commissioners, after promulgating to the people in address relative to the reason of its creation and that its purpose, to prepare a plan or plans and a program for the adequate celebration of the 175th anniversary, and to give due and proper consideration to any plan or plans which may be submitted to them; and to take such steps as may be necessary in the coordination and correlation of plans prepared by the National Commissioners and by the various local Commissions to be established within the State, or by the several bodies that may be created under appointment by the Governor and by representative civic bodies; and be it further

Resolved, That the Commission shall, make a report at its earlies convenience to the General Assembly of the Commonwealth of Pennsylvania; and be it further

Resolved, That the Commission may receive from any source contributions to aid in carrying out the general purpose of this resolution, but the same shall be explained and accounted for in the same manner as any preparation which may be made in the authority of this act.

Ordered, that the clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, that the clerk inform the Senate accordingly.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, for the information of members who are asking, Mr. Gilroy informs me that Mr. Aita is keeping the snack bar open. They have sandwiches down there; you can send a page down for sandwiches; we have coffee up here.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 67

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House bill No. 67.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House bill No. 67, entitled: "An act to protect the public safety by regulating the mining of anthracite coal; prescribing duties for certain municipal officers, and imposing penalties."

Respectfully submit the following bill as our report:

HUGH J. McMENAMIN,
MARTIN L. MURRAY,
(Committee on the part of the Senate)

MICHAEL J. NEEDHAM,
JAMES MUSTO,
(Committee on the part of the House of Representatives.)

An Act to protect the public safety by regulating the mining of anthracite coal prescribing duties for certain municipal officers and imposing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 (a) In order to guard the safety of the public in areas above mined areas to prevent the excavation of coal so near the surface or so deep or in such other manner as to expose the public to danger it shall be unlawful for any owner operator director or general manager superintendent or other person in charge of or having supervision over any anthracite coal mine or mining operation so to mine anthracite coal or so to conduct the operation of mining anthracite coal as to cause the caving-in collapse or subsidence of

(1) Any public building or any structure customarily used by the public as a place of resort assemblage or amusement including but not being limited to churches schools hospitals theatres hotels and railroad stations

(2) Any street road bridge or other public passage-way dedicated to public use or habitually used by the public

(3) Any track roadbed right of way pipe conduit wire or other facility used in the service of the public by any municipal corporation or public service company as defined by the Public Utility Law

(4) Any dwelling or other structure used as a human habitation or any factory store or other industrial or mercantile establishment in which human labor is employed

(5) Any cemetery or public burial ground

(b) Criterion to guide operators in their mining activities shall include bearing strength of coal in the vein or seam percentage of coal left in place uniformity of distribution of said percentage height of vein or seam nature of immediate roof over seam nature of floor of seam pitch of seam thickness of rock strata overlying the seam nature of rock strata thickness and nature of unconsolidated surface materials overlying rock strata proximity of and conditions in overlying or underlying seams underground water conditions in seam and underground water conditions in strata over the seam

Section 2 Every owner operator lessor leasee or general contractor engaged in the mining of anthracite coal within this Commonwealth shall make or cause to be made a true and accurate map or plan of the workings or excavations of such coal mine or colliery which shall be drawn to a scale of such size as to show conveniently and legibly all markings and numbers required to be placed thereon by the terms of this act Such maps or plans shall also show in detail and in markings of a distinctive color all contemplated workings which are intended to be undertaken or developed within the succeeding six months Such maps or plans shall be deposited as often as once in six months with the mayor in cities where such coal mines or collieries are situated In boroughs and townships of the first class such maps or plans shall be filed with the county commissioners of the proper county Such maps or plans shall be considered public records and shall be open to the inspection of the public and copies or tracings may be made therefrom No mining shall be done which is not shown on the map or plan filed at least ten days previously

Section 3 Every owner operator lessor lessee or general contractor engaged in the mining of anthracite coal or any president director general manager superintendent or other person in charge of or having supervision over any anthracite coal mine or mining operation in this Commonwealth shall be and is hereby required (1) to designate within a period of six months from the passage of this act and to keep designated by number each and every pillar of anthracite coal beneath the surface still remaining in place at the time this act goes into effect and all pillars thereafter created the number of each pillar to be placed in a conspicuous position with white paint or some other equally durable and visible substance and (2) to designate or cause to be designated by numerals of convenient and legible size upon all maps or plans mentioned in section 2 of this act with the space on each map or plan designating any pillar of coal the number of such pillar

Section 4 The mayor of cities the burgess of boroughs the boards of township commissioners of townships of the first class and such engineers and other agents as they may employ shall at all reasonable times be given access to any portion of any anthracite coal mines or mining operations which it may be necessary or proper to inspect for the purpose of determining whether the provisions of this act are being complied with and all reasonable facilities shall be extended by the owner or operator of such mine or mining operation for ingress egress and inspection

Section 5 The mayor of cities the burgess of boroughs the board of township commissioners in townships of the first class shall have the power to prevent the mining of anthracite coal beneath the surface in any mine or mining operation in which the pillars of coal shall not have been numbered and the numbers thereof designated by maps or tracings as provided by this act and where mining operations are being conducted in violation of this act they shall have the power to prevent any miner or laborer other than those necessary for the protection of life and property from entering the mine or mining operation until such time as the provisions of this act have been complied with

Section 6 The provisions of this act shall not apply to any area wherein the surface overlying the mine or mining operation is wild or unsealed land nor where such surface is owned by the owner or operator of the underlying coal and is distant more than one hundred and fifty feet from any improved property belonging to any other person

Section 7 Any owner operator lessor or general contractor engaged in the mining of anthracite coal or any president director general manager superintendent or other person in charge of or having supervision over any anthracite coal mine or mining operation who shall violate any provision of this act shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than one thousand dollars ($1,000) or more than five thousand dollars ($5,000) or undergo imprison-

ment for not more than one year, both or either at the discretion of the court and in addition thereto shall be liable for the payment of damages to the owner of the property so damaged in an amount as determined by law in a civil proceeding.

Section 8. The courts of common pleas shall have power to award injunction to restrain violations of this act.

Section 9. This act is intended as remedial legislation designed to cure existing evils and abuses and each and every provision thereof is intended to receive a liberal construction such as will best effectuate that purpose and no provision is intended to receive a strict or limited construction.

Section 10. It is hereby declared that the provisions of this act are severable one from another and if for any reason this act shall be judicially declared and determined to be unconstitutional so far as relate to one or more words, phrases, clauses, sentences, paragraphs or sections thereof, such judicial determination shall not affect any other provision of this Act. It is hereby declared that the remaining provisions would have been enacted notwithstanding such judicial determination of the validity in any respect of one or more of the provisions of this act.

Section 11. All acts and parts of acts repealed in so far as they are inconsistent herewith.

Section 12. This act shall take effect three calendar months after its final enactment.

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—196

Adams,	Gailey,	Lawson,	Renwick,
Anderson, J. H.,	Gallagher,	Lee, A. M.,	Riley,
Anderson, S. A.,	Gelfand,	Lee, K. B.,	Rovansek,
Arlene,	George,	Leonard,	Royer,
Auker,	Gibb,	Limper,	Rubin,
Bachman,	Gibbons,	Lippincott,	Rudisill,
Backenstoe,	Goldstein, J. H.,	Long, Wm. Jas.,	Rutherford,
Blair,	Goldstein, M. H.,	Long, Wm. Jos.,	Sakulsky,
Boles,	Goodrich,	Lutty,	Scarcelli,
Bonner,	Gramlich,	Manbeck,	Schaaf,
Bossert,	Gray,	Markley,	Schuster,
Bower,	Greenlee,	Maxwell,	Seltzer,
Branca,	Gremminger,	May,	Shelton,
Breth,	Gross,	McCandless,	Shupnik,
Buchanan,	Guesman,	McCann,	Simmons,
Bush,	Guthrie,	McCormack,	Slack,
Capano,	Hamilton,	McDevitt,	Snare,
Capitolo,	Hankins,	McDonald,	Stank,
Cauley,	Hartley,	McKeever,	Stimmel,
Cianfrani,	Haudenshield,	McLaughlin,	Stiteler,
Cioffi,	Heavey,	McNally,	Stone,
Clarke,	Heffner,	Meholchick,	Strausser,
Comer,	Helm,	Merry,	Sullivan, J. A.,
Cooley,	Henzel,	Mihm,	Sullivan, T. F.,
Crossin,	Hocker,	Miller,	Taylor,
Curwood,	Holl,	Mills,	Thompson,
Davis,	Holliday,	Monroe,	Tomascik,
Dengler,	Holman,	Morley,	Tompkins,
Dennison,	Horst,	Mullen,	Trusio,
Donaldson,	Irvis,	Munley,	Ujobai,
Dougherty,	Isaacs,	Murphy,	Varner,
Doughten,	Jenkins,	Musto,	Verona,
Edwards,	Jim,	Needham,	Wall,
Eilberg,	Johnson, R. P.,	O'Dell,	Walsh,
Elvey,	Jones,	O'Donnell, J. A.,	Wargo,
Eshback,	Kamyk,	O'Donnell, J. P.,	Welsh,
Eshleman,	Keiser,	Ogilvie,	Wescott,
Ewing,	Kelly,	Parlante,	Whittaker,
Farabaugh,	Kernaghan,	Pashley,	Willaredt,
Fetterolf,	Kessler,	Perry,	Williams, A. D.,
Filo,	King,	Petrosky,	Williams, E. S.,
Fineman,	Kistler,	Piper,	Wilt,
Flynn,	Klein,	Polaski,	Wood,
Foerster,	Knecht,	Polen,	Worley,
Foor,	Kooker,	Prendergast,	Wynd,
Fox,	Kornick,	Price,	Yetter,
Frascella,	Korns,	Pursley,	Zember,
Fry,	Kramer,	Reibman,	Zimmerman,
Fulmer,	Lamb,	Reidenbach,	Andrews,

Speaker

NAYS—2

Bowman,	Marsh,

NOT VOTING—12

Ashton,	Johnson, A. W.,	Murray,	Steckel,
Down,	Magee,	Odorisio,	Weidner,
Esler,	McInroy,	Sherman,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 775

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House bill No. 775.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We the undersigned, Committee of Conference on the part of the Senate and House of Representatievs for the purpose of considering House bill No. 775, entitled: "An act making appropriations to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University for the School of Medicine and for the School of Veterinary Medicine."

Respectfully submit the following bill as our report:

CHARLES R. WEINER,
THOMAS J. KALMAN,
WILLIAM Z. SCOTT,
(Committee on the part of the Senate.)

J. DEAN POLEN,
ROBERT K. HAMILTON,
NORMAN WOOD,
(Committee on the part of the House of Representatives.)

An Act making appropriations to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University for the School of Medicine and for the School of Veterinary Medicine.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The sum of three million four hundred thirty nine thousand, six hundred, twenty seven dollars ($3,439,627), or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pennsylvania for the fiscal period, June 1, 1961 to June 30, 1962, for the general maintenance of the university and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interest of the university.

Section 2. The sum of one million, four hundred twenty-nine thousand and eighteen dollars ($1,429,018), or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pennsylvania for the fiscal period June 1, 1961 to June 30, 1962 for the general maintenance of and for research in the School of Medicine of the University and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interests of the School of Medicine.

Section 3. The sum of six hundred, eighty-three thousand, five hundred, eighty-nine dollars ($683,589), or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pennsylvania for the fiscal period June 1, 1961 to June 30, 1962, for the general maintenance of and for research in the School of Veterinary Medicine of the university and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interests of the School of Veterinary Medicine.

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—185

Adams,	Gailey,	Korns,	Reibman,
Anderson, J. H.,	Gallagher,	Kramer,	Reidenbach,
Anderson, S. A.,	George,	Lawson,	Riley,
Arlene,	Gibb,	Lee, A. M.,	Royer,
Bachman,	Gibbons,	Lee, K. B.,	Rubin,
Backenstoe,	Goldstein, J. H.,	Leonard,	Rudisill,
Blair,	Goldstein, M. H.,	Limper,	Rutherford,
Boles,	Goodrich,	Lippincott,	Scarcelli,
Bossert,	Gramlich,	Long, Wm. Jas.,	Schuster,
Bower,	Gray,	Long, Wm. Jos.,	Seltzer,
Bowman,	Greenlee,	Lutty,	Shelton,
Branca,	Gremminger,	Manbeck,	Shupnik,
Breth,	Gross,	Markley,	Simmons,
Buchanan,	Guesman,	Marsh,	Slack,
Bush,	Guthrie,	May,	Snare,
Capano,	Hamilton,	McCandless,	Stank,
Capitolo,	Hankins,	McCann,	Steckel,
Cauley,	Hartley,	McCormack,	Stimmel,
Cianfrani,	Haudenshield,	McDevitt,	Stiteler,
Cioffi,	Heavey,	McKeever,	Stone,
Clarke,	Heffner,	McLaughlin,	Strausser,
Comer,	Helm,	Meholchick,	Sullivan, J. A.,
Cooley,	Henzel,	Merry,	Sullivan, T. F.,
Crossin,	Hocker,	Mihm,	Taylor,
Curwood,	Holl,	Miller,	Thompson,
Davis,	Holliday,	Monroe,	Tomascik,
Dengler,	Holman,	Morley,	Tompkins,
Dennison,	Horst,	Mullen,	Trusio,
Donaldson,	Irvis,	Munley,	Ujobai,
Dougherty,	Isaacs,	Murray,	Varner,
Doughten,	Jenkins,	Musto,	Verona,
Edwards,	Jim,	Needham,	Wall,
Eilberg,	Johnson, A. W.,	O'Dell,	Walsh,
Elvey,	Johnson, R. P.,	O'Donnell, J. A.,	Wargo,
Eshback,	Jones,	O'Donnell, J. P.,	Welsh,
Eshleman,	Kamyk,	Ogilvie,	Wescott,
Ewing,	Keiser,	Parlante,	Whittaker,
Fetterolf,	Kelly,	Pashley,	Willaredt,
Filo,	Kernaghan,	Perry,	Williams, A. D.,
Fineman,	Kessler,	Petrosky,	Williams, E. S.,
Flynn,	King,	Piper,	Wilt,
Foerster,	Klein,	Polaski,	Wood,
Foor,	Kistler,	Polen,	Wynd,
Fox,	Knecht,	Prendergast,	Yetter,
Frascella,	Kooker,	Price,	Zember,
Fry,	Kornick,	Pursley,	Zimmerman,
Fulmer,			

NAYS—14

Auker,	Lamb,	Mills,	Rovansek,
Bonner,	Maxwell,	Murphy,	Sakulsky,
Farabaugh,	McDonald,	Renwick,	Schaaf,
Gelfand,	McNally,		

NOT VOTING—11

Ashton,	Magee,	Sherman,	Worley,
Down,	McInroy,	Weidner,	Andrews,
Esler,	Odorisio,	Willard,	Speaker

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 781

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House bill No. 781.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House bill No. 781, entitled: "Act making an appropriation to the Philadelphia College of Osteopathy, Philadelphia, Pennsylvania."

Respectfully submit the following bill as our report:

CHARLES R. WEINER,
BENJAMIN R. DONOLOW,
JOHN H. WARE,
(Committee on the part of the Senate.)

J. DEAN POLEN,
ROBERT K. HAMILTON,
NORMAN WOOD,
(Committee on the part of the House of Representatives.)

An Act making an appropriation to the Philadelphia College of Osteopathy, Philadelphia, Pennsylvania.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The sum of two hundred thousand dollars ($200,000), or as much thereof as may be necessary is hereby specifically appropriated to the Philadelphia College of Osteopathy, Philadelphia, Pennsylvania for the fiscal period June 1, 1961 to June 30, 1962 for the general maintenance of the college and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interest of the college.

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—179

Adams,	Fulmer,	Lee, K. B.,	Rovansek,
Anderson, J. H.	Gailey,	Leonard,	Royer,
Anderson, S. A.,	Gallagher,	Limper,	Rubin,
Arlene,	George,	Lippincott,	Rudisill,
Bachman	Gibb,	Long, Wm. Jas.,	Rutherford,
Backenstoe,	Gibbons,	Long, Wm. Jos.,	Scarcelli,
Blair,	Goldstein, J. H.,	Lutty,	Schuster,
Boles,	Goldstein, M. H.,	Manbeck,	Seltzer,
Bonner,	Goodrich,	Markley,	Shelton,
Bossert,	Gray,	Marsh,	Shupnik,
Bower,	Greenlee,	May,	Simmons,
Bowman,	Gremminger,	McCandless,	Snare,
Branca,	Gross,	McCann,	Slack,
Breth,	Guesman,	McCormack,	Stank,
Buchanan,	Guthrie,	McDevitt,	Steckel,
Bush,	Hamilton,	McDonald	Stimmel,
Capitolo,	Hankins,	McKeever,	Stone,
Cauley,	Hartley,	McLaughlin,	Sullivan, J. A.,
Cianfrani,	Haudenshield,	Meholchick,	Sullivan, T. F.,
Cioffi,	Heavey,	Merry,	Taylor,
Clarke,	Heffner,	Mihm,	Thompson,
Comer,	Helm,	Monroe,	Tomascik,
Cooley,	Henzel,	Morley,	Tompkins,
Crossin,	Hocker,	Mullen,	Trusio,
Curwood,	Holl,	Munley,	Ujobai,
Davis,	Holman,	Murray,	Varner,
Dengler,	Horst,	Musto,	Verona,
Dennison,	Irvis,	Needham,	Wall,
Donaldson,	Isaacs,	O'Dell,	Wargo,
Dougherty,	Jenkins,	O'Donnell, J. A.,	Welsh,
Doughten,	Jim,	O'Donnell, J. P.,	Wescott,
Edwards,	Johnson, A. W.,	Ogilvie,	Whittaker,
Eilberg,	Johnson, R. P.,	Parlante,	Willard,
Elvey,	Jones,	Pashley,	Willaredt,
Eshback,	Keiser,	Perry,	Williams, A. D.,
Eshleman,	Kelly,	Petrosky,	Williams, E. S.,
Ewing,	Kernaghan,	Piper,	Wilt,
Fetterolf,	King,	Polaski,	Wood,
Fineman,	Kistler,	Polen,	Worley,
Flynn,	Klein,	Prendergast,	Wynd,
Foerster,	Knecht,	Price,	Yetter,
Foor,	Kooker,	Pursley,	Zember,
Fox,	Kornick,	Reibman,	Zimmerman,
Frascella,	Lawson,	Reidenbach,	Andrews,
Fry,	Lee, A. M.,	Riley,	Speaker

NAYS—20

Auker,	Holliday,	Maxwell,	Renwick,
Capano,	Kamyk,	McNally,	Sakulsky,
Farabaugh,	Korns,	Miller,	Schaaf,
Gelfand,	Kramer,	Mills,	Stiteler,
Gramlich,	Lamb,	Murphy,	Walsh,

NOT VOTING—11

Ashton,	Filo,	McInroy,	Strausser,
Down,	Kessler,	Odorisio,	Weidner,
Esler,	Magee,	Sherman,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 785

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House bill No. 785.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House bill No. 785, entitled: "An act making an appropriation to the Berean Manual Training School at Philadelphia, Pennsylvania."

Respectfully submit the following bill as our report:

CHARLES R. WEINER,
FRED ROONEY,
EDWARD J. KESSLER,
(Committee on the part of the Senate.)

J. DEAN POLEN,
ROBERT K. HAMILTON,
NORMAN WOOD,
(Committee on the part of the House of Representatives.)

An Act making an appropriation to the Berean Manual Training School at Philadelphia, Pennsylvania.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The sum of fifty thousand, nine hundred, ten dollars ($50,910), or as much thereof as may be necessary is hereby specifically appropriated to the Berean Manual Training School at Philadelphia, Pennsylvania for the fiscal period June 1, 1961 to June 30, 1962 for the maintenance of said school and the purchase of such appartus and equipment as the trustees may deem necessary for the best interests of the school.

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—188

Anderson, J. H.,	Gelfand,	Lamb,	Reidenbach,
Anderson, S. A.,	George,	Lawson,	Riley,
Arlene,	Gibb,	Lee, A. M.,	Rovansek,
Bachman,	Gibbons,	Lee, K. B.,	Royer,
Backenstoe,	Goldstein, J. H.,	Leonard,	Rubin,
Blair,	Goldstein, M. H.,	Limper,	Rudisill,
Boles,	Goodrich,	Lippincott,	Rutherford,
Bonner,	Gramlich,	Long, Wm. Jas.,	Scarcelli,
Bossert,	Gray,	Long, Wm. Jos.,	Schaaf,
Bower,	Greenlee,	Lutty,	Schuster,
Branca,	Gremminger,	Manbeck,	Seltzer,
Breth,	Gross,	Markley,	Shelton,
Buchanan,	Guesman,	Marsh,	Shupnik,
Bush,	Guthrie,	May,	Simmons,
Capitolo,	Hamilton,	McCandless,	Slack,
Cauley,	Hankins,	McCann,	Stank,
Cianfrani,	Hartley,	McCormack,	Steckel,
Cioffi,	Haudenshield,	McDevitt,	Stimmel,
Clarke,	Heavey,	McDonald,	Stiteler,
Comer,	Heffner,	McKeever,	Stone,
Cooley,	Helm,	McLaughlin,	Sullivan, J. A.,
Crossin,	Henzel,	Meholchick,	Sullivan, T. F.,
Curwood,	Hocker,	Merry,	Taylor,
Davis,	Holl,	Mihm,	Thompson,
Dengler,	Holliday,	Miller,	Tomascik,
Dennison,	Holman,	Monroe,	Tompkins,
Donaldson,	Horst,	Morley,	Trusio,
Dougherty,	Irvis,	Mullen,	Ujobai,
Doughten,	Isaacs,	Munley,	Varner,
Edwards,	Jenkins,	Murphy,	Verona,
Eilberg,	Jim,	Musto,	Wall,
Elvey,	Johnson, A. W.,	Needham,	Walsh,
Eshback,	Johnson, R. P.,	O'Dell,	Wargo,
Eshleman,	Jones,	O'Donnell, J. A.,	Welsh,
Ewing,	Kamyk,	O'Donnell, J. P.,	Wescott,
Fetterolf,	Keiser,	Ogilive,	Whittaker,
Filo,	Kelly,	Parlante,	Willard,
Fineman,	Kernaghan,	Pashley,	Willaredt,
Flynn,	Kessler,	Perry,	Williams, A. D.,
Foerster,	King,	Petrosky,	Williams, E. S.,
Foor,	Kistler,	Piper,	Wilt,
Fox,	Klein,	Polaski,	Wood,
Frascella,	Knecht,	Polen,	Worley,
Fry,	Kooker,	Prendergast,	Wynd,
Fulmer,	Kornick,	Price,	Yetter,
Gailey,	Korns,	Pursley,	Zember,
Gallagher,	Kramer,	Reibman,	Zimmerman,

NAYS—9

Adams,	Farabaugh,	McNally,	Renwick,
Auker,	Maxwell,	Mills,	Sakulsky,
Capano,			

NOT VOTING—13

Ashton,	Magee,	Odorisio,	Strausser,
Bowman,	McInroy,	Sherman,	Weidner,
Down,	Murray,	Snare,	Andrews,
Esler,			Speaker

The majority required by the Constitution having voted in the affirmative the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 787

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House bill No. 787.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House bill No. 787, entitled: "An act making an appropriation to the Delaware Valley College of Science and Agriculture at Doylestown, Pennsylvania."

Respectfully submit the following bill as our report:

PETER CAMIEL,
ISRAEL STIEFEL,
MARVIN KELLER,
(Committee on the part of hte Senate.)

J. DEAN POLEN,
ROBERT K. HAMILTON,
NORMAN WOOD,
(Committee on the part of the House of Representatives.)

An Act making an appropriation to the Delaware Valley College of Science and Agriculture at Doylestown, Pennsylvania.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The sum of seventy-five thousand dollars ($75,000), or as much thereof as may be necessary is hereby specifically appropriated to the Delaware Valley College of Science and Agriculture at Doylestown, Pennsylvania for the fiscal period June 1, 1961 to June 30, 1962 for maintenance to be paid according to law.

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—175

Adams,	Galley,	Lee, A. M.,	Royer,
Anderson, S. A.,	Gallagher,	Lee, K. B.,	Rubin,
Arlene,	George,	Leonard,	Rudisill,
Bachman,	Gibb,	Limper,	Rutherford,
Backenstoe,	Gibbons,	Lippincott,	Scarcelli,
Blair,	Goldstein, J. H.,	Long, Wm. Jas.,	Schuster,
Boles,	Goldstein, M. H.,	Long, Wm. Jos.,	Seltzer,
Bonner,	Goodrich,	Lutty,	Shelton,
Bossert,	Gramlich,	Manbeck,	Simmons,
Bower,	Gray,	Markley,	Slack,
Bowman,	Greenlee,	Marsh,	Snare,
Branca,	Gremminger,	May,	Stank,
Breth,	Gross,	McCandless,	Steckel,
Buchanan,	Guthrie,	McCann,	Stimmel,
Bush,	Guesman,	McCormack,	Stiteler,
Capitolo,	Hamilton,	McDonald,	Strausser,
Cauley,	Hankins,	McKeever,	Stone,
Cianfrani,	Hartley,	McLaughlin,	Sullivan, J. A.,
Cioffi,	Haudenshield,	Meholchick,	Sullivan, T. F.,
Clarke,	Heavey,	Merry,	Taylor,
Comer,	Heffner,	Mihm,	Thompson,
Cooley,	Helm,	Monroe,	Tomascik,
Crossin,	Henzel,	Morley,	Tompkins,
Curwood,	Hocker,	Mullen,	Trusio,
Davis,	Holl,	Murray,	Ujobai,
Dengler,	Holman,	Musto,	Varner,
Dennison,	Horst,	Needham,	Verona,
Donaldson,	Irvis,	O'Dell,	Wall,
Dougherty,	Isaacs,	O'Donnell, J. A.,	Wargo,
Doughten,	Jenkins,	O'Donnell, J. P.,	Welsh,
Edwards,	Jim,	Ogilive,	Wescott,
Eilberg,	Johnson, A. W.,	Parlante,	Whittaker,
Elvey,	Johnson, R. P.,	Perry,	Willaredt,
Eshleman,	Jones,	Petrosky,	Williams, A. D.,
Ewing,	Kamyk,	Piper,	Williams, E. S.,
Fetterolf,	Keiser,	Polaski,	Wilt,
Filo,	Kelly,	Polen,	Wood,
Fineman,	Kernaghan,	Prendergast,	Worley,
Flynn,	Kessler,	Price,	Wynd,
Foor,	King,	Pursley,	Yetter,
Fox,	Kistler,	Reibman,	Zember,
Frascella,	Kooker,	Reidenbach,	Zimmerman,
Fry,	Kornick,	Riley,	Andrews,
Fulmer,	Lawson,	Rovansek,	Speaker

NAYS—23

Auker,	Holliday,	McNally,	Renwick,
Capano,	Klein,	Miller,	Sakulsky,
Eshback,	Korns,	Mills,	Schaaf,
Farabaugh,	Kramer,	Munley,	Shupnik,
Foerster,	Lamb,	Murphy,	Walsh,
Gelfand,	Maxwell,	Pashley,	

NOT VOTING—12

Anderson, J. H.,	Esler,	McDevitt,	Sherman,
Ashton,	Knecht,	McInroy,	Weidner,
Down,	Magee,	Odorisio,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 869

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House bill No. 869.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House bill No. 869, entitled "An act amending the act of June 12, 1951 (P. L. 533), entitled 'An act relating to mental health, including mental illness, mental defect, epilepsy and inebriety and amending, revising, consolidating and changing the laws relating thereto,' regulating voluntary admission of minors to institutions and further regulating emergency commitments."

Respectfully submit the following bill as our report:

MARTIN L. MURRAY,
THOMAS J. KALMAN,
JOHN T. VAN SANT,
(Committee on the part of the Senate.)

CHARLES D. STONE,
HERBERT FINEMAN,
MARIAN E. MARKLEY,
(Committee on the part of the House of Representatives.)

An Act amending the act of June 12, 1951 (P. L. 533), entitled "An act relating to mental health, mental illness, mental defect, epilepsy and inebriety and amending, revising, consolidating and changing the laws relating thereto," regulating voluntary admission of minors to institutions and further regulating emergency commitments.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 301 act of June 12, 1951 (P. L. 533), known as "The Mental Health Act of 1951," amended January 14, 1952 (P. L. 2053), is amended to read:

Section 301. Application for Voluntary Admission.

(a) Application for voluntary admission as a patient may be made:

(1) By any person thought to be mentally ill to the superintendent of any mental hospital.

(2) By any epileptic twenty-one years of age or older to the superintendent of any school or institution for the care of epileptics.

(3) By any inebriate to the superintendent of any mental hospital institution for the care of inebriates or of any general hopsital maintaining a psychiatric department or ward.

(4) In the interest of any person under twenty-one years of age thought to be mentally ill to the superintendent of any mental hospital.

(b) Every such application shall be in writing and signed by the applicant in the presence of at least one witness. In the case of a person under twenty-one years of age the application shall be in writing and signed by the person's parent or guardian or other person liable for his support.

Section 2. Section 304 of the act is amended by adding after subsection (a) a new subsection to read:

Section 304. Limits of Detention of Voluntary Patients, Notice to Relatives, etc. * * *

(a.1) No person under twenty-one years of age admitted shall be detained for more than ten days after the person who applied for his admission has given written notice to the superintendent of intention or desire to remove the patient. Under no circumstances shall a person under twenty-one years of age, admitted voluntarily, remain a patient for more than thirty days unless prior to the expiration of such thirty day period an order of court is obtained committing the person to the institution. It shall be the duty of the Department of Public Welfare to advise the person admitted of his right to release unless such order of court is obtained and also of his rights with respect to the hearing before the court.

* * *

Section 3. Subsection (c) of section 311 of the act is amended to read:

Section 311. Admission by Superintendent on Applica-

tion of Relative, etc. and Physician's Certificate. * * *

(c) Every application shall be in writing on a form prescribed by the department. [The applicant shall state the name, sex, age and residence of the patient, the opinion that the patient is mentally ill, mentally defective or epileptic and that the patient is a fit subject for care and will be benefited by admission the facts on which such opinions are based and any other information required by the department. If any information required is unkown to the applicant he shall so state.]

* * *

Section 4. Subsection (a) of section 312 of the act amended September 22, 1951 (P. L. 1429), January 14, 1952 (P. L. 2053), and November 30, 1959 (P. L. 1610), is amended to read:

Section 312. Contents of Physicians Certificate.

(a) In every qualified physician's certificate required by this act for the admission or commitment of a patient the physician issuing the same shall state:

(1) His residence.

(2) That he has resided in this State for at least one year.

(3) That he has been licensed to practice medicine or osteopathy in this State.

(4) That he has been in the actual practice of medicine or osteopathy for at least three years or has had at least one year's experience as a medical or an osteopathic physician in an institution.

(5) That he is not related by blood or marriage to the patient or applicant.

(6) That he is not a member of the full-time staff of the institution to which admission is sought.

(7) That he has examined the patient with care and diligence within a week of making the certificate.]

[(8) That in his opinion the patient is or is thought to be mentally ill, mentally defective, inebriate or epileptic, or is in need of and will be benefited by care and the admission applied for.

(9) The information relative to the patient given him by others and the facts as to the physical and mental condition and the behavior of the patient which he has observed and on which he bases his opinion.

(9.1) In the case of mental deficiency the results and conclusions from recognized psychological tests and

(10) Such other information as the particular request for admission or commitment or as the department may require] such information as the department may require on a form prescribed by the department

Section 5. Subsection (b) of section 314 of the act amended November 30, 1959 (P. L. 1610), is amended to read

Section 314. Admission for Temporary Detention

* * *

(b) The application shall be in writing and may be made by a relative legal guardian or friend of the person sought to be admitted or in the case of a patient having no legal guardian or no available responsible friend or relative by the executive officer or an authorized agent of a health or welfare organization. It shall be accompanied by the certificate of at least one qualified physician which shall also state that immediate temporary care in a mental hospital is necessary for the person sought to be admitted by reason of mental illness except that in an emergency the certificate shall be supplied within twenty-four hours after the admission of the person. Such certificate need not be sworn to or affirmed

* * *

Section 6. Subsection (c) of section 326 of the act is amended to read

Section 326. Petition of Commitment * * *

(c) Every such application or petition shall be in the form prescribed by the department. [It shall state the name, sex, age and residence of the person sought to be committed the opinion of the petitioner that such person is mentally ill epileptic mentally defective or inebriate and is a fit subject for care or needs observation, diagnosis and treatment in the type of institution to which commitment is sought together with the facts on which such opinion is based and such other facts as the department may require. If any of the facts are unknown the petition shall so state]

* * *

Section 7. Subsection (c) of section 328 of the act amended January 14, 1952 (P. L. 2053), is amended to read

* * *

(c) If the court approves the report of a commission that the person in question is mentally ill and is a proper subject for admission to a mental hospital or is satisfied that the person sought to be committed is a proper subject for care or that the safety and welfare of the public require such commitment the court shall make an order committing the person to the [institution named in the petition] Department of Public Welfare for treatment in an appropriate institution and direct his removal [thereto] by a proper person to the institution designated by the department

* * *

On the question,

Will the House adopt the report of the Committee of Conference?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. McCormack.

Mr. McCORMACK. Mr. Speaker, I do not want to upset any timetable now; is there any time involved?

The SPEAKER pro tempore. The Chair would advise the gentleman that there is.

Mr. McCORMACK. I wanted to discuss this bill but it—

The SPEAKER pro tempore. The Chair would inform the gentleman that there is a request for a possible caucus, and we would like to return before the end of this legislative day.

Mr. McCORMACK. I will be very brief then, Mr. Speaker.

After reading this conference report I notice there are deletions in this bill of which I seriously question the wisdom. This has to do with the admission of mentally ill persons to hospitals and institutions, and, under the present law, the application is required to be in writing on a form prescribed by the Department of Public Welfare. In addition to the application for admission, Mr. Speaker, there is required to be filled in a physician's certificate under the present law. Under section 312 of the Mental Health Act, the physician who examines this patient to be committed to a mental institution must set forth his residence, his license to practice medicine, that he has been in practice for at least three years and has had at least one year's experience as a medical or an osteopathic physician in an institution, that he is not related by blood or marriage to the patient or applicant, that he is not a member of the fulltime staff of the institution to which the person is to be committed, and that he has examined the patient with care and diligence within a week of making the certificate. Now these are the things that are required to be in the physician's certificate.

I hope somebody is listening to me, Mr. Speaker.

POINT OF ORDER

The SPEAKER pro tempore. For what purpose does the gentleman from Dauphin, Mr. Hocker, rise?

Mr. HOCKER. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. HOCKER. Mr. Speaker, I have a lot of respect for the gentleman's ability in this field. I am interested and I want to hear it. I would humbly submit to the Chair to keep order in this House while the gentleman is speaking on this highly controversial bill.

The SPEAKER pro tempore. The gentleman's point is well taken. The sergeant-at-arms will see that all visitors

are seated and that no one is permitted to stand in the rear of the House. The members will please extend the courtesy of this House to the speaker.

The gentleman will proceed.

Mr. McCORMACK. Mr. Speaker, the reason I suggest that they listen is that I want to pose several questions at the end of my remarks and I hope they can be answered to my satisfaction.

Mr. Speaker, the present act goes on to require the physician to set forth in his affidavit that his opinion is that the patient is or is thought to be mentally ill, mentally defective, inebriate, epileptic, or in need of and will be benefited by care and the admission applied for. Also, the information relative to the patient given to him by others and the facts as to the physical and mental condition and the behavior of the patient which he has observed and on which he bases his opinion.

All of this information, Mr. Speaker, which must be submitted by affidavit by the examining physician under the act is stricken out, and in lieu thereof this bill says merely, "every application shall be in writing on a form described by the department," and "It shall contain such information as the department may require on the form prescribed by the department." Now, that is in lieu of all the specifications that are under the present Mental Health Act and my question, Mr. Speaker, is this: Does the Department of Public Welfare, at the present time, have a particular form setting forth the prescribed information from the examining physician, or do they have any rules and regulations which would take the place of the detailed information that they are going to delete from the Mental Health Act? I would appreciate it if I could get an answer to that question.

The SPEAKER pro tempore. Is the gentleman directing his interrogation to any particular person?

Mr. McCORMACK. No, Mr. Speaker.

The SPEAKER pro tempore. May we have a volunteer?

The Chair recognizes the gentleman from Beaver, Mr. Stone.

Mr. McCORMACK. Mr. Stone was on the conference committee, but I understand that these were deletions not made in the conference committee but deletions that were made when we passed this bill and sent it over to the Senate. Is that correct?

Mr. STONE. Mr. Speaker, I hope I can shed some light on this. The gentleman has repeatedly said that he prefers to have time to look over the bill that we are now considering. Mr. Speaker, the conference committee report in essence is the same bill that was introduced on March 8, 1961; it is the same bill that the gentleman voted for on May 2nd of this year, which passed this House by a vote of 184 to 12.

The change was that when it arrived in the Senate, in their wisdom, they saw fit to remove the provision which required that if a patient were to remain in a mental institution beyond a 30-day period that it would have to be court commitment. The conference committee felt that to allow the superintendent to have that kind of power would be possibly opening the door to abuse of discretion, so the committee unanimously reinstated the bill in the form that it passed this House, and that is what is before us right now.

Now to specifically answer the gentleman's question, I would have to assume that the department would have forms prepared that would probably be in more detail, and, when they removed these things that the gentleman mentioned, they would be removing them in order to allow them more latitude.

Mr. McCORMACK. Mr. Speaker, may I interrogate the gentleman from Beaver, Mr. Stone.

The SPEAKER pro tempore. Will the gentleman permit himself to be interrogated?

Mr. STONE. I shall, Mr. Speaker.

Mr. McCORMACK. Mr. Speaker, the gentleman has the memorandum from the Department of Public Welfare, does he not, that supports this bill?

Mr. STONE. The Department of Public Welfare did not agree with the provisions of the conference committee report. They agreed with the Senate amendments. In other words, they wanted the superintendent to have the power to keep the patient there beyond the 30-day period without a court order. That was where the disagreement was. At no time was there a disagreement over the language the gentleman is calling our attention to now.

Mr. McCORMACK. That was not discussed. Did the gentleman say that I voted for that bill?

Mr. STONE. I think you did.

Mr. McCORMACK. I thought that I did not vote for it. What was the date?

Mr. STONE. March 8th.

Mr. McCORMACK. I am having one of my lieutenants check it.

Mr. Speaker, I do want to ask the gentleman one more question. In this memorandum from the Department of Public Welfare, there is nothing set forth therein pertaining to the information required to be submitted by affidavit by the examining physician, is there?

Mr. STONE. That is correct. The memorandum the gentleman saw had to do with the conference committee only and not the original bill.

Mr. McCORMACK. I see. Thank you, Mr. Speaker.

Mr. STONE. Mr. Speaker, if the gentleman from Philadelphia did not vote for this bill on March 8, perhaps he should have; it is a good bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Auker.

Mr. AUKER. Mr. Speaker, what the gentleman from Beaver has said is true. The reason I voted "no" on this bill on the first round was for the very reasons that the gentleman from Philadelphia brought out. That is the reason I am voting "no" on it again.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—172

Anderson, J. H.,	Gallagher,	Leonard,	Renwick,
Anderson, S. A.,	George,	Limper,	Rovansek,
Arlene,	Gibb,	Lippincott,	Royer,
Bachman,	Gibbons,	Long, Wm. Jas.,	Rubin,
Backenstoe,	Goldstein, J. H.,	Long, Wm. Jos.,	Rudisill,
Blair,	Goldstein, M. H.,	Lutty,	Rutherford,
Boles,	Goodrich,	Manbeck,	Sakulsky,
Bonner,	Gray,	Markley,	Scarcelli,
Bossert,	Greenlee,	Marsh,	Schaaf,
Bower,	Gremminger,	Maxwell,	Schuster,
Bowman,	Gross,	May,	Seltzer,
Branca,	Guesman,	McCann,	Shelton,
Breth,	Guthrie,	McDevitt,	Shupnik,
Buchanan,	Hamilton,	McDonald,	Simmons,
Bush,	Hankins,	McKeever,	Slack,
Capano,	Hartley,	McLaughlin,	Snare,

Cauley,	Heavey,	McNally,	Stank,
Cianfrani,	Heffner,	Meholchick,	Steckel,
Cioffi,	Helm,	Mihm,	Stimmel,
Clarke,	Henzel,	Mills,	Stone,
Comer,	Hocker,	Monroe,	Sullivan, J. A.,
Cooley,	Holliday,	Morley,	Sullivan, T. F.,
Crossin,	Holman,	Mullen,	Taylor,
Curwood,	Horst,	Munley,	Thompson,
Dengler,	Irvis,	Murphy,	Tomascik,
Dennison,	Isaacs,	Musto,	Tompkins,
Donaldson,	Jenkins,	Needham,	Trusio,
Dougherty,	Jim,	O'Dell,	Ujobai,
Doughten,	Johnson, A. W.,	O'Donnell, J. A.,	Varner,
Edwards,	Johnson, R. P.,	O'Donnell, J. P.,	Verona,
Eilberg,	Jones,	Ogilvie,	Wall,
Eshleman,	Kamyk,	Parlante,	Wargo,
Ewing,	Keiser,	Pashley,	Welsh,
Fetterolf,	Kelly,	Perry,	Whittaker,
Filo,	Kernaghan,	Piper,	Willaredt,
Fineman,	Kessler,	Petrosky,	Williams, A. D.,
Flynn,	King,	Polaski,	Williams, E. S.,
Foerster,	Klein,	Polen,	Wood,
Fox,	Knecht,	Prendergast,	Worley,
Frascella,	Kramer,	Price,	Wynd,
Fry,	Lawson,	Pursley,	Yetter,
Fulmer,	Lee, A. M.,	Reibman,	Zember,
Gailey,	Lee, K. B.,	Reidenbach,	Andrews, Speaker

NAYS—17

Adams,	Haudenshield,	Lamb,	Stiteler,
Auker,	Holl,	McCandless,	Walsh,
Davis,	Kistler,	Merry,	Wilt,
Foor,	Korns,	Miller,	Zimmerman,
Gramlich,			

NOT VOTING—21

Ashton,	Farabaugh,	McCormack,	Sherman,
Capitolo,	Gelfand,	McInroy,	Strausser,
Down,	Kooker,	Murray,	Weidner,
Elvey,	Kornick,	Odorisio,	Wescott,
Eshback,	Magee,	Riley,	Willard,
Esler,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was odopted.

Ordered, that the clerk inform the Senate accordingly.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. For what purpose does the gentleman from Philadelphia rise?

Mr. McCORMICK. Mr. Speaker, if I may at this time, I would like to correct the record on the conference report on House bill 869, by stating for the record that on May 2, 1961, I was one of the 12 persons who voted against House bill 869 and not for it, as the gentleman from Beaver said.

The SPEAKER pro tempore. The statement made by the gentleman on personal privilege will be spread upon the record.

Since we are now about to enter into a special order of business that I am sure the Speaker of the House will personally desire to preside over, I am returning the gavel to the Speaker of the House.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

RESIGNATION OF SECRETARY

The SPEAKER. The Chair has a communication to read, addressed to the Speaker:

Dear Speaker Andrews,

I hereby tender my resignation as Secreary of the House of Representatives, effective today, August 31, 1961.

Sincerely
Philip Lopresti

SPECIAL ORDER OF BUSINESS

Mr. McCANN. Mr. Speaker, I move that this House make a special order of business in regard to the election of a Secretary of the House of Representatives immediately.

The motion was agreed to.

RESOLUTION

ELECTION OF SECRETARY

Mr. McCANN offered a resolution which was read by the clerk as follows:

In the House of Representatives, August 31, 1961

Resolved, that C. O. Williams of Washington County, be elected Secretary of the House of Representatives.

The SPEAKER. Are there any other nominations? The Chair hears none.

On the question,

Will the House adopt the resolution?

It was adopted.

The SPEAKER. The Chair hereby declares C. O. Williams of Washington County duly elected Secretary of this House of Representatives.

COMMITTEE TO ESCORT SECRETARY

The SPEAKER. The Chair appoints the minority leader, the majority leader and the retiring secretary as a committee to escort the secretary-elect to the bar of the House to take the oath of office.

The committee will proceed immediately in the performance of its duty.

OATH OF OFFICE ADMINISTERED

The oath of office was administered by the Speaker as follows:

Do you, C. O. Williams, solemnly swear that you will support, obey and defend the Constitution of the United States, and the constitution of this Commonwealth, and that you will discharge the duties of your office with fidelity; that you have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure your nomination or election, except for necessary and proper expenses expressly authorized by law; that you have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in your behalf; that you will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance of non-performance of any act or duty pertaining to your office, other than the compensation allowed by law? If so, answer, "I do."

Mr. C. O. WILLIAMS. I do.

STATEMENT BY SECRETARY

The SPEAKER. Does the new secretary of the House desire to say a word to the members of House?

The SECRETARY (Mr. C. O. Williams). Mr. Speaker and members of the House, I wish to thank you for your generosity and for the confidence you have placed in me here this evening. I want to assure you that I will be here

to perform my duties and during the period that you are in Harrisburg I assure you we will try to make your work more pleasant. I assure you that you will be welcome in our office at any time during the interim period between sessions. I assure you that whatever your wishes might be, if it is within the jurisdiction of my office, I shall do my very best to justify the confidence you have placed in me here this evening. I thank you.

The SPEAKER. I am sure that the House would welcome a word from our retiring secretary.

STATEMENT BY RETIRING SECRETARY

Mr. PHILIP LOPRESTI. Mr. Speaker and members of the House, all I can say is that it has been a joy for me to have been a member associated with this wonderful group and to have been your secretary for this session.

I have had several members approach me and say, we are sorry to see you leave. Well, if I were indeed leaving, I myself would be sorry. But I am not leaving. I am going to continue to serve the members of the House along with the members of the Senate. I hope, I sincerely hope, that the service I will be able to give in the future will be of a little more value than it has in the past. Thank you very much.

STATEMENT BY MAJORITY LEADER

Mr. McCANN. Mr. Speaker, at a time like this words fail a person, when you have been extremely close to a friend whom you have enjoyed working with, as I have with the 210 members of this House. Somehow you hate to see this man Phil leave as secretary of this House, for at times when troubles are the greatest his cool judicial temperament always prevailed and always found an answer that was so helpful.

I can never personally repay this man for the help he personally gave to me in 1955, 1957 and 1959. All we can say, and I say this personally, as well as for our entire membership, we wish Phil the best of health, the greatest happiness and the continued success of which he is deserving. We wish we could only say that we here tonight have not lost a friend, but promoted a friend to another one of our legislative commissions. I personally am extremely proud that he was selected as the executive director of the Legislative Budget and Finance Committee, effective September 1st. Good luck Phil, and don't let us down.

STATEMENT BY MINORITY WHIP

The SPEAKER. The Chair recognizes the minority whip.

Mr. TOMPKINS. Mr. Speaker, nothing that I or the members on this side of the House could say would better demonstrate the affection for this man than the standing ovation which he just received.

It has been my privilege to serve in this House with Mr. Lopresti, the retiring secretary, and with Mr. Williams, the incoming secretary, during the period of time that I have been a member of this House. I have found both of them to be very capable men, honest and dependable. I have served with Phil Lopresti while he was chairman of the Judiciary Committee one session, I have served with him on a number of investigating committees, and I have always found the man to be fair.

We wish him well in his new work, and we like to look upon it as a promotion to a higher position where he can better serve the interests of the Commonwealth of Pennsylvania.

Mr. Speaker, may I add, without detracting anything from the secretary-elect, that the members on this side of the House respectfully request that the gentleman, Mr. Lopresti, continue in his secretarial duties until sine die adjournment of this session.

The SPEAKER. He will so do.

Of course, out in Cambria County we are very proud of him.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1181

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House bill No. 1181.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House bill No. 1181, entitled; "An act creating an Anthracite Mine Law Study Commission for the purpose of making a study and investigation of all laws relating to underground anthracite coal mines and the preparation of a modern code relating thereto."

Respectfully submit the following bill as our report:

MARTIN L. MURRAY,
HUGH J. McMENAMIN,
(Committee on the part of the Senate.)

JAMES MUSTO,
JOSEPH G. WARGO,
(Committee on the part of the House of Representatives)

An Act Creating an Anthracite Mine Law Study Commission for the purpose of making a study and investigation of all laws relating to underground anthracite coal mines and the preparation of a modern code relating thereto

The General Assembly of the Commonwealth of Pennsylvania enacts as follows

Section 1 There is hereby created a commission to be known as the "Anthracite Mine Law Study Commission" which shall consist of seven members one of whom shall be the Secretary of Mines and Mineral Industries three of whom shall represent the bargaining agent of the hard coal mining industry and three of whom shall represent the anthracite operators The Governor shall appoint the members representing the operators from a panel of at least five names submitted by the underground anthracite coal mine operators of the Commonwealth The Governor shall appoint the members representing the bargaining agent of the hard coal mining industry from a panel of at leasst five names submitted by the collective bargaining agency for mine employes in the anthracite coal mines of the Commonwealth The members of the commission shall serve without compensation Vacancies occurring in the membership of the commission shall be filled by appointment by the Governor in the same manner as original appointments are made

Section 2 It shall be the duty of the commission to make a complete study and investigation of the existing laws of the Commonwealth relating to underground production and mining of anthracite coal for the purpose of revising codifying and modernizing the laws to the end that miners employed in anthracite coal mines are afforded the greatest degree of protection and safety consistent with modern methods and machinery available in such industry

Section 3 The commission shall require and secure the cooperation of the Department of Mines and Mineral Industries its engineers experts clerks stenographers and

other employes as may be deemed necessary to carry out the work of the commission and all State officials who are charged with any duties and responsibilities relating to the administration and enforcement of the existing laws relating to anthracite coal mines

Section 4 The commission shall make a report to the Governor and to the General Assembly during the 1961 session of the General Assembly or during the 1963 session of the General Assembly together with a draft of such proposed legislation as it deems necessary to carry its recommendations into effect The existence of the commission shall terminate upon the making of its report or if no report is made at the final adjournment of the 1963 session of the General Assembly

On the question,

Will the House adopt the report of the Committee of Conference?

The SPEAKER. For what purpose does the gentleman from Schuylkill, Mr. Heffner, rise?

Mr. HEFFNER. Mr. Speaker, I would like to debate the conference report.

The SPEAKER. The Chair recognizes the gentleman.

Mr. HEFFNER. Mr. Speaker, tonight I rise to oppose the conference report on House bill 1181. I ask the membership of this House to vote against the report.

What this conference report does is briefly this: It restores the bill to the original seven members, three of whom will represent the collective bargaining agent, and with that provision I have no quarrel, and three of whom will represent the operators, but it struck out some very pertinent language which was in the original bill as it passed this House, simply, that one of the three operators would be an operator whose employes are not affiliated with the bargaining agent.

Mr. Speaker, again I say to this House, the omission of this language from this House conference report is unfair, unrealistic, unjust and discriminatory.

This is a study to study the underground mining laws in Pennsylvania, to revise and modify them so we may have a modern anthracite code. This, and let me emphasize this, is to study the underground mining laws of Pennsylvania.

If you will look at the anthracite region today, you will find that 50 percent of the underground mining is done by the big operators, who are well represented in this bill. The other 50 percent is done by small mines, small operators, the little guy, if you please. These small miners, although they mine 50 percent of the underground anthracite coal in Pennsylvania, are not given one representative on this commission. Let us say it a different way: Although the big operators mine only 50 percent of the coal, they are given 100 percent of the representation to make a study of our mining laws in the anthracite region. I ask you, is this fair? Is this just?

All we wanted in a conference report was that one small operator would be placed upon this study commission so the commission could be afforded the views of the small mine operators of Pennsylvania. I do not think that was an unrealistic request, but it was brushed aside in favor of big business, if you please.

Mr. Speaker, I ask the question tonight, why? Why were they denied representation on a mine study commission? I can only arrive at one answer: There is something sinister about the mine study commission that is going to be constituted if this conference report is adopted on this bill. The big business operators will have used this mine study for their own selfish motives, and I predict, that if this House should pass this conference report and it becomes law in the Commonwealth of Pennsylvania, in 1963 you will find placed on all our desks a new mine code which will be unfair to the small mines in Pennsylvania, a new mine code which I charge will try to legislate these small mines out of business in Pennsylvania. I hope the people who are behind this know what they are doing, because the small mines in Pennsylvania are very important and mighty vital to our economy and the economic life of Schuylkill and Northumberland Counties in Pennsylvania. Any industry which grosses $50 million a year in their business should be taken into consideration, an industry which mines 50 percent of the coal certainly should deserve just one individual on this commission.

Mr. Speaker, I have always tried to vote for legislation which I believed to be fair. I have voted for many issues which were labelled fair education, fair housing and many other "fair" bills. All I ask for tonight is that this General Assembly not lend its hand to built-in discrimination by this piece of legislation. Let us vote for a fair, underground mine committee in Pennsylvania, so that it will bring forth a fair mining code. That is all I ask tonight. I appeal to each and every one of you tonight to exercise your common sense, to exercise your sense of fairness and vote for the little guy in Pennsylvania, the small mine operator, and vote down this unfair conference report.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Musto.

Mr. MUSTO. Mr. Speaker, I have been a very, very quiet boy the last few years that I have been a member of this House. I find myself in a position tonight of being accused of standing for big business, although, nevertheless, my good friend on the other side of the House does not know that big business for years has been denying me the right to be employed in and around the mines. My good friend on the other side of the House neglected to inform the members of this House that the independent coal operators are reckoned and are responsible to the welfare fund which is the miners pension fund in the anthracite coal region.

I want to appeal to the members of this House in fairness. I am no lover of the members of the United Mine Workers of America in the anthracite coal fields. No, no. I am opposed today and I was opposed 40 years ago to the same leaders of the United Mine Workers of America in Luzerne County in the anthracite coal fields, but tonight I find myself in the position that, lo and behold, we are not going to go back to the dark ages when we must make labor slave without being recognized as a labor union.

I would like to know, and I am not aware, that those independent coal operators are unionized. Do they belong to a union? Do they belong to any union? Now let me be fair to my friends. I am going to ask to concur. I am going to be grateful to everybody, even to people who have been opposed to it. I thank everybody.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—117

Anderson, S. A.,	Gailey,	Long, Wm. Jas.,	Reibman,
Arlene,	Gallagher,	Lutty,	Reidenbach,
Bachman,	Gelfand,	Maxwell,	Renwick,
Boies,	Goldstein, M. H.,	May,	Riley,
Bonner,	Gray,	McCann,	Rovansek,
Branca,	Greenlee,	McCormack,	Rubin,
Breth,	Gremminger,	McDevitt,	Rudisill,
Capano,	Gross,	McKeever,	Sakulsky,
Capitolo,	Guesman,	McLaughlin,	Scarcelli,
Cauley,	Hamilton,	McNally,	Schaaf,
Cianfrani,	Hankins,	Meholchick,	Schuster,
Cioffi,	Hartley,	Mihm,	Shelton,
Clarke,	Haudenshield,	Mills,	Shupnik,
Comer,	Heavey,	Monroe,	Simmons,
Cooley,	Holman,	Morley,	Stone,
Crossin,	Irvis,	Mullen,	Sullivan, J. A.,
Curwood,	Jenkins,	Munley,	Sullivan, T. F.,
Dougherty,	Jim,	Murphy,	Taylor,
Doughten,	Jones,	Murray,	Thompson,
Edwards,	Kamyk,	Musto,	Tomascik
Eilberg,	Kelly,	Needham,	Trusio,
Eshback,	Klein,	O'Donnell, J. P.,	Walsh,
Ewing,	Kornick,	Parlante,	Wargo,
Farabaugh,	Kramer,	Pashley,	Welsh,
Filo,	Lamb,	Perry,	Wescott,
Fineman,	Lawson,	Petrosky,	Williams, E. S.,
Flynn,	Lee, K. B.,	Piper,	Yetter,
Foerster,	Leonard,	Polaski,	Zember,
Frascella,	Limper,	Polen,	Andrews,
Fry,			Speaker

NAYS—83

Adams,	Gibb,	Knecht,	Slack,
Anderson, J. H.,	Gibbons,	Kooker,	Snare,
Auker,	Goldstein, J. H.,	Korns,	Stank,
Backenstoe,	Goodrich,	Lee, A. M.,	Steckel,
Blair,	Gramlich,	Lippincott,	Stimmel,
Bossert,	Guthrie,	Long, Wm. Jos.,	Stiteler,
Bower,	Heffner,	Manbeck,	Strausser,
Bowman,	Helm,	Markley,	Tompkins,
Buchanan,	Henzel,	Marsh,	Ujobai,
Bush,	Hocker,	McCandless,	Varner,
Davis,	Holl,	McDonald,	Verona,
Dengler,	Holliday,	Merry,	Wall,
Dennison,	Horst,	Miller,	Whittaker,
Donaldson,	Isaacs,	O'Dell,	Willaredt,
Elvey,	Johnson, A. W.,	O'Donnell, J. A.,	Williams, A. D.,
Eshleman,	Johnson, R. P.,	Ogilvie,	Wilt,
Fetterolf,	Keiser,	Price,	Wood,
Foor,	Kernaghan,	Pursley,	Worley,
Fox,	Kessler,	Royer,	Wynd,
Fulmer,	King,	Rutherford,	Zimmerman,
George,	Kistler,	Seltzer,	

NOT VOTING—10

Ashton,	Magee,	Prendergast,	Weidner,
Down,	McInroy,	Sherman,	Willard,
Esler,	Odorisio,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered that the clerk inform the Senate accordingly.

Mr. HELM IN THE CHAIR

BIRTHDAY

The SPEAKER pro tempore. Before we reach the hour of midnight, it is the birthday of the gentleman from York, Mr. Gailey.

Will Dr. Dengler take the microphone?

Mr. DENGLER. I think it would be a very nice break if we sang lustily "Happy birthday, dear Jack."

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Gailey.

Mr. GAILEY. Mr. Speaker, I want to thank the members of the House, of course, for the melodious greetings. In my years up here, may I say, this is the first time it has ever been the dubious privilege of the House to serenade me on my birthday. In deference to the length of the session, let us hope from the standpoint of future years, it is the last time they have a chance to serenade me on my birthday.

ADJOURNMENT

Mr McCANN. Mr. Speaker, I move that this House do now adjourn until Friday, September 1, 1961 at 12:01 a. m. e. s. t.

The motion was agreed to, and (at 11:58 p.m., e. s. t.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

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SENATE

FRIDAY, September 1, 1961.

The Senate met at 12:01 a. m., Eastern Standard Time.

The PRESIDING OFFICER (Joseph D. Ripp) in the Chair.

PRAYER

The Chaplain, Rev. JACK P. WISE, Assistant Pastor of Market Square Presbyterian Church, Harrisburg, offered the following prayer:

Let us pray.

O Thou Who art the Lord and Father of us all, we know that some things done here in this Session of the Legislature have grieved Thee, but that many things have pleased Thee. We humbly seek Thy forgiveness for those times we have dismissed the implications of our faith from our political actions and, in so doing, have failed Thee.

We thank Thee that when we have turned to Thee, Thou hast always been there. We thank Thee for the natural abilities and strengths that Thou hast granted to each Senator, and for the guidance Thou hast granted them in the use of these God-given talents.

We would thank Thee for the comradeship of this Senate, for the good will among men who differ, for the faithful service of the employees of this Body, and for all that has made this an important Session.

As we approach the Close of this Session, we would seek Thy guidance and blessing on our final actions.

We pray in Jesus' name, Amen.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WEINER and Mr. LANE, further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. BERGER asked and obtained leave of absence for Mr. WOLFE.

RECESS

Mr. WEINER. Mr. President, I now request a recess of the Senate for an hour and thirty minutes, during which time the desk can remain open.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a recess of the senate until 2:00 a. m., Eastern Standard Time.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE ADOPTS REPORTS OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House has adopted Reports of Committees of Conference on **HB 67, 775, 781, 785, 787, 869, 1227** and **1335,** which were laid on the table.

REPORT OF COMMITTEE OF CONFERENCE ON HB 67 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table Report of Committee of Conference on **HB 67** and received unanimous consent for its immediate consideration.

REPORT OF COMMITTEE OF CONFERENCE ADOPTED

HB 67 (Pr. No. 2724)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 67, entitled:

An Act to protect the public safety by regulating the mining of anthracite coal; prescribing duties for certain municipal officers and imposing penalties.

Mr. McMENAMIN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. McMENAMIN. Mr. President, the hour is a little bit late, but I would like to say a few words about House Bill No. 67. This bill, I think, has a storied history. I will be very, very brief because of the hour and the circumstances under which we are trying to close this Session of the Legislature.

This bill is a substantial re-enactment of an Act of the 1921 Session of the Legislature, which was fought through the courts all the way to the United States Supreme Court, and there declared unconstitutional.

We believe that today the climate of the judiciary in America is such that the bill is presently constitutional. This bill was declared constitutional by the Pennsylvania Supreme Court in 1922.

I would urge my fellow Senators to vote for the enactment of this measure. I am certain, since this bill was first passed in the 1921 Session of the Legislature, that many orators have come down here from the anthracite coal

regions who have been much more eloquent than I could ever be.

This bill, in effect, gives the right to property owners to sue, for damages, owners or operators of coal mines who, by reason of negligent mining, damage property on the surface.

Mr. President and fellow Senators, this is a real problem in the anthracite coal counties. All of us know that many people during their lifetime, if they can achieve the goal of owning their own homes, feel they have had a very, very successful life. However, too many times, because of negligent or illegal coal mining in the hard coal fields, little home owners have had their life savings, which are represented by the home they own, wiped out. For more than a generation, the property owners in the hard coal fields of Pennsylvania have been trying to get the right to sue for damages, if they can prove their case, against the coal companies or the coal operators who have caused the damage. This bill will be of very great benefit to the people of the hard coal counties.

I would urge at this moment that the Conference Committee Report on House Bill No. 67 be accepted.

Mr. WARE. Mr. President, I desire to interrogate the gentleman from Lackawanna, Senator McMenamin.

The PRESIDING OFFICER. Will the gentleman from Lackawanna, Mr. McMenamin, permit himself to be interrogated?

Mr. McMENAMIN. I will, Mr. President.

Mr. WARE. Senator, is my impression correct that the present bill incorporates in it a reference to the object of safety?

Mr. McMENAMIN. I did not hear you, Senator Ware.

Mr. WARE. The present bill, if my understanding is correct, incorporates in it the safety feature which was not a part of the 1921 Act.

Mr. McMENAMIN. Senator Ware, I believe that is correct. I searched in the Senate Library earlier tonight and I was not able to find—which I thought I could find quickly—the 1921 Act. However, it is my general understanding that this present bill has a safety feature which was not in the earlier Act.

Mr. WARE. Being a lawyer, then that would or would not strengthen the position of the bill in the event it is taken into court as to constitutionality?

Mr. McMENAMIN. Senator Ware, I think you are correct; it would. Let me say again that the Pennsylvania Supreme Court did declare it constitutional the first time, and the United States Supreme Court was the court which declared it unconstitutional but not on that ground exactly.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	Hawbaker,	Miller,	Staisey,
Berger,	Hays,	Mullin,	Stevenson,
Camiel,	Kalman,	Murray,	Stiefel,
Chapman,	Keller,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
			Presiding Officer

NAYS—1

Kessler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HB 775 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table Report of Committee of Conference on **HB 775**, and received unanimous consent for its immediate consideration.

REPORT OF COMMITTEE OF CONFERENCE ADOPTED

HB 775 (Pr. No. 2736)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 775, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University for the School of Medicine and for the School of Veterinary Medicine.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HB 781 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table Report of Committee of Conference on **HB 781**, and received unanimous consent for its immediate consideration.

REPORT OF COMMITTEE OF CONFERENCE ADOPTED

HB 781 (Pr. No. 2737)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 781, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathy, Philadelphia, Pennsylvania.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HB 785 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table Report of Committee of Conference on **HB 785,** and received unanimous consent for its immediate consideration.

REPORT OF COMMITTEE OF CONFERENCE ADOPTED

HB 785 (Pr. No. 2738)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 785, entitled:

An Act making an appropriation to the Berean Manual Training School at Philadelphia, Pennsylvania.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HB 787 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table Report of Committee of Conference on **HB 787,** and received unanimous consent for its immediate consideration.

REPORT OF COMMITTEE OF CONFERENCE ADOPTED

HB 787 (Pr. No. 2739)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 787, entitled:

An Act making an appropriation to the National Agricultural College at Doylestown, Pennsylvania.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HB 869 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table Report of Committe of Conference on **HB 869,** and received unanimous consent for its immediate consideration.

REPORT OF COMMITTEE OF CONFERENCE ADOPTED

HB 869 (Pr. No. 2725)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 869, entitled:

An Act amending "The Mental Health Act of 1951," approved June 12, 1951 (P. L. 533), regulating voluntary admission of minors to institutions, and further regulating emergency commitments.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HB 1277 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table Report of Committee of Conference on **HB 1277**, and received unanimous consent for its immediate consideration.

REPORT OF COMMITTEE OF CONFERENCE ADOPTED

HB 1277 (Pr. No. 2722)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 1277, entitled:

An Act amending the "Local Tax Enabling Law," approved June 25, 1947 (P. L. 1145), limiting the taxation of mobilehomes and house trailers and abolishing the use and occupancy tax on mobilehomes and house trailers.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HB 1335 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table Report of Committee of Conference on **HB 1335**, and received unanimous consent for its immediate consideration.

REPORT OF COMMITTEE OF CONFERENCE ADOPTED

HB 1335 (Pr. No. 2733)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 1335, entitled:

An Act amending "The General State Authority Act of one thousand nine hundred forty-nine," approved March 31, 1949 (P L 372), increasing the powers and the borrowing capacity of the Authority and allowing the proceeds of such increased borrowing capacity.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Berger,	Hays,	Miller,	Staisey,
Camiel,	Kalman,	Mullin,	Stevenson,
Chapman,	Keller,	Murray,	Stiefel,
Confair,	Kromer,	Pechan,	Stroup,
Devlin,	Lane,	Rooney,	Taylor,
DiSilvestro,	Madigan,	Sarraf,	Van Sant,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
			Presiding Officer

NAYS—5

Bell,	Kessler,	Propert,	Wade,
Hawbaker,			

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGES

HOUSE RESOLUTIONS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence House Concurrent Resolution **No. 101**, entitled:

Congress Memorialized to Make Amendments to the Federal Highway Law to Permit Erection of Telephones.

The PRESIDING OFFICER. The resolution will be laid on the table. He also presented for concurrence House Concurrent Resolution **No. 102**, entitled:

Joint State Government Commission Studies and Investigations

Mr. WEINER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate concur in the resolution?

SENATE CONCURS IN HOUSE CONCURRENT RESOLUTION **NO. 102**

Mr. WEINER. Mr. President, I move that the Senate do concur in this resolution.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to and the resolution was concurred in.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

He also informed the Senate that the House has adopted Report of Committee of Conference on **SB 176.**

HOUSE CONCURS IN SENATE BILL

He also returned to the Senate **SB 916,** with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 911, 1487** and **1793.**

The PRESIDENT pro tempore (Anthony J. DiSilvestro) in the Chair.

BILLS SIGNED

The President pro tempore (Anthony J. DiSilvestro) in the presence of the Senate signed the following bills:

SB 195, 373, 716, 916, HB 56, 81, 112, 254, 255, 400, 670, 853, 911, 1048, 1059, 1080, 1407, 1487, 1597, 1781, 1793 and **1818.**

The PRESIDING OFFICER (Joseph D. Ripp) in the Chair.

CALENDAR

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SB 666 (Pr. No. 1273)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 666.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 730 (Pr. No. 1276)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 730.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

(During the calling of the roll, the following occurred:)

Mr. FLEMING. Mr. President, may we be at ease a moment?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bell,	Hawbaker,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Seyler,	Ware, III,
Flack,	McCreesh,	Sesler,	Weiner,
Fleming,	McGinnis,	Shafer,	Ripp,
Haluska,	McMenamin,	Silvert,	Presiding Officer

NAYS—2

Hays,	Yatron,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 731 (Pr. No. 1267)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 731.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 732 (Pr. 1268)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 732.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Ware, III,
Donolow,	Mahady,	Scott,	Weiner,
Ehrgood,	Mallery,	Sesler,	Wade,
Flack,	McCreesh,	Seyler,	Wagner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 733 (Pr. No. 1269)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 733.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 805 (Pr. No. 1284)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 805.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 884 (Pr. No. 1274)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 884.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

FINAL PASSAGE CALENDAR

BILL DROPPED FROM CALENDAR

SB 688 (Pr. No. 801)—Upon motion of Mr. WEINER, seconded by Mr. LANE, and agreed to, the bill was dropped from the Calendar.

BILL ON FINAL PASSAGE DEFEATED

HB 1829 (Pr. No. 2490)—On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Camiel,	Lane,	Mullin,	Silvert,
Devlin,	Mahady,	Murray,	Staisey,
DiSilvestro,	McCreesh,	Rooney,	Stiefel,
Donolow,	McGinnis,	Sarraf,	Weiner,
Haluska,	McMenamin,	Sesler,	Yatron,
Hays,	Miller,	Seyler,	Ripp,
Kalman,			Presiding Officer

NAYS—24

Bell,	Fleming,	Mallery,	Stroup,
Berger,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

THIRD READING CALENDAR

EDUCATION BILLS ON THIRD READING AND FINAL PASSAGE

HB 566 (Pr. No. 2742)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has

passed the same with amendments in which concurrence of the House is requested.

HB 610 (Pr. No. 663)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	Hawbaker,	McMenamin,	Silvert,
Berger,	Hays,	Miller,	Staisey,
Camiel,	Kalman,	Mullin,	Stevenson,
Chapman,	Keller,	Murray,	Stiefel,
Confair,	Kessler,	Pechan,	Stroup,
Devlin,	Kromer,	Propert,	Taylor,
DiSilvestro,	Lane,	Rooney,	Van Sant,
Donolow,	Madigan,	Sarraf,	Wagner,
Ehrgood,	Mahady,	Scott,	Ware, III,
Flack,	Mallery,	Sesler,	Weiner,
Fleming,	McCreesh,	Seyler,	Yatron,
Haluska,	McGinnis,	Shafer,	Ripp, Presiding Officer

NAYS—1

Wade,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1224 (Pr. No. 1398)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Donolow,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
DiSilvestro,	Lane,	Rooney,	Van Sant,
Ehrgood,	Madigan,	Sarraf,	Wade,
Flack,	Mahady,	Scott,	Wagner,
Fleming,	Mallery,	Sesler,	Ware, III,
Haluska,	McCreesh,	Seyler,	Weiner,
Hawbaker,	McGinnis,	Shafer,	Yatron,
Hays,	McMenamin,	Silvert,	Ripp, Presiding Officer
Devlin,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1283 (Pr. No. 2714)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp, Presiding Officer
Hawbaker,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1560 (Pr. No. 1943)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp, Presiding Officer
Hawbaker,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

EDUCATION BILL OVER IN ORDER TEMPORARILY

HB 1816—Without objection, the bill was passed over in its order temporarily at the request of Mr. FLEMING.

BILLS DROPPED FROM CALENDAR

HB 156 (Pr. No. 156)—Mr. WEINER. Mr. President, I move that House Bill No. 156 be dropped from the Calendar.

Mr. LANE. Mr. President, I second the motion.

A voice vote having been taken, the question was determined in the affirmative and the bill was dropped from the Calendar.

SB 473 (Pr. No. 518)—Mr. WEINER. Mr. President, I move that Senate Bill No. 473 be dropped from the Calendar.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. STAISEY. Mr. President, I wish to be recorded as voting "no" on this motion.

And the question recurring,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative and the bill was dropped from the Calendar.

HB 527 (Pr. No. 2354)—Mr. BERGER. Mr. President, I move that House Bill No. 527 be dropped from the Calendar.

Mr. FLEMING. I second the motion, Mr. President.

A voice vote having been taken, the question was determined in the affirmative and the bill was dropped from the Calendar.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 626 (Pr. No. 679)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—19

Devlin,	Kalman,	Mullin,	Van Sant,
DiSilvestro,	Mahady,	Murray,	Weiner,
Donolow,	McCreesh,	Rooney,	Yatron,
Ehrgood,	McGinnis,	Silvert,	Ripp,
Haluska,	McMenamin,	Stiefel,	Presiding Officer

NAYS—29

Bell,	Hays,	Miller,	Staisey,
Berger,	Keller,	Pechan,	Stevenson,
Camiel,	Kessler,	Propert,	Stroup,
Chapman,	Kromer,	Scott,	Taylor,
Confair,	Lane,	Sesler,	Wade,
Flack,	Madigan,	Seyler,	Wagner,
Fleming,	Mallery,	Shafer,	Ware, III,
Hawbaker,			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILL DROPPED FROM CALENDAR

SB 761 (Pr. No. 1283)—Mr. BERGER. Mr. President, I move that Senate Bill No. 761 be dropped from the Calendar.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HAYS. Mr. President and Members of the Senate, in 1959, I took an oath of office to carry out the Constitution of Pennsylvania. I deeply regret that this Session is going to close without giving me an opportunity to vote on a Senate reapportionment bill.

Mr. SESLER. Mr. President, for the same reason and many other reasons, I oppose this motion and ask for a roll call.

Mr. EHRGOOD. Mr. President, I deeply regret that I am not able to vote for a Senate reapportionment bill either.

It is too bad that time has gone by and here we are in the last day of the Session. Under this bill, Lebanon and some other nice county are to be combined. Senate Bill No. 761 is just not quite the right bill. I am thinking about another bill.

Mr. STAISEY. Mr. President, I join with my colleague, Senator Hays, in the sentiments he has expressed. The oath he took in 1959, I took in 1961. I will insist and work for reapportionment so long as thirty-five per cent of the people of this Commonwealth elect more than fifty per cent of the Senators.

Mr. MULLIN. Mr. President, I am voting against this motion for the reasons given by the other Senators who are opposed to it.

Mr. BELL. Mr. President, I am voting for this motion because—although Delaware County has had the bad features taken out—the bill, as a whole, is a very bad bill.

Mr. SEYLER. Mr. President, I came into this late, and just heard the discussion. I am not taking any stand on whatever action is being contemplated. However, I would say that this bill has been a fair bill. It is a bill which was drawn so that it would get the desired equality of representation.

From that point of view, it seemed to me it was a worth-while bill. It should have been given consideration and it should have been brought to a vote in the Senate.

I regret very much that due to the bill being put over constantly, it was not brought up. I realize now, however, that there is no opportunity and, as far as I am concerned, I, personally, have no objection to whatever action is taken on it.

Mr. BERGER. Mr. President, I think the remarks that the gentlemen have made and will make, apparently, in regard to this bill will be found in the record of previous days' business.

I am not making any further statement, except to observe that it is rather late in the Session to wait until the last day of the Session. The bill cannot pass anyway. I suggest that my motion be put to a vote.

Mr. LANE. Mr. President, I think this is a very bad bill and I think it should be defeated.

Mr. STAISEY. Mr. President, I should merely like to make the observation that this may, to some, be a good bill and to others it may be a bad bill. However, to the credit of Senator Seyler, he is the only person who presented a bill.

Mr. STROUP. Mr. President, just briefly the question is purely academic at this stage of the game, first of all. Secondly, anything as important as Senatorial reapportionment should have more deliberation than has been accorded to this bill. I understand there is a committee which could have considered this, and that the committee was never called together in order to make any final deliberations or any deliberations whatsoever on this bill.

Consequently, it has not received due course process here in the Senate. To act upon the bill is really a matter that is entirely beyond the proportions of this Body.

Until a serious job has been done and a serious study has been made, and others have been called into conference on it, certainly we should not act.

Mr. SEYLER. Mr. President, I do not know if I correctly understood the gentleman. I think he said that the committee was never called together and somehow the bill was moved to the floor illegally. If he has said that,—I hope he has not—I would like to state that this is categorically not true.

The committee had a duly constituted meeting. The meeting was announced, Members attended the meeting, and it was brought out of committee by a majority vote. There was nothing at all irregular about its progress. The statement is just not correct.

Mr. STROUP. Mr. President, in reply to Senator Seyler, I would say that what I have to say and what I have said is hearsay only. However, I understood that the two Members on the Republican side of this Chamber, who were delegated to consider this matter, never had any opportunity to consider it. I believe those two Members did not look into this matter. Am I correct, Senator Seyler?

Mr. SEYLER. I did not understand your statement, Senator.

Mr. STROUP. Am I correct that there were two Members on this side of the Chamber who were to look into the matter of Senatorial reapportionment and were to be consulted on it?

Mr. SEYLER. Mr. President, I cannot answer this. I can only say that the duly authorized committee of this Senate, appointed by the President pro tempore, met at the call of the Chairman at a duly announced meeting, which was announced a day ahead of the meeting. The Members of both parties attended the meeting of the committee. It was that committee which, by a majority vote, brought out this bill.

This is the regular procedure, Senator, as I understand it. Any other arrangements, I know nothing about. I am just telling you that it operated in the way that a committee is supposed to operate under the rules.

Mr. STROUP. Mr. President, I stand corrected by Senator Seyler. My information, apparently, is incorrect. I apologize to the Senator if I called him to task for it.

Mr. SESLER. Mr. President, I previously requested a roll call on this motion.

Mr. LANE. Mr. President, let us proceed with the business of the Senate, and vote on this bill one way or the other.

I think the bill was arbitrarily and capriciously handled. I am not in favor of it. However, I will be in favor of legislation that is in proper form. I am not in favor of this type of legislation. Let us vote "yes" or "no."

Mr. SESLER. Mr. President, in view of the lateness of the hour, I will withdraw my request for a roll call.

And the question recurring,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative and the bill was dropped from the Calendar.

REASONS FOR VOTE

Mr. STAISEY. Mr. President, I should like to have the record show that I voted "no." I will continue to vote "no" so long as I represent a District of 416,000 people, while other Senators only have 108,000 people to represent.

Mr. SESLER. Mr. President, I would like the record to show that I voted "no" as long as we have Districts ranging from 53,000 to 550,000.

Mr. MULLIN. Mr. President, I represent 523,000 people and it is too much. I want to be recorded as voting "no."

Mr. BERGER. Mr. President, I am sorry the gentlemen are compelled to represent those Districts.

Mr. STAISEY. Mr. President, I appreciate the comments of the very distinguished Minority Leader. However, after eight months here, I find that one Senator can only do so much and there is so much to be done for 416,000 good people.

BILLS OVER IN ORDER TEMPORARILY

HB 773—Without objection, the bill was passed over in its order temporarily at the request of Mr. HAYS.

HB 812, 814, 816 and **819**—Without objection, the bills were passed over in their order temporarily at the request of Mr. BERGER.

BILL OVER IN ORDER

HB 1028—Without objection, the bill was passed over in its order at the request of Mr. BERGER.

BILLS ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 1019 (Pr. No. 1239)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. BELL. Mr. President, I would like to make a very brief statement as to why I am going to vote "no" on this bill.

Mr. President, this bill would invalidate the present borough, township and city ordinances that prohibit gunning within their limits. Therefore, I am going to vote "no" on the bill.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. VAN SANT. Mr. President, having relied upon the information supplied by the Senator from Chester County, which was very misleading, I would like to change my vote from "aye" to "no." I might say the same for my colleague from Northampton County, Senator Rooney.

We hope that in the future, the Senator from Chester County will swim in the Conewingo Dam, even though he never swam before in his life.

The PRESIDING OFFICER. Senator Rooney, do you desire to change your vote?

Mr. ROONEY. Mr. President, my spokesman has spoken.

Mr. LANE. Mr. President, it appears that someone laid an egg here and brought forth a turkey.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—12

Devlin,	McMenamin,	Murray,	Staisey,
Haluska,	Miller,	Rooney,	Weiner,
Hays,	Mullin,	Seyler,	Yatron,

NAYS—29

Bell,	Fleming,	Mahady,	Stroup,
Berger,	Hawbaker,	Mallery,	Taylor,
Camiel,	Kalman,	Pechan,	Van Sant,
Chapman,	Kessler,	Propert,	Wade,
Confair,	Kromer,	Scott,	Wagner,
DiSilvestro,	Lane,	Sesler,	Ware, III,
Ehrgood,	Madigan,	Stevenson,	Ripp,
Flack,			Presiding Officer

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

HB 1463 (Pr. No. 1796)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. SESLER. Mr. President, just for the record, and I

think I speak for a number of the other Senators, we are not against the intent of this bill. We are simply against the extremely inartful language—as the court would say—which would breed, I am sure, a great deal of litigation.

We hope that in future Sessions, this provision will come to our attention again.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—15

Camiel,	Hays,	McGinnis,	Stevenson,
DiSilvestro,	Kalman,	McMenamin,	Weiner,
Fleming,	Lane,	Mullin,	Ripp,
Haluska,	McCreesh,	Staisey,	Presiding Officer

NAYS—29

Bell,	Keller,	Murray,	Shafer,
Berger,	Kessler,	Pechan,	Stroup,
Chapman,	Kromer,	Propert,	Van Sant,
Confair,	Madigan,	Rooney,	Wade,
Devlin,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	Miller,	Seyler,	Yatron,
Hawbaker,			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

BILL ON THIRD READING AND FINAL PASSAGE

HB 1513 (Pr. No. 2663)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

HB 1522—Without objection, the bill was passed over in its order at the request of Mr. WEINER.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 1622 (Pr. No. 2747)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Camiel,	Lane,	Rooney,	Stroup,
Devlin,	Mahady,	Sarraf,	Taylor,
DiSilvestro,	McCreesh,	Scott,	Van Sant,
Donolow,	McGinnis,	Sesler,	Wagner,
Fleming,	McMenamin,	Seyler,	Ware, III,
Haluska,	Miller,	Silvert,	Weiner,
Hays,	Mullin,	Staisey,	Yatron,
Kalman,	Murray,	Stevenson,	Ripp,
Keller,	Pechan,	Stiefel,	Presiding Officer

NAYS—13

Bell,	Ehrgood,	Kessler,	Mallery,
Berger,	Flack,	Kromer,	Propert,
Chapman,	Hawbaker,	Madigan,	Wade,
Confair,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1638 (Pr. No. 2748)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bell,	Hawbaker,	Mullin,	Stevenson,
Camiel,	Hays,	Murray,	Stiefel,
Confair,	Kalman,	Pechan,	Stroup,
Devlin,	Keller,	Rooney,	Taylor,
DiSilvestro,	Lane,	Sarraf,	Van Sant,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	McCreesh,	Sesler,	Ware, III,
Flack,	McGinnis,	Seyler,	Weiner,
Fleming,	McMenamin,	Silvert,	Yatron,
Haluska,	Miller,	Staisey,	Ripp,
			Presiding Officer

NAYS—6

Berger,	Kessler,	Propert,	Wade,
Chapman,	Madigan,		

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Mr. McMENAMIN. Mr. President, I am reliably informed that the distinguished Senator from Northampton County, Senator Rooney, has an announcement of interest to make.

PERSONAL PRIVILEGE

Mr. ROONEY, Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The gentleman from Northampton, Mr. Rooney, will state it.

Mr. ROONEY. Mr. President, the hour has now reached

4:40 a.m., according to my watch. That is Eastern Daylight Time.

As I stated last night, I am going to dedicate another road in Northampton County. Radar came into effect at 12:01 a.m. I do not want to break any laws and I, at this time, beg the Members of the Senate to excuse me.

I ask the Members of the Senate, on their way to their homes tomorrow, to take it easy. Radar is in effect and I hope they will all drive safely.

I want to take this opportunity to especially thank Senator Wade for all of the cooperation he has given me, as Chairman of the Senate Highways Committee. I thank the Members of the Senate who helped bring radar into effect. I have every reason to believe that highway carnage will be greatly reduced in Pennsylvania.

The PRESIDING OFFICER. There being no objection, the gentleman from Northampton, Senator Rooney, is excused.

Mr. VAN SANT. Mr. President, I am sorely disappointed. After all of this time here in Harrisburg on his many activities,—especially as Chairman of the Highways Committee—I certainly thought that Senator Rooney was about to announce that he was going to get married.

Mr. WADE. Mr. President, I would like to say to Senator Rooney that I very much appreciated his expression of cooperation. I would like to also say to him that I believe that he served very well and ably as Chairman of the Highways Committee of the Senate.

Mr. Berger. Mr. President, we will deeply regret that Senator Rooney will not be able to be with us at the termination of the Senate Session and the General Assembly of 1961 later in the day. We can only say to him: "May your shears snip sharply."

Mr. SESLER. Mr. President, I do not see what dedicating a new road has to do with leaving the Senate at at 4:40 in the morning.

THIRD READING CALENDAR

BILL OVER IN ORDER TEMPORARILY

HB 1642—Without objection, the bill was passed over in its order temporarily at the request of Mr. WEINER.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 1678 (Pr. No. 2112)—Read at length the third time and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Camiel,	Haluska,	McMenamin,	Seyler,
Confair,	Hays,	Miller,	Silvert,
Devlin,	Kalman,	Mullin,	Staisey,
DiSilvestro,	Lane,	Murray,	Weiner,
Donolow,	Mahady,	Rooney,	Yatron,
Ehrgood,	McCreesh,	Sarraf,	Ripp,
	McGinnis,	Sesler,	Presiding Officer

NAYS—18

Bell,	Keller,	Propert,	Van Sant,
Berger,	Kessler,	Scott,	Wade,
Chapman,	Kromer,	Stevenson,	Wagner,
Flack,	Madigan,	Stroup,	Ware, III,
Hawbaker,	Pechan,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1796 (Pr. No. 2377)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Sesler,	Wagner,
Ehrgood,	Mallery,	Seyler,	Ware, III,
Flack,	McCreesh,	Scott,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1802 (Pr. No. 2670)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1824 (Pr. No. 2456)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,

Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER TEMPORARILY

HB 1831—Without objection, the bill was passed over in its order temporarily at the request of Mr. WEINER.

BILLS ON THIRD READING AND FINAL PASSAGE

HB 1849 (Pr. No. 2705)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1850 (Pr. No. 2706)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1854 (Pr. No. 2700)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1816 CALLED UP

HB 1816 (Pr. No. 2612)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 4 of the Third Reading Calendar by Mr. WEINER.

EDUCATION BILL ON THIRD READING AND FINAL PASSAGE

HB 1816 (Pr. No. 2612)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Rooney,	Van Sant,
DiSilvestro,	Madigan,	Sarraf,	Wade,
Donolow,	Mahady,	Scott,	Wagner,
Ehrgood,	Mallery,	Sesler,	Ware, III,
Flack,	McCreesh,	Seyler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Ripp,
Hawbaker,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SECOND READING CALENDAR

BILL OVER IN ORDER TEMPORARILY

HB 1575—Without objection, the bill was passed over in its order temporarily at the request of Mr. WEINER.

RESOLUTION REPORTED FROM COMMITTEE

Mr. MILLER, by unanimous consent, from the Committee on Labor and Industry reported, without amendment, Senate Resolution, **Serial No. 4a,** entitled:

Requesting the Department of Justice and Auditor General to Investigate the State Workmen's Insurance Fund.

The PRESIDING OFFICER. The resolution will be laid on the table.

The PRESIDENT pro tempore (Anthony J. DiSilvestro) in the Chair.

BILLS SIGNED

The President pro tempore (Anthony J. DiSilvestro) in the presence of the Senate signed the following bills:

SB 666, 730, 731, 732, 733, 805 and 884.

RECESS

Mr. WEINER. Mr. President, I now request a recess of the Senate until 1:00 p.m., Eastern Standard Time.

The PRESIDENT pro tempore. Hearing no objection, the Chair declares a recess of the Senate until 1:00 p.m., Eastern Standard Time.

AFTER RECESS

The PRESIDENT (Lieutenant Governor John Morgan Davis) in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

BIRTHDAY FELICITATIONS EXTENDED TO SAMUEL M. LEHRER

Mr. FLEMING. Mr. President, this is a very important day for one of the most capable men associated with the Senate of Pennsylvania. He is the man who advises and counsels the Majority Leader. This is the birthday of Sam Lehrer. I think Barney McGinnis, if he is in the Chamber, should sing "Happy Birthday" to him. If Senator McGinnis is not here, we all ought to sing it to him.

Sam, happy birthday.

The PRESIDENT. We are happy to congratulate you and give you our very best wishes for many more happy returns of the day.

Mr. LEHRER. Thank you, Governor, and thank you, everyone.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in resolutions from the Senate, numbered and entitled:

Serial No. 120—Designating the Fourth Saturday in September Each Year as Pennsylvania American Indian Day.

Serial No. 121—Requesting the Establishment of the United States Constitution 175th Anniversary Commission of Pennsylvania.

HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate, **SB 448, 461, 568, 661, 696, 787, 910, 912, 913, 928** and **934,** with the information that the House has passed the same without amendments.

BILLS SIGNED

The President (Lieutenant Governor John Morgan Davis) in the presence of the Senate signed the following bills:

SB 448, 461, 568, 661, 696, 787, 910, 912, 913, 919, 928 and **934.**

HOUSE MESSAGE

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House has adopted Report of Committee of Conference on **HB 1181,** which was laid on the table.

REPORT OF COMMITTEE OF CONFERENCE ON HB 1181 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table Report of Committee of Conference on **HB 1181,** and received unanimous consent for its immediate consideration.

REPORT OF COMMITTEE OF CONFERENCE ADOPTED

HB 1181 (Pr. No. 2732)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 1181, entitled:

An Act creating an Anthracite Mine Law Study Commisison for the purpose of making a study and investigation of all laws relating to underground anthracite coal mines and the preparation of a modern code relating thereto.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WAGNER. Mr. President, I would like the Members of the Senate to know for their own guidance—and to make whatever determinations they wish—a little something of the history of this bill.

This is a measure that provides for a commission to study and recodify the anthracite mining laws. It was a good bill when it came over from the House. However, I was disturbed by the fact that it made no provision whatever for the representation of the small mine operators, who mine at least fifty per cent of the coal in my District and are short 100 per cent of any representation on this important commission.

Because the Members of the Senate on both sides seemed to see the logic of my suggestion, I amended the bill to provide for one operator of these small mines to be represented, along with the operators of the big mines. The bill went back to the House, with the amendment.

After we had made a compromise over here, Senator Weiner and I inserted a second amendment, which would enlarge the membership of the commission so that one additional representative could represent these small in-

dependent operations. The House disagreed with the amendment, and the bill went to a Conference Committee.

I am rather disappointed in the fact that I was never notified when the Conference Committee was going to meet, was never given an opportunity to re-establish my position, but was asked to sign the Conference Report, which was the first I knew about it and which I naturally refused to do.

I think, Mr. President, that the treatment was shabby; not the treatment of myself and certainly not of the Senate, but of the segment of this great industry that needs representation and its entitled to it. So far as I am concerned, because of the history of this and the absolute refusal for anybody to budge an inch in the interest of democratic representation of a cross-section of industry, I, personally, want to be recorded as voting "no" on this Conference Report.

The PRESIDENT. The gentleman will be so recorded.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Camiel,	Kalman,	Mullin,	Seyler,
Devlin,	Lane,	Murray,	Silvert,
DiSilvestro,	Mahady,	Ripp,	Staisey,
Donolow,	McCreesh,	Rooney,	Stiefel,
Flack,	McGinnis,	Sarraf,	Van Sant,
Haluska,	McMenamin,	Scott,	Weiner,
Hays,	Miller,	Sesler,	Yatron,

NAYS—20

Bell,	Hawbaker,	Mallery,	Stroup,
Berger,	Keller,	Pechan,	Taylor,
Chapman,	Kessler,	Propert,	Wade,
Confair,	Kromer,	Shafer,	Wagner,
Fleming,	Madigan,	Stevenson,	Ware, III,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, **SB 613, 639, 815, 919, 920, 931** and **932**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bills, as amended, will be laid on the table.

SB 613 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table **SB 613,** and received unanimous consent for its immediate consideration.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 613 (Pr. No. 1301)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 613.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Silvert,
Berger,	Kalman,	Mullin,	Staisey,
Camiel,	Keller,	Murray,	Stevenson,
Chapman,	Kessler,	Pechan,	Stiefel,
Confair,	Kromer,	Propert,	Stroup,
Devlin,	Lane,	Ripp,	Taylor,
DiSilvestro,	Madigan,	Rooney,	Van Sant,
Donolow,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 815 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table **SB 815,** and received unanimous consent for its immediate consideration.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 815 (Pr. No. 1295)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 815.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Silvert,
Berger,	Kalman,	Mullin,	Staisey,
Camiel,	Keller,	Murray,	Stevenson,
Chapman,	Kessler,	Pechan,	Stiefel,
Confair,	Kromer,	Propert,	Stroup,
Devlin,	Lane,	Ripp,	Taylor,
DiSilvestro,	Madigan,	Rooney,	Van Sant,
Donolow,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 919 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table **SB 919,** and received unanimous consent for its immediate consideration.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 919 (Pr. No. 1300)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 919.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Silvert,
Berger,	Kalman,	Mullin,	Staisey,
Camiel,	Keller,	Murray,	Stevenson,
Chapman,	Kessler,	Pechan,	Stiefel,
Confair,	Kromer,	Propert,	Stroup,
Devlin,	Lane,	Ripp,	Taylor,
DiSilvestro,	Madigan,	Rooney,	Van Sant,
Donolow,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 931 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table **SB 931,** and received unanimous consent for its immediate consideration.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 931 (Pr. No. 1292)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 931.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Silvert,
Berger,	Kalman,	Mullin,	Staisey,
Camiel,	Keller,	Murray,	Stevenson,
Chapman,	Kessler,	Pechan,	Stiefel,
Confair,	Kromer,	Propert,	Stroup,
Devlin,	Lane,	Ripp,	Taylor,
DiSilvestro,	Madigan,	Rooney,	Van Sant,
Donolow,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 932 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table **SB 932,** and received unanimous consent for its immediate consideration.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 932 (Pr. No. 1299)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 932.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Bell,	Kalman,	Murray,	Stevenson,
Berger,	Keller,	Ripp,	Stiefel,
Camiel,	Lane,	Rooney,	Taylor,
Chapman,	Mahady,	Sarraf,	Van Sant,
Devlin,	McCreesh,	Scott,	Wagner,
DiSilvestro,	McGinnis,	Seyler,	Ware, III,
Donolow,	McMenamin,	Silvert,	Weiner,
Ehrgood,	Miller,	Staisey,	Yatron,
Haluska,	Mullin,		

NAYS—14

Confair,	Hays,	Pechan,	Shafer,
Flack,	Kessler,	Propert,	Stroup,
Fleming,	Kromer,	Sesler,	Wade,
Hawbaker,	Madigan,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGES

HOUSE ADOPTS REPORTS OF COMMITTEES OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House has adopted Reports of Committees of Conference on **HB 795, 840** and **1259,** which were laid on the table.

REPORT OF COMMITTEE OF CONFERENCE ON HB 795 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table Report of Committee of Conference on **HB 795,** and received unanimous consent for its immediate consideration.

REPORT OF COMMITTEE OF CONFERENCE ADOPTED

HB 795 (Pr. No. 2744—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 795, entitled:

An Act making an appropriation to the Dickinson School of Law, Carlisle, Pennsylvania.

Mr. EHRGOOD. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	Hawbaker,	Miller,	Silvert,
Berger,	Kalman,	Mullin,	Staisey,
Camiel,	Keller,	Murray,	Stevenson,
Chapman,	Kessler,	Pechan,	Stiefel,
Confair,	Kromer,	Propert,	Stroup,
Devlin,	Lane,	Ripp,	Taylor,
DiSilvestro,	Madigan,	Rooney,	Van Sant,
Donolow,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,

NAYS—1

Hays,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HB 840 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table Report of Committee of Conference on **HB 840,** and received unanimous consent for its immediate consideration.

REPORT OF COMMITTEE OF CONFERENCE ADOPTED

HB 840 (Pr. No. 2745)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 840, entitled:

An Act prohibiting the sale, transfer, ownership, possession and use of tear and noxious gas and tear gas guns; providing for certain exemptions and providing penalties.

Mr. DEVLIN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bell,	**Hawbaker,**	Miller,	**Silvert,**
Berger,	Hays,	Mullin,	Staisey,
Camiel,	Kalman,	Murray,	**Stevenson,**
Chapman,	Keller,	Pechan,	Stiefel,
Confair,	**Kessler,**	Propert,	Stroup,
Devlin,	Lane,	Ripp,	Taylor,
DiSilvestro,	Madigan,	**Rooney,**	Van **Sant,**
Donolow,	**Mahady,**	**Sarraf,**	**Wade,**
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, **III,**
Fleming,	**McGinnis,**	**Seyler,**	**Weiner,**
Haluska,	McMenamin,	**Shafer,**	Yatron,

NAYS—1

Kromer,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Represenatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HB 1259 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table Report of Committee of Conference on **HB 1259,** and received unanimous consent for its immediate consideration.

REPORT OF COMMITTEE OF CONFERENCE DEFEATED

HB 1259 (Pr. No. 2740)—Mr. WEINER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 1259, entitled:

An Act relating to State highways, roads and bridges and certain use thereof; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto; establishing the State Highway System; providing for the construction, abandonment and vacation of State highways and placing of existing roads and bridges on the State Highway System; * * *.

Mr. DEVLIN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Camiel,	**Kalman,**	**Mullin,**	**Seyler,**
Devlin,	**Lane,**	**Murray,**	**Silvert,**
DiSilvestro,	**Mahady,**	**Ripp,**	**Staisey,**
Donolow,	**McCreesh,**	**Rooney,**	**Stiefel,**
Haluska,	**McGinnis,**	**Sarraf,**	**Weiner,**
Hays,	**Miller,**	**Sesler,**	**Yatron,**

NAYS—25

Bell,	**Hawbaker,**	**McMenamin,**	**Stroup,**
Berger,	**Keller,**	**Pechan,**	**Taylor,**
Chapman,	**Kessler,**	**Propert,**	**Van Sant,**
Confair,	**Kromer,**	**Scott,**	**Wade,**
Ehrgood,	**Madigan,**	**Shafer,**	**Wagner,**
Flack,	**Mallery,**	**Stevenson,**	**Ware, III,**
Fleming,			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the Report of Committee of Conference was defeated.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate **SB 791** and **872,** with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bills, as amended, will be laid on the table.

SB 791 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table **SB 791,** and received unanimous consent for its immediate consideration.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 791 (Pr. No. 1297)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 791.

Mr. HAYS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Camiel,	**Kalman,**	**Mullin,**	**Seyler,**
Devlin,	**Lane,**	**Murray,**	**Silvert,**
DiSilvestro,	**Mahady,**	**Ripp,**	**Staisey,**
Donolow,	**McCreesh,**	**Rooney,**	**Stiefel,**
Haluska,	**McGinnis,**	**Sarraf,**	**Weiner,**
Hays,	**Miller,**	**Sesler,**	**Yatron,**

NAYS—25

Bell,	**Hawbaker,**	**McMenamin,**	**Stroup,**
Berger,	**Keller,**	**Pechan,**	**Taylor,**
Chapman,	**Kessler,**	**Propert,**	**Van Sant,**
Confair,	**Kromer,**	**Scott,**	**Wade,**
Ehrgood,	**Madigan,**	**Shafer,**	**Wagner,**
Flack,	**Mallery,**	**Stevenson,**	**Ware, III,**
Fleming,			

Less than a majority of all the Senators having voted

"aye," the question was determined in the negative, and the motion was defeated.

Ordered, That the Clerk inform the House of Representatives accordingly.

SB 782 TAKEN FROM THE TABLE

Without objection, Mr. LANE called from the table **SB 872,** and received unanimous consent for its immediate consideration.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 872 (Pr. No. 1291)—Mr. LANE. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 872.

Mr. DEVLIN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Berger,	Hays,	Miller,	Silvert,
Camiel,	Kalman,	Mullin,	Staisey,
Chapman,	Keller,	Murray,	Stevenson,
Confair,	Kessler,	Pechan,	Stiefel,
Devlin,	Kromer,	Propert,	Stroup,
DiSilvestro,	Lane,	Ripp,	Taylor,
Donolow,	Madigan,	Rooney,	Van Sant,
Ehrgood,	Mahady,	Sarraf,	Wade,
Flack,	Mallery,	Scott,	Wagner,
Fleming,	McCreesh,	Sesler,	Ware, III,
Haluska,	McGinnis,	Seyler,	Weiner,
Hawbaker,	McMenamin,	Shafer,	Yatron,

NAYS—1

Bell,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The President (Lieutenant Governor John Morgan Davis) in the presence of the Senate signed the following bills:

HB 67, 610, 775, 781, 785, 787, 869, 1224, 1277, 1335, 1513, 1560, 1678, 1796, 1802, 1816, 1824, 1849, 1850 and **1854.**

SB 920 TAKEN FROM THE TABLE

Without objection, Mr. LANE called from the table **SB 920,** and received unanimous consent for its immediate consideration.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 920 (Pr. No. 1290)—Mr. LANE. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 920.

Mr. DEVLIN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Silvert,
Berger,	Kalman,	Mullin,	Staisey,
Camiel,	Keller,	Murray,	Stevenson,
Chapman,	Kessler,	Pechan,	Stiefel,
Confair,	Kromer,	Propert,	Stroup,
Devlin,	Lane,	Ripp,	Taylor,
DiSilvestro,	Madigan,	Rooney,	Van Sant,
Donolow,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

THIRD READING CALENDAR

HB 773 CALLED UP

HB 773 (Pr. No. 2746)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 5 of the Third Reading Calendar by Mr. WEINER.

BILL ON THIRD READING AMENDED

HB 773 (Pr. No. 2746)—Read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER, by unanimous consent, offered the following amendments:

> Amend Sec. 1, page 2, lines 7 to 9 by striking out all of lines 7 and 8 and "SIXTY DOLLARS ($18,507,760)" in line 9 and inserting: eighteen million five hundred seventeen thousand seven hundred sixty ($18,517,760)
>
> Amend Sec. 1, page 5, by inserting after line 18:
>
> (10) For the use of the School of Forestry for the purpose of conducting research on diseases of maple trees in Pennsylvania the sum of ten thousand dollars ($10,000)

On the question,

Will the Senate agree to the amendments?

Mr. STROUP. Mr. President, the maple blight disease is threatening the maple forests and the maple groves throughout the Commonwealth. As a consequence of this particular threat and the lack of knowledge as to the cause of it, there is a necessity to study this particular blight.

House Bill No. 1575 passed the House of Representatives by a vote of 199-0, appropriating $10,000 to the Department of Forestry at Pennsylvania State University to try to analyze the cause and prepare recommendations that may stop the spread of this dastardly disease across the maple groves and through the maple forests.

This study concerns, particularly, Somerset County and Bedford County, which have a very large maple sugar industry. Since House Bill No. 1575 arrived in the Senate too late to enable us to have it passed, these amendments have been offered to House Bill No. 773.

Mr. President, I would like to express my deep appreciation, on behalf of thousands of our citizens, to Senator McGinnis, Senator Stiefel and Senator DiSilvestro for their cooperation in bringing House Bill No. 1575 out of the Appropriations Committee, and to further express appreciation to Senator Weiner, Senator Berger and Mark Gruell for helping us to get these amendments in House Bill No. 773 so that the same can be amended and sent to the House for concurrence. This shows the splendid co-

operation that comes out of this particular Chamber when such a matter occurs which is of vital necessity to many of our citizens and to our industry. I thank the gentlemen and I thank the Senate for its excellent cooperation.

Mr. WEINER. Mr. President, more particularly, I think the thanks ought to go to Mark Gruell, who really did the grueling work in getting these amendments together and getting them here at this time.

The PRESIDENT. He is really not listening, Senator Weiner. Were you listening, Mr. Gruell? The Chair is sorry there are not more Senators present to really applaud him. He has done a terrific job.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

Mr. WEINER. Mr. President, I request that the bill, as amended, be laid on the table.

The PRESIDENT. The bill, on third reading, as amended, will be laid on the table.

SENATE RESOLUTION

THANKS OF THE SENATE TENDERED TO HONORABLE ROBERT LEE JACOBS FOR QUALIFYING SENATOR ANTHONY J. DiSILVESTRO AS PRESIDENT PRO TEMPORE

Mr. WEINER, by unanimous consent, offered the following resolution which was read, considered and adopted:

In the Senate, September 1, 1961.

RESOLVED, That the thanks of the Senate are hereby tendered to the Honorable Robert Lee Jacobs, Judge of the Court of Common Pleas of Cumberland County, for his services in qualifying Honorable Anthony J. DiSilvestro as President pro tempore.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, **SB 814** with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will be laid on the table.

SB 814 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table **SB 814**, and received unanimous consent for its immediate consideration.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 814 (Pr. No. 1294)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 814.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	**Hays,**	**Miller,**	**Silvert,**
Berger,	**Kalman,**	**Mullin,**	**Staisey,**
Camiel,	**Keller,**	**Murray,**	**Stevenson,**
Chapman,	**Kessler,**	**Pechan,**	**Stiefel,**
Confair,	**Kromer,**	**Propert,**	**Stroup,**
Devlin,	**Lane,**	**Ripp,**	**Taylor,**
DiSilvestro,	**Madigan,**	**Rooney,**	**Van Sant,**
Donolow,	**Mahady,**	**Sarraf,**	**Wade,**
Ehrgood,	**Mallery,**	**Scott,**	**Wagner,**
Flack,	**McCreesh,**	**Sesler,**	**Ware, III,**
Fleming,	**McGinnis,**	**Seyler,**	**Weiner,**
Haluska,	**McMenamin,**	**Shafer,**	**Yatron,**
Hawbaker,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HB 773 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table **HB 773**, which was amended on third reading at today's Session and laid on the table.

BILL ON THIRD READING AND FINAL PASSAGE

HB 773 (Pr. No. 2751)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Silvert,
Berger,	Kalman,	Mullin,	Staisey,
Camiel,	Keller,	Murray,	Stevenson,
Chapman,	Kessler,	Pechan,	Stiefel,
Confair,	Kromer,	Propert,	Stroup,
Devlin,	Lane,	Ripp,	Taylor,
DiSilvestro,	Madigan,	Rooney,	Van Sant,
Donolow,	Mahady,	Sarraf,	Wade,
Ehrgood,	Mallery,	Scott,	Wagner,
Flack,	McCreesh,	Sesler,	Ware, III,
Fleming,	McGinnis,	Seyler,	Weiner,
Haluska,	McMenamin,	Shafer,	Yatron,
Hawbaker,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS SIGNED

The President (Lieutenant Governor John Morgan Davis) in the presence of the Senate signed the following bills:

SB 613, 814, 815, 872, 919, 920, 931 and **932.**

The PRESIDING OFFICER (Harry E. Seyler) in the Chair.

THIRD READING CALENDAR

HB 812 CALLED UP

HB 812 (Pr. No. 1494)—Without objection, the bill,

which previously went over in its order temporarily, was called up from page 5 of the Third Reading Calendar by Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 812 (Pr. No. 1494)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Berger,	Kalman,	Mullin,	Silvert,
Camiel,	Lane,	Murray,	Staisey,
Devlin,	Mahady,	Ripp,	Stiefel,
DiSilvestro,	McCreesh,	Rooney,	Weiner,
Donolow,	McGinnis,	Sarraf,	Yatron,
Haluska,	McMenamin,	Sesler,	Seyler,
Hays,	Miller,		Presiding Officer

NAYS—23

Bell,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,
Fleming,	Mallery,	Stroup,	

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 814 CALLED UP

HB 814 (Pr. No. 2726)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 6 of the Third Reading Calendar by Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 814 (Pr. No. 2726)—Read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Berger,	Kalman,	Mullin,	Silvert,
Camiel,	Lane,	Murray,	Staisey,
Devlin,	Mahady,	Ripp,	Stiefel,
DiSilvestro,	McCreesh,	Rooney,	Weiner,
Donolow,	McGinnis,	Sarraf,	Yatron,
Haluska,	McMenamin,	Sesler,	Seyler,
Hays,	Miller,		Presiding Officer

NAYS—23

Bell,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,
Fleming,	Mallery,	Stroup,	

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 816 CALLED UP

HB 816 (Pr. No. 2188)—Without objection, the bill, which previously went over in its order temporarily was called up from page 6 of the Third Reading Calendar by Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 816 (Pr. No. 2188)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Berger,	Kalman,	Mullin,	Silvert,
Camiel,	Lane,	Murray,	Staisey,
Devlin,	Mahady,	Ripp,	Stiefel,
DiSilvestro,	McCreesh,	Rooney,	Weiner,
Donolow,	McGinnis,	Sarraf,	Yatron,
Haluska,	McMenamin,	Sesler,	Seyler,
Hays,	Miller,		Presiding Officer

NAYS—23

Bell,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,
Fleming,	Mallery,	Stroup,	

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 819 CALLED UP

HB 819 (Pr. No. 1691)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 6 of the Third Reading Calendar by Mr. WEINER.

BILL ON THIRD READING AND FINAL PASSAGE

HB 819 (Pr. No. 1691)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Berger,	Kalman,	Mullin,	Silvert,
Camiel,	Lane,	Murray,	Staisey,
Devlin,	Mahady,	Ripp,	Stiefel,
DiSilvestro,	McCreesh,	Rooney,	Weiner,
Donolow,	McGinnis,	Sarraf,	Yatron,
Haluska,	McMenamin,	Sesler,	Seyler,
Hays,	Miller,		Presiding Officer

NAYS—23

Bell,	Hawbaker,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,
Fleming,	Mallery,	Stroup,	

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1642 CALLED UP

HB 1642 (Pr. No. 2076)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 8 of the Third Reading Calendar by Mr. WEINER.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

HB 1642 (Pr. No. 2076)—Read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Camiel,	Lane,	Mullin,	Silvert,
Devlin,	Mahady,	Murray,	Staisey,
DiSilvestro,	McCreesh,	Ripp,	Stiefel,
Donolow,	McGinnis,	Rooney,	Weiner,
Haluska,	McMenamin,	Sarraf,	Yatron,
Kalman,	Miller,	Sesler,	Seyler, Presiding Officer

NAYS—25

Bell,	Hawbaker,	Mallery,	Stroup,
Berger,	Hays,	Pechan,	Taylor,
Chapman,	Keller,	Propert,	Van Sant,
Confair,	Kessler,	Scott,	Wade,
Ehrgood,	Kromer,	Shafer,	Wagner,
Flack,	Madigan,	Stevenson,	Ware, III,
Fleming,			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative, and the bill was defeated.

HB 1831 CALLED UP

HB 1831 (Pr. No. 2616)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 8 of the Third Reading Calendar by Mr. WEINER.

BILL OVER IN ORDER

HB 1831—Mr. WEINER. Mr. President, I now request that House Bill No. 1831 go over in its order.

Mr. WEINER. Mr. President, I desire to interrogate the gentleman from Potter, Senator Berger.

The PRESIDING OFFICER. Will the gentleman from Potter, Mr. Berger, permit himself to be interrogated?

Mr. BERGER. I will, Mr. President.

Mr. WEINER. Mr. President, I wonder if the gentleman will advise us if the Members on the other side—the Republican Members of the Senate—have caucused on this measure?

Mr. BERGER. Mr. President, that is correct. We have.

Mr. WEINER. Mr. President, I wonder if the gentleman would advise if there are any votes at all in favor of this measure so that we might move this bill if there are.

Mr. BERGER. Mr. President, there were no votes for this bill.

Mr. WEINER. Mr. President, I wonder if the gentleman would advise us if there are any votes now for this bill.

Mr. BERGER. Mr. President, there are now no votes for this bill.

The PRESIDING OFFICER. There being no objection, the bill will go over in its order.

SECOND READING CALENDAR

HB 1575 CALLED UP

HB 1575 (Pr. No. 1976)—Without objection, the bill, which previously went over in its order temporarily, was called up from page 9 of the Second Reading Calendar by Mr. WEINER.

BILL DROPPED FROM CALENDAR

HB 1575 (Pr. No. 1976)—Upon motion of Mr. WEINER, seconded by Mr. SESLER, and agreed to, the bill was dropped from the Calendar.

SB 639 TAKEN FROM THE TABLE

Without objection, Mr. WEINER called from the table **SB 639,** and received unanimous consent for its immediate consideration.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SB 639 (Pr. No. 1298)—Mr. WEINER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 639.

Mr. SESLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bell,	Hays,	Miller,	Staisey,
Berger,	Kalman,	Mullin,	Stevenson,
Camiel,	Keller,	Murray,	Stiefel,
Chapman,	Kessler,	Pechan,	Stroup,
Confair,	Kromer,	Propert,	Taylor,
Devlin,	Lane,	Ripp,	Van Sant,
DiSilvestro,	Madigan,	Rooney,	Wade,
Donolow,	Mahady,	Sarraf,	Wagner,
Ehrgood,	Mallery,	Scott,	Ware, III,
Flack,	McCreesh,	Sesler,	Weiner,
Fleming,	McGinnis,	Shafer,	Yatron,
Haluska,	McMenamin,	Silvert,	Seyler, Presiding Officer
Hawbaker,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives being introduced, returned to the Senate, **SB 758,** with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 216, 337, 749, 1030, 1340, 1541, 1598** and **1707.**

CLOSING REMARKS

Mr. STAISEY. Mr. President, I have been authorized, on behalf of the freshmen Senators on the Democratic side of the aisle, to make this expression of our thanks to the Lieutenant Governor for the many courtesies that he has extended to us, to the Majority Leader and the Majority Whip for the help and assistance they have given us, and also to the very fine Minority Leader and Minority Whip for being very easy on us.

We also, Mr. President, want to thank the Pages and the various functionaries here in the Senate for being so helpful in teaching us the process that is so essential in the conduct of this august Body.

Mr. President, we also want to thank the Members of the press who have been so fair in their treatment of us, in allowing our constituents to know what our efforts have been, and always resolving any close question in our favor.

For these things, Mr. President, we are deeply appreciative. After this Session's experience, we trust that come the next Session, we will be veterans and take our places with the other Members of the Senate, who have served very much as our mentors and our teachers.

Mr. BELL. Mr. President, I have been authorized by the freshmen Senators on the Minority side to join with the expression of the freshmen Senators on the Majority side.

We also appreciate everything that has been done. We have had a wonderful President pro tempore. We appreciate our own leadership and the leadership of the Majority Party. I think we have had a terrific experience during this Session.

This last twenty-four hour period has been one of stress and strain. However, I think the Senate of Pennsylvania has done magnificiently during the entire Session, especially during the past week.

Mr. WEINER. Mr. President, on behalf of the Caucus Officers of the Democratic Caucus, and I am sure this is true of the gentlemen on the other side—all of the things that the Legislature did, both partisan and nonpartisan, were only possible because of the cooperation that we received not only from the Membership, but from the ladies and gentlemen who sit in the front of the Senate, who do their jobs quietly, who never get a chance to make a speech, who never get into the Journal or the record, and who just continue to do the everyday, mundane tasks that nobody knows about or sees, but which the people in the leadership appreciate.

For myself, I want to say that some of the things we have accomplished here—and I am sure they are many—were not accomplished by me, personally, but by the people all working together in harmony on both sides of the aisle. That is how anything is accomplished in any organization of any group. No one man does it. No one person carries the ball or the program. It is done by a group of people, all moving in the same direction at the same time toward a common goal.

For my small part that I played, and it was very small—I just want to say thank you to everybody for the cooperation they gave me during the Session.

The PRESIDING OFFICER. Does Senator Berger care to be recognized to add to the atmosphere and the mood now prevailing?

Mr. BERGER. Mr. President, I most certainly do. I would like to incorporate in my remarks all of the things that have been said by the previous speakers.

I certainly appreciate the consideration given to me by the Senators on both sides, by the President of the Senate, our Lieutenant Governor, by the President pro tempore of the Senate, and by those very capable Senators who have presided over this Body in the absence of the Lieutenant Governor.

Particularly, I want to express my appreciation to the Majority Leader and thank him for his consideration and cooperation throughout the days of this Session, and to extend the same to his Caucus Officers.

Certainly, Mr. President, we could not get along without the fine work that is done by the Officers, both elected and appointed, sitting at the front of the Senate, and the young ladies who, whenever we say anything, have to go to work and who are meticulous and careful in taking down our every remark.

So, Mr. President, as we end this Session of 1961, I want to thank all of my colleagues in the Senate, and all of the people who have worked so hard during this—what I consider a very, very difficult—Session.

The PRESIDING OFFICER. On behalf of the Lieutenant Governor and the occasional occupants of the Chair, of the Officers of the Senate and of the employees, who have all done a fine job, I thank the various gentlemen who have expressed their kind sentiments, and agree that this seems to be a fine spirit in which to end this Session of the Senate.

Mr. LANE. Mr. President, I would like at this time to express my thanks for the cooperation which was given our side by both the senior Members of the Senate and the freshmen, who have indicated to all of us that they are very able. I anticipate that in the years to come, they will be more experienced and I am quite sure they are going to do a splendid job.

The thought that enters my mind as we close this Session is that this has been a wonderful Session and, at the same time, quite difficult. The Majority Party and the Minority Party were evenly represented and there were quite a number of expressions of opinion, which I feel is good. I think it brings about good government.

The legislation that we have resolved to pass here has been considered seriously by the Membership on both sides of the Senate. That, in itself, is an indication that this Senate of Pennsylvania has done a wonderful job.

In closing, I would like to recite a portion of a poem, which I have repeated over and over again in my times of confusion and frustration. I am directing this not only to the junior Members of the Senate, but the seniors, too.

It is as follows:

"Success"

"It is found on the soul of you and not in the realm of luck;
The world will furnish the work to do, but you must furnish the pluck.
"You can do anything you think you can. It all depends on how you view it;
So when you have convinced yourself, go ahead and do it."

The PRESIDING OFFICER. The songbird of the Senate being absent, we have nothing to top Senator Lane's recitation.

COMMUNICATION FROM THE GOVERNOR

APPROVAL OF SENATE BILL

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor, advising that the following Senate Bill had been approved and signed by the Governor:

SB 735

The PRESIDENT (Lieutenant Governor John Morgan Davis) in the Chair.

SENATE RESOLUTION

COMMITTEE TO NOTIFY THE HOUSE THAT THE SENATE IS READY TO ADJOURN SINE DIE

Mr. LANE, by unanimous consent, offered the following resolution which was read, considered and adopted:

In the Senate, September 1, 1961.

RESOLVED, That a committee of three Senators be appointed to notify the House of Representatives that the Senate is now ready to adjourn sine die.

COMMITTEE APPOINTED TO NOTIFY THE HOUSE OF REPRESENTATIVES THE SENATE IS READY TO ADJOURN SINE DIE

The PRESIDENT. Pursuant to the resolution just adopted, the Chair wishes to advise that the President pro tempore has appointed, as a committee to notify the House that the Senate is ready to adjourn sine die, the gentleman from Erie, Mr. Sesler; the gentleman from Westmoreland, Mr. Mahady; and the gentleman from Delaware, Mr. Bell.

The committee may leave to perform its duties.

SENATE RESOLUTION

COMMITTEE TO NOTIFY THE GOVERNOR THE SENATE IS READY TO ADJOURN SINE DIE

Mr. WEINER, by unanimous consent, offered the following resolution which was read, considered and adopted:

In the Senate, September 1, 1961.

RESOLVED, That a committee of three Senators be appointed to wait upon His Excellency, the Governor, and inform him that the Senate is now ready to adjourn sine die, and to inquire if he has any further communications to make.

COMMITTEE APPOINTED TO NOTIFY THE GOVERNOR THE SENATE IS READY TO ADJOURN SINE DIE

The PRESIDENT. Pursuant to the resolution just adopted, the Chair wishes to advise that the President pro tempore has appointed, as a committee to notify the Governor that the Senate is ready to adjourn sine die, the gentleman from Philadelphia, Mr. Weiner; the gentleman from Washington, Mr. Lane; and the gentleman from Lehigh, Mr. Van Sant.

This committee may leave to perform its duties.

REPORT OF COMMITTEE TO NOTIFY THE THE HOUSE OF REPRESENTATIVES THE SENATE IS READY TO ADJOURN SINE DIE

The PRESIDENT. The Chair now recognizes the Sergeant at Arms.

The SERGEANT AT ARMS. Mr. President, I have the honor to present a committee on behalf of the Senate.

The PRESIDENT. Please have the committee come forward. The Chair recognizes the Chairman of the Committee, Senator Sesler.

Mr. SESLER. Mr. President, I have the honor to report that the committee, appointed on behalf of the Senate by the President pro tempore to wait upon the House of Representatives and inform that Body that the Senate is ready to adjourn sine die, has performed its duty and has notified the House of Representatives the Senate stands ready to adjourn sine die.

The PRESIDENT. Thank you, Senator Sesler. The committee has discharged its duty well and the Chair compliments the committee.

BILLS SIGNED

The President (Lieutenant Governor John Morgan Davis) in the presence of the Senate signed the following bills:

SB 639, 758, HB 216, 337, 749, 1030, 1340, 1541, 1598 and **1707.**

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR THE SENATE IS READY TO ADJOURN SINE DIE

The PRESIDENT. The Chair recognizes the Sergeant at Arms.

The SERGEANT AT ARMS. Mr. President, at this time I have the honor to present a committee on behalf of the Senate.

The PRESIDENT. The committee may proceed to come forward and make their report. The Chair recognizes the Chairman of the Committee, Senator Weiner.

Mr. WEINER. Mr. President, I wish to report that the committee, appointed by the President pro tempore to inform his Excellency, the Governor, that the Senate has completed its work and is ready to adjourn sine die, has performed its duty.

The PRESIDENT. Thank you, gentlemen. The Chair wishes to compliment you on the dispatch with which you completed your duties.

NOTIFICATION THAT THE HOUSE OF REPRESENTATIVES IS READY TO ADJOURN SINE DIE

The PRESIDENT. The Chair again recognizes the Sergeant at Arms.

The SERGEANT AT ARMS. Mr. President, I have the honor to present a committee on behalf of the House of Representatives.

The PRESIDENT. Please have them come forward. The Chair recognizes the Chairman of the Committee, Mr. Dougherty.

Mr. DOUGHERTY. Mr. President, we have been appointed, as a committee on the part of the House, to inform the Senate that the House of Representatives has completed its business and is now ready to adjourn sine die.

The PRESIDENT. The Chair is, indeed, happy to welcome the committee with such fine words, and thanks the committee on the part of the House of Representatives.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in resolution from the Senate, numbered and entitled:

Serial No. 132—Permitting the Pre-filing of Bills and Meetings of Standing Committees Between Sessions

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 566, 773, 1283, 1622** and **1638.**

BILLS SIGNED

The President (Lieutenant Governor John Morgan Davis) in the presence of the Senate signed the following bills:

HB 566, 773, 795, 812, 816, 819, 840, 1181, 1283, 1622 and **1638.**

ADJOURNMENT SINE DIE

Mr. WEINER. Mr. President, I move that the Senate do now adjourn sine die.

Mr. BERGER. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. This being the day and hour fixed by Concurrent Resolution for the final adjournment, and the hour of 9:00 p.m., Eastern Standard Time, having arrived, I hereby declare the 145th Regular Session of the Senate of Pennsylvania adjourned sine die.

HOUSE OF REPRESENTATIVES

FRIDAY, September 1, 1961

The House met at 12:01 a. m., e. s. t.

Mr. HELM IN THE CHAIR

PRAYER

The Chaplain, Reverend David R. Hoover, offered the following prayer:

Heavenly Father, in the early morning hours of this day, we look to Thee invoking Thy blessing upon the meeting of this House of Representatives. As the activities of this session become a part of the annals of history, we humbly pray that the dedicated efforts of these stewards of Thine may become stepping stones and beacon lights for all those who seek to follow Thy Way. And Most Gracious Father, we beseech Thee to guide and protect each one of us in Thy loving care: through Christ, our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. Are there any corrections to the Journal of Thursday, August 31, 1961? If not, and without objection, the Journal is approved.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1277

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House Bill No. 1277.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1277, entitled: "An act amending the act of June 25, 1947 (P. L. 1145), entitled as amended 'An act empowering cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townhips of the second class, school districts of the second class, school districts of the third class and school districts of the fourth class, to levy, assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court' limiting the taxation of mobilehomes and house trailers and limiting the rate of the use and occupancy tax on mobilehomes and house trailers."

Respectfully submit the following bill as our report:

WILLIAM J. LANE,
JOHN T. VAN SANT,
JOHN J. HALUSKA,
(Committee on the part of the Senate.)
THOMAS F. LAMB,
VAN D. YETTER, JR.,
LESTER H. ZIMMERMAN,
(Committee on the part of the House of Representatives.)

An Act amending the act of June 25, 1947 (P. L. 1145), entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" limiting the taxation of mobilehomes and house trailers and abolishing the use and occupancy tax on mobilehomes and house trailers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection A of section 1 act of June 25, 1947 (P. L. 1145), entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying asessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" amended August 11, 1959 (P. L. 688), October 14, 1959 (P. L. 1317), and June 7, 1961 Act No. 143) is amended to read

Section 1 A Delegation of Taxing Powers and Restrictions Thereon The duly constituted authorities of the following political subdivisions cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class may in their discretion by ordinance or resolution for general revenue purposes levy assess and collect or provide for the levying assessment and collection of such taxes as they shall determine to be paid by the transferor or transferee as determined by the taxing authority upon the transfer of real property or of any interest in real property situate within such political subdivisions regardless of where the instruments making the transfers are made executed or delivered or where the actual settlements or such transfers take place and on persons transactions occupations privileges subjects and personal property within the limits of such political subdivisions except that such local authorities shall not have authority by virtue of this act (1) to levy assess and collect or provide for the levying assessment and collection of any tax on the transfer of real property when the transfer is by will or the intestate laws of this Commonwealth or on a privilege transaction subject occupation or personal property which is now or does hereafter become subject to a State tax or license fee or (2) to levy assess or collect a tax on the gross receipts from utility service of any person or company whose rates and services are fixed and regulated by the Pennsylvania Public Utility Commission or on any public utility services renderd by any such person or company or on any privilege or transaction involving the rendering of any such public utility service or (3) except on sales of admission to places of amusement or on sales or other transfers of title or possession of property to levy assess or collect a tax on the privilege of employing such tangible property as is now or does herafter become subject to a State tax or (4) to levy assess and collect a tax on goods and articles manufactured in such political subdivision or on the by-products of manufacture or on minerals timber natural resources and farm products produced in such political subdivision or on the preparation or processing thereof for use or market or on any privilege act or transaction related to the business of manufacturing the production preparation or processing of minerals timber and natural resources or farm products by manufacturers by producers

and by farmers with respect to the goods articles and products of their own manufacture production or growth or on any privilege act or transaction relating to the business of processing by-products of manufacture or on the transportation loading unloading or dumping or storage of such goods articles products or by-products (5) to levy assess or collect a tax on salaries wages commissions compensation and earned income of nonresidents of the political subdivision Provided That this limitation (5) shall apply only to school districts of the second third and fourth classes (6) to levy assess or collect a tax on personal property subject to taxation by counties or on personal property owned by persons associations and corporations specifically exempted by law from taxation under the county personal property tax law Provided That this limitation (6) shall not apply to cities of the second class (7) to levy assess or collect a tax on membership in or membership dues fees or assessments of charitable religious beneficial or non-profit organizations including but not limited to sportsmen's recreational golf and tennis clubs girl and boy scout troops and councils (8) to levy assess or collect any tax on a mobilehome or house trailer subject to a real property tax unless the same tax is levied and collected on other real property in the political subdivision

Every ordinance or resolution which imposes a tax under the authority of this act shall impose such tax for one year only and shall be passed or adopted if for a school district during the period other school taxes are required by law to be levied and assessed by such district Each ordinance and resolution shall state that it is enacted under the authority of the act of June twenty-fifth one thousand nine hundred forty-seven (Pamphlet Laws 1145) and its amendments Any ordinance or resolution now in effect which imposed any such tax for a period of more than one year shall remain in effect and the taxes imposed by such ordinance or resolution shall be collected for the current tax year only The provision of this subsection requiring taxes upon the transfer of real property or of any interest in real property to be paid by the transferor shall not apply to any ordinance or resolution imposing such tax adopted prior to June twenty-eight one thousand nine hundred fifty-five All such ordinances shall continue in full force and effect until the end of the year for which the tax was imposed All such ordinances and resolutions and the collection of all taxes thereunder are validated

Any assessment of a tax on personal property of a decedent shall include all property owned held or possessed by the decedent which should have been returned by him for taxation for any former year or years not exceeding five (5) years prior to the year in which the decedent died

* * *

Section 2 Clause (g) of subsection E of section 1 of the act is repealed

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—175

Adams,	Fry,	Lawson,	Royer,
Anderson, J. H.,	Fulmer,	Lee, A. M.,	Rubin,
Anderson, S. A.,	Gailey,	Lee, K. B.,	Rudisill,
Arlene,	Gallagher,	Leonard,	Rutherford,
Bachman,	Gelfand,	Limper,	Sakulsky,
Backenstoe,	George,	Lippincott,	Scarcelli,
Blair,	Gibb,	Long, Wm. Jas.,	Schaaf,
Boies,	Gibbons,	Long, Wm. Jos.,	Schuster,
Bonner,	Goldstein, J. H.,	Lutty,	Seltzer,
Bossert,	Goldstein, M. H.,	Manbeck,	Simmons,
Bower,	Goodrich,	Markley,	Shelton,
Bowman,	Gray,	Marsh,	Shupnik,
Branca,	Greenlee,	Maxwell,	Snare,
Breth,	Gremminger,	McCandless,	Stank,
Buchanan,	Gross,	McCann,	Stimmel,
Bush,	Guesman,	McCormack,	Stiteler,
Capano,	Guthrie,	McKeever,	Stone,
Capitolo,	Hamilton,	McLaughlin,	Strausser,
Cauley,	Hankins,	McNally,	Sullivan, J. A.,
Cianfrani,	Hartley,	Meholchick,	Sullivan, T. F.,
Cioffi,	Haudenshield,	Merry,	Taylor,
Clarke,	Heavey,	Mihm,	Thompson,
Comer,	Heffner,	Mills,	Tomascik,
Cooley,	Helm,	Monroe,	Tompkins,
Curwood,	Hocker,	Morley,	Trusio,
Davis,	Horst,	Mullen,	Ujobai,
Dennison,	Irvis,	Murray,	Varner,
Donaldson,	Isaacs,	Musto,	Verona,
Doughten,	Jenkins,	O'Dell,	Wall,
Edwards,	Jim,	O'Donnell, J. P.,	Walsh,
Ellberg,	Johnson, A. W.,	Ogilvie,	Welsh,
Elvey,	Johnson, R. P.,	Parlante,	Whittaker,
Eshback,	Jones,	Perry,	Willard,
Eshleman,	Kamyk,	Petrosky,	Willaredt,
Ewing,	Keiser,	Piper,	Williams, A. D.,
Farabaugh,	Kelly,	Polaski,	Williams, E. S.,
Fetterolf,	Kernaghan,	Polen,	Wilt,
Filo,	King,	Prendergast,	Wood,
Fineman,	Kistler,	Pursley,	Wynd,
Flynn,	Klein,	Reibman,	Yetter,
Foerster,	Knecht,	Reidenbach,	Zember,
Foor,	Kornick,	Renwick,	Zimmerman,
Fox,	Kramer,	Riley,	Andrews, Speaker
Frascella,	Lamb,	Rovansek,	

NAYS—14

Auker,	Kooker,	Murphy,	Pashley,
Crossin,	Korns,	Needham,	Wargo,
Gramlich,	Miller,	O'Donnell, J. A.,	Worley,
Holman,	Munley,		

NOT VOTING—21

Ashton,	Holl,	McDevitt,	Sherman,
Dengler,	Holliday,	McDonald,	Slack,
Dougherty,	Kessler,	McInroy,	Steckel,
Down,	Magee,	Odorisio,	Weidner,
Esler,	May,	Price,	Wescott,
Henzel,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1335

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House Bill No. 1335.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1335, entitled: "An act amending the act of March 31, 1949 (P. L. 372), entitled 'An act to promote the welfare of the people of the Commonwealth creating The General State Authority as a body corporate and politic with power to construct, improve, equip, furnish and operate projects and to lease the same and to fix fees rentals and charges for the use thereof; authorizing and regulating the issuance of bonds for said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant, assign, convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor; granting the right of eminent domain; * * *,' increasing the powers and the borrowing capacity of the Authority and allocating the proceeds of such increased borrowing capacity."

Respectfully submit the following bill as our report:

CHARLES R. WEINER,
WILLIAM J. LANE,
JAMES S. BERGER,

(Committee on the part of the Senate.)
J. DEAN POLEN,
STEPHEN McCANN,
W. STUART HELM,
(Committee on the part of the House of Representatives.)

An Act amending the act of March 31, 1949 (P. L. 372) entitled "An act to promote the welfare of the people of the Commonwealth creating The General State Authority as a body corporate and politic with power to construct improve equip furnish and operate projects and to lease the same and to fix fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds for said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain empowering The General State Authority to sell and convey projects and property to the Commonwealth and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" prohibiting the undertaking of certain projects increasing the powers and the borrowing capacity of the Authority and allocating the proceeds of such increased borrowing capacity

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The first paragraph and clause (i) of section 4 act of March 31, 1949 (P. L. 372) known as "The General State Authority Act of one thousand nine hundred forty-nine" amended December 22, 1959 (P. L. 1997) are amended to read

Section 4 Purposes and Powers General The Authority is created for the purpose of constructing improving equipping furnishing maintaining acquiring and operating sewers sewer systems and sewage treatment works for State institutions of every kind and character (heretofore or hereafter constructed) public buildings for the use of the Commonwealth an official residence in the City of Harrisburg which shall thereafter be used as the official residence of the Governor of the Commonwealth State arsenals armories and military reserves State airports and landing fields State institutions of every kind and character (heretofore or hereafter constructed) additions and improvements to land grant colleges State [teachers'] colleges universities and medical colleges receiving State aid school buildings and the furnishings and equipment thereof for the use of the public schools State highways and bridges toll bridges tunnels and traffic circles on State highways swimming pools [and lakes on State land] reservoirs and lakes marinas marine terminals port improvements low head dams improvements to river embankments desilting dams impounding basins flood control projects and the purchase of lands for rehabilitation purposes in connection with State institutions and for use of State [teachers'] colleges (any and all the foregoing being herein called "projects") Provided however That the purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted hereby (other than for the construction improvement and maintenance of bridges) shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes [and the] Whenever any bill authorizing the Authority to undertake specific projects becomes law the Authority shall not undertake any project which at any time was included in such bill but which was not included in the bill as finally passed The Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

* * *

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority not exceeding [six hundred twenty-one million four hundred thirty-one thousand four hundred dollars ($621,431,400)] eight hundred seventy-nine million one hundred seventy-three thousand dollars ($879,173,000) in the aggregate and in addition thereto such bonds the Authority may from time to time determine to issue for the purpose of refunding bonds previously issued by the Authority and to secure the payment of all bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

The Authority shall on or before the first day of March in each odd numbered years submit to the General Assembly its construction report and estimate of cost thereof for the coming biennium

* * *

Section 2 The proceeds of this increased borrowing capacity shall be allocated approximately in the following manner

I Department of Agriculture construction of addition to Summerdale Laboratory	$ 256,464
II Department of Forests and Waters	33,389,102
A Forest and Park Services Program ($16,819,320)	
(1) Development of Philadelphia Independence Mall	2,490,963
(2) Land Acquisition for Regional Parks and Reservoirs	6,000,000
(3) Planning and Design of Conservation Museum Philadelphia	130,000
(4) Construction of Water Supply and Sewage System Gifford Pinchot State Park	773,874
(5) Construction of Park Improvements Denton Hill State Park	144,317
(6) Prince Gallitzin State Park	
(a) Construction of Sanitary System	544,890
(b) Construction of Water Supply System	745,060
(c) Construction of Day Use Area No 2 Phase I	480,100
(d) Construction of Marina	141,774
(e) Construction of Park Improvements	137,906
(7) Construction of Park Improvements Promised Land State Park	423,852
(8) Ryerson Station State Park Development of camping area and construction of park improvements	407,916
(9) Construction of Park Improvements Prompton Reservoir State Park	306,626
(10) Construction of Park Improvements Bear Creek State Park (Proposed)	117,126
(11) Construction of Park Improvements Archbald Pot Hole State Park (Proposed)	52,224
(12) Muddy Creek State Park (Proposed)	
(a) Planning Engineering and Design of Dam	115,375
(b) Construction of Park Improvements	147,198
(13) Construction of Park Improvements East Branch Dam Clarion River Elk County (Proposed)	165,207
(14) Road Construction State Park Lancaster County (Proposed)	84,465
(15) McConnells Mill State Park	
(a) Reconstruction of Grist Mill	124,476
(b) Construction of Park Improvements	90,504
(16) Construction of Four Buildings Various Locations Regional Warehouses	177,233

(17) Construction of Ski Facilities Black Moshannon State Park 183,562
(18) Cook Forest State Park
(a) Construction of Swimming Pool .. 110,492
(b) Construction of Park Improvements 15,086
(19) Construction of Park Improvements Cowans Gap State Park 110,011
(20) Construction of Roads and Parking Lot Crooked Creek State Park 56,441
(21) Construction of Park Improvements Caledonia State Park 63,883
(22) Laurel Hill State Park Construction of Park Improvements 126,543
(23) Construction of Park Improvements Hickory Run State Park 107,466
(24) Construction of Park Improvements Ricketts Glen State Park 36,414
(25) Construction of Park Improvements Blue Knob State Park 72,187
(26) Construction of Park Improvements Raccoon Creek State Park 108,599
(27) Construction of Park Improvements Parker Dam State Park 31,941
(28) Construction of Road and Parking Lot Poe Valley State Park 106,193
(29) Construction of Park Improvements River Access Bedford County 156,725
(30) Construction of Dague Nursery and Reservoir Renovations 41,912
(31) Minor Construction Projects Forbes District 4 and Land Acquisition 60,005
(32) Construction of Ranger Dwelling Delaware District 19 25,773
(33) Construction of District Office Tiadaghton District 12 and Land Acquisition .. 38,963
(34) Construction of District Office Susquehannock District 15 and Land Acquisition 38,963
(35) Construction of District Office Lackawanna District 11 and Land Acquisition 38,963
(36) Development Improvements and Land Acquisition State Park Logan Estate Bucks County (Proposed) 1,458,112
(37) Development Improvements and Land Acquisition Lake Duffy Area 30,000

B Water Resources .. .. .. $4,098,466)
(1) Surface Water and Water Resources Construction of Bathhouses at Pymatuning Reservoir 32,196
(2) Delaware River Canal Minor Construction and Improvements 41,757
(3) State Flood Control Projects
(a) Construction of Levee Danville GSA 180-1 603,936
(b) Construction of Levee Norristown GSA 182-1 628,049
(c) Construction of Levee Moosic 377,153
(d) Construction of Earth Dam Brandywine 2,415,375

C River Park and Harbor Commissions ($910,049)
(1) Pennsylvania State Park and Harbor Commission
(a) Construction of Highway Drive Overpass and Turnaround 542,524
(b) Construction of Park Maintenance Building 151,914
(2) Miscellaneous Minor Construction Valley Forge Park Commission 131,425
(3) Construction of Park Improvements Washington Crossing Park Commission 84,186

D Port Development ($8,648,204)
(1) Construction of Packer Avenue Marine Terminal Philadelphia 7,402,722
(2) Construction of Port Development Erie 1,245,482

E Pennsylvania Fish Commission Recreational Facilities Program ($2,913,063)
(1) Baltimore and Ohio Reservoirs Jefferson County
(a) Acquisition of Land Construction of Roads Parking Lots Boat Launching Ramps and Sanitary Facilities 271,224
(2) Lily Lake Luzerne County
(a) Acquisition of Lake 159,473
(3) Negro Glade Somerset County
(a) Construction of Dam 352,000
(4) Hammer Creek Lancaster County
(a) Acquisition of Land and Construction of Dam 503,801
(5) East Bangor Dam Northampton County
(a) Acquisition of Land and Construction of Dam 226,285
(6) East Branch Martins Creek Northampton County
(a) Acquisition of Land and Construction of Dam 327,424
(7) Delaware River Boating Area Bucks County
(a) Acquisition of Land Construction of Roads Parking Lot Boat Launching Ramps Docking Facilities and Sanitary Facilities 121,125
(8) Erie Boating Access Erie County
(a) Acquisition of Land Construction of Roads Parking Lot Boat Launching Ramps Docking Facilities Breakwater and Sanitary Facilities 85,172
(9) Ohio River Access Beaver Butler and Allegheny Counties
(a) Acquisition of Land Construction of Roads Parking Lots and Boat Launching Ramps 148,761
(10) Four Mile Run Dam Site Westmoreland County
(a) Acquisition of Land 79,736
(11) Harvey's Lake Luzerne County
(a) Acquisition of Land Construction of Boat Launching Ramps Parking Lot and Docking Facilities 37,472
(12) Yellow Creek Indiana County
(a) Acquisition of Land and Construction of Dam 442,337
(13) Columbus Dam Warren County
(a) Acquisition of Land and Construction of Dam 158,244

The allocation of the proceeds of the increased borrowing capacity for the projects and in the amounts set forth in this subdivision E of item II shall be contingent upon the adoption of an agreement between the Pennsylvania Fish Commission and the Authority for amortization of the complete cost of any such project from funds of the Pennsylvania Fish Commission derived from sources other than State appropriations

III Department of Health 1,293,679

A Program Health Rehabilitation Services ($1,293,679)
(1) Samuel G Dixon State Hospital at Mont Alto
(a) Construction of Passageway Connecting Units 1 and 2 95,385
(b) Construction of Clinical and Bacteriological Laboratory 139,255
(2) Henry R Landis State Hospital at Philadelphia Construction of Sidewalk and Wall Surmounted by Fence 26,987
(3) C Howard Marcy State Hospital at Pittsburgh Construction of Storm Sewer and Roads 38,329
(4) State Hospital for Crippled Children at Elizabethtown
(a) Alterations and Additions to Lavatory Facilities 60,688
(b) Construction of Multi-Purpose Auditorium 862,926
(c) Construction of Porch Enclosure Surgical Ward 70,109

IV Historical and Museum Commission 1,086,590
A Program Museums ($149,508)
(1) Pennsylvania Farm Museum of Landis Valley
(a) Land Acquisition 9,144
(b) Renovation and Moving of 1812 and Grossmutter Houses 76,483
(c) Construction of Landis Bank Barn 63,881
B Program Historic Sites and Properties ($937,082)
(1) Daniel Boone Homestead
(a) Construction of Sewage Disposal Plant 25,143
(b) Construction of Parking Area and Road 37,629
(2) Flagship Niagara Restoration of Ship . 202,368
(3) Cornwall Furnace Construction of Museum Building Orientation Area and Office 70,110
(4) Ephrata Cloister Cloister Restoration . 127,179
(5) 28th Division Shirne Construction of Museum and Administration Building 127,179
(6) Graeme Park
(a) Barn Restoration 25,143
(b) Keith House Restoration 27,660
(7) Bradford House Restoration of Bradford House 58,772
(8) Old Economy Complete Restoration .. 235,899
V Department of Justice 1,303,979
A Program Bureau of Correction Planning and Design of Administration Building and Officer Training School ($12,277) 12,277
B Program Penal and Correctional Institutions ($1,291,702)
(1) State Correctional Institution at Huntingdon
(a) Construction of Sewage System .. 217,959
(b) Alterations to Front and Rear Entrances 60,050
(c) Construction of Visiting Room Building 55,437
(2) State Correctional Institution at Muncy
(a) Planning and Design of Central Power Plant and Steam Distribution 38,788
(b) Construction of Addition to Storeroom and Refrigeration Equipment 86,681
(3) State Correctional Institution at Camp Hill
(a) Construction of Well and Pump House 15,367
(b) Construction of Two Silos 15,367
(4) State Correctional Institution at Rockview
(a) Construction of Six Guard Towers and Lighting 47,273
(b) Construction of Educational and Vocational Building 575,815
(c) Installation of Hot Water Lines and Generators for Cell Blocks .. 44,719
(d) Additions to Water Supply 97,604
(e) Planning and Design to Remodel Rotunda of Main Cell Block for Business Offices 9,750
(5) State Correctional Institution at Dallas Construction of Slaughter House . 26,892
VI Department of Military Affairs 2,424,818
A Program Executive and General Administration Construction of New Administration Building Indiantown Gap ($836,161) 836,161
B Program Airport Construction and Development $230,195)
(1) Construction of Sewage Disposal and Treatment Plant Harrisburg-York State Airport 127,179
(2) Construction of Terminal Building Black Moshannon State Airport 103,016
C Program Armory Planning and Functions ($1,358,462)
(1) Electrical System Rehabilitation Bellefonte Armory 19,208
(2) New Drill Hall and Stable Renovation Bellefonte Armory 134,951
(3) Electrical System Rehabilitation Berwick Armory 28,814
(4) Electrical System Rehabilitation Butler Armory 25,612
(5) Electrical System Rehabilitation Carbondale Armory 25,612
(6) Electrical System Rehabilitation Carlisle Armory 28,813
(7) Construction of Sanitary Sewage Ejection System Danville Armory 8,172
(8) Electrical System Rehabilitation Danville Armory 19,208
(9) Electrical System Rehabilitation Easton Armory 32,015
(10) Construction of Motor Vehicle Storage Building Gettysburg Armory 52,619
(11) Construction of New Electrical System Grove City Armory 23,051
(12) Rehabilitation of Stables and Drill Hall Lewisburg Armory 51,107
(13) Construction of New Electrical System Lock Haven Armory 25,612
(14) Electrical System Rehabilitation Media Armory 28,813
(15) Electrical System Rehabilitation Milton Armory 28,813
(16) Electrical System Modernization Mount Pleasant Armory 25,612
(17) Electrical System Rehabilitation New Castle Armory 8,964
(18) Electrical System Modernization Oil City Armory 16,903
(19) Electrical Heating and Plumbing Rehabilitation Philadelphia Artillery Armory 168,601
(20) Electrical System Rehabilitation Philadelphia Infantry Armory 95,604
(21) Administration Building Renovations Philadelphia Engineer Armory 93,850
(22) Electrical System Rehabilitation Phoenixville Armory 32,015
(23) Electrical System Rehabilitation Pine Grove Armory 25,612
(24) Electrical System Rehabilitation Pittsburgh Hunt Armory 89,230
(25) Electrical System Modernization Punxsutawney 12,806
(26) Electrical System Modernization Scotdale Armory 15,367
(27) Electrical System Rehabilitation Scranton Armory 76,483
(28) Electrical System Modernization Waynesburg Armory 28,173
(29) Electrical System Rehabilitation Wellsboro Armory 30,733
(30) Electrical System Replacement West Chester Armory 32,015
(31) Rehabilitate Stable Building Williamsport Armory 74,074
VII Department of Property and Supplies 7,339,146
A Program Maintenance and Custody of State Office Buildings and Grounds ($7,339,146)
(1) South Office Building Electrical and Plumbing Systems Reconditioning Bird-Proofing Heating and Air-Conditioning Installations 2,304,385
(2) Main Capitol Building Elevator System Reconditioning 257,721
(3) North Office Building Electrical and Plumbing Systems Reconditioning Bird-Proofing Heating and Air-Conditioning Installations Elevator System Reconditioning 3,386,214
(4) Twenty-Second and Forster Streets Building Air-Conditioning Installation 208,399
(5) Northwest Office Building Air-Conditioning Installation 1,182,427

VIII Department of Public Instruction	40,504,581
A Program Higher Education Services State Colleges ($39,619,675)	
(1) Bloomsburg State College	
(a) Construction of Auditorium	1,743,674
(b) Construction of Men's Dormitory	1,001,064
(c) Planning and Design of Library	59,500
(2) California State College	
(a) Construction of Sewage Plant and Campus System	467,984
(b) Construct Addition to Industrial Arts Building	398,526
(c) Construction of Women's Dormitory	1,001,064
(d) Land Acquisition	265,788
(e) Planning and Design of Addition of Dining Hall of Herron Hall	34,619
(3) Cheyney State College	
(a) Construction of Boiler Plant Addition and Extension of Utilities	377,782
(b) Construction of Water Storage Tank and Softener	116,051
(c) Construction of Classroom Building	581,973
(d) Planning and Design of Campus Lighting	6,030
(4) Clarion State College	
(a) Construction of Water Storage Tank and Softener	116,051
(b) Construction of Boiler Plant Addition	377,153
(c) Land Acquisition	272,103
(d) Construction of Dining Hall and Kitchen	854,880
(e) Construction of President's Residence	60,688
(f) Planning and Design of Science Classroom Building and Planetarium	49,228
(g) Construction of Athletic Field	282,865
(h) Planning Design and Construction of Field House and Gymnasium	2,485,116
(5) East Stroudsburg State College	
(a) Installation of Additional Boiler and Stoker	145,584
(b) Construction of Men's Dormitory	1,001,064
(c) Air Condition Library	93,692
(d) Renovation of Kitchen	93,692
(e) Planning and Design of Women's Dormitory	56,000
(f) Planning and Design of Field House and Classroom Building	89,100
(6) Edinboro State College	
(a) Fixed Equipment for Kitchen	158,244
(b) Revamp Campus Water System	116,051
(c) Construction of Women's Dormitory	1,001,064
(d) Construction of Athletic Field	356,788
(e) Construction of Electronics Classroom Building	777,636
(f) Planning and Design of Men's Dormitory	56,000
(7) Indiana State College	
(a) Construction of Dining Room and Kitchen	1,229,680
(b) Construction of Science Classroom Building Addition	740,010
(c) Construction of Women's Dormitory	1,001,064
(d) Construction of Field House	2,086,182
(8) Kutztown State College	
(a) Construction of Boiler Plant Addition	350,753
(b) Construction of Dining Hall and Kitchen	840,350
(c) Construction of Men's Dormitory	1,001,064
(d) Construction of Electronics Classroom and Laboratory	840,350
(e) Planning and Design of Women's Dormitory	56,000
(9) Lock Haven State College	
(a) Land Acquisition and Construction of Administration Building and Dining Hall and Kitchen	1,076,143
(b) Construction of Men's Dormitory	998,522
(10) Mansfield State College	
(a) Installation of Additional Boiler and Appurtenances	232,397
(b) Installation of Water System Addition	115,734
(c) Construction of Men's Dormitory	1,001,064
(d) Construction of Field House and Bleachers	198,927
(e) Construction of Addition to Gymnasium	440,901
(f) Construction of Women's Dormitory	1,556,852
(11) Millersville State College	
(a) Construction of New Heating Plant and Utilities	1,138,546
(b) Construction of Dining Hall and Kitchen	677,296
(c) Construction of Library	1,063,630
(d) Planning and Design of Men's Dormitory	56,000
(12) Shippensburg State College	
(a) Construction of Boiler Plant Addition and Replacement of Lines	711,162
(b) Extension of Utilities	126,595
(c) Construction of Women's Dormitory	1,101,170
(d) Planning and Design of Men's Dormitory	61,600
(e) Planning and Design of Dining Hall and Kitchen	38,643
(13) Slippery Rock State College	
(a) Construction of Boiler Plant Addition	711,162
(b) Construction of Water System	339,438
(c) Construction of Women's Dormitory	1,001,064
(d) Planning and Design of Electronics Laboratory and Classroom Building with Planetarium	49,140
(e) Land Acquisition	79,736
(14) West Chester State College	
(a) Extension of Utilities	159,510
(b) Construction of Boiler Plant Addition	702,381
(c) Construction of Library	1,028,541
(d) Construction of Men's Dormitory	1,986,544
(e) Construction of Fire Tower for Wayne Hall	80,945
(f) Land Acquisition for Vital Expansion	143,525
B Program Vocational Education Services ($282,865)	
(1) Thaddeus Stevens Trade School Construction of Addition to Shop Building	282,865
C Program Special Services for Pupils ($602,041)	
(1) Scotland School for Veterans' Children Construction of Auditorium	602,041
IX Department of Public Welfare	90,073,578
A Program General and Special Hospital Services ($7,594,025)	
(1) Ashland State Hospital Construction of New Hospital	6,168,936
(2) Coaldale State Hospital	
(a) Installation of Emergency Lighting and Fire Alarm System	40,581
(b) Renovation of Operating Rooms	34,783
(c) Planning and Design to Renovate Old Main Building and Enlarge X-ray Department	82,908
(d) Renovation of Central Dressing Room	102,220
(3) Connellsville State Hospital	
(a) Replacement of Water Line and Rewiring	63,802

(b) Construction of New Roof 10,244
(c) Reconstruction of Laundry and Garage 76,483
(d) Remodeling of Old Boiler Room 23,050
(4) Hazleton State Hospital Alteration of Ward Buildings 144,951
(5) Nanticoke State Hospital Remodel Old Boiler Plant for Office and Storage .. 19,208
(6) Philipsburg State Hospital
(a) Remodeling of Maternity and Delivery Room 19,657
(b) Construction of Shop and Storage Building 193,690
(7) Scranton State Hospital
(a) Revamp Boiler and Hot Water System 180,525
(b) Installation of Recovery Room .. 11,013
(8) Shamokin State Hospital
(a) Installation of Fire Alarm System 32,015
(b) Construction of Incinerator 12,806
(c) Construction of Laundry and Maintenance Shops 377,153

B Program Services for Children and Youth ($16,956,656)
(1) Youth Development Center at Canonsburg
(a) Renovate Fifteen Security Rooms 11,043
(b) Renovation of Shower and Toilet Facilities 25,612
(c) Renovation of Dairy Barn Facilities 7,939
(d) Construction of Double Garage and Landscape 4,482
(e) Construction of Loafing Shed Linn Farm 6,403
(f) Construction of Playgrounds 45,995
(g) Convert Cooler to Freezer 12,806
(h) Reconstruction of Entrance Bridge 10,244
(2) Youth Development Center at Waynesburg Expansion of Girls Treatment Center at Waynesburg 2,733,629
(3) Acquisition of Youth Development Centers Construction and Acquisition of Centers at Cresson and Loysville .. 1,871,146
(4) Construction of Youth Development Center Western Pennsylvania Construction of Boys' Treatment Annex Administrative and Service Facilities 6,785,829
(5) Construction of Youth Development Center Eastern Pennsylvania Construction of Boys' Treatment Annex Administration and Service Facilities 5,441,528

C Program Mental Health Services ($65,522,897)
(1) Allentown State Hospital General Plumbing and Sanitation Improvements 314,294
(2) Clarks Summit State Hospital
(a) Installation of Electric Service and Distribution System 689,839
(b) Installation of Heating System Administration Building 126,595
(3) Danville State Hospital
(a) Construction of New Boilers and Appurtenances Power Plants .. 697,114
(b) Completion of Dual Power Distribution System 93,477
(c) Construction of Four Child Care Unit Cottages 615,839
(4) Farview State Hospital
(a) Reconstruction of Heating and Ventilating System 1,091,159
(b) Reconstruction of Plumbing System 383,439
(c) Reconstruction of Power and Light System 377,153
(5) Harrisburg State Hospital
(a) Reconstruction and Replacement of Floor and Fixture Male Wards 28,973
(b) Construction of Mechanical Warehouse and Industrial Therapy Building 579,465
(c) Revamp Water Distribution System 326,866
(6) Hollidaysburg State Hospital Construction of Patient Cafeteria Service Facility 28,173
(7) Mayview State Hospital
(a) Construction of Female Convalescent Dormitory 4,090,793
(b) Reconstruction of Male North II Building 501,701
(c) Reconstruction of Female South II Building 501,701
(d) Construction of Male Convalescent Dormitory 4,090,793
(e) Refrigeration Reconstruction Dietary Building 227,344
(8) Norristown State Hospital
(a) Construction of New Ward Building No 9 2,590,112
(b) Construction of New Ward Building No 10 2,241,867
(c) Interior Reconstruction Wards No 2 and No 5 2,002,984
(d) Corridor Reconstruction Between Buildings 124,795
(9) Philadelphia State Hospital
(a) Reconstruction of Three Water Towers 126,595
(b) Construction of Incinerator Plant 627,126
(c) Construction of New Roof Central Kitchen 132,545
(d) Installation of New Floors N-6 and N-7 Buildings 125,329
(e) Ceiling Replacement Wards N-6 and N-7 113,317
(f) Renovation of Old Male Attendants Home as a Rehabilitation Unit 251,435
(10) Retreat State Hospital
(a) Revamp or Replace Heating System 1,270,392
(b) Installation of Electric Service OFC and Various Wards 1,397,877
(c) Replacement of Steam Drain and Water Lines 139,255
(d) Replacement of Fire Towers Old Buildings 146,010
(11) Somerset State Hospital
(a) Replacement of Condemned Dairy Barn 92,968
(b) Building No 25 Rehabilitation ... 374,739
(c) Construction of Admissions Building 2,562,254
(d) Construction of Geriatric Ward Building-Phase 1 1,619,127
(e) Rewiring Patient Building No. 2 19,208
(f) Construct Passenger Tunnel 73,883
(12) Torrance State Hospital
(a) Revamp Heating System 385,953
(b) Electrical Distribution-Phase III.. 499,100
(c) Steam Redistribution Phase III .. 438,755
(d) Electrical Redistribution Additional Capacity 214,588
(e) Replacement of Sanitary Plumbing 126,595
(f) Replacement of Cannery Roof ... 28,069
(g) Roof Replacements Boiler House McKinniss and Dix Buildings 126,595
(h) Replace Windows Wiseman and Beistel Buildings 222,923
(i) Construction of Six Physicians Residences 301,722
(13) Warren State Hospital
(a) Kitchen Renovation 1,175,999
(b) Construction of Male Geriatrics Building 6,175,105
(c) Construction of Female Geriatrics Building Addition 3,109,502
(d) Construction of Mechanical and Industrial Therapy Facilities Shops 865,435

(e) Increase Electrical Service Sizes	276,579
(f) Electrical Redistribution-Phase I-Replacement of Generating Equipment	202,084
(14) Wernersville State Hospital	
(a) Heating Systems Reconditioning and Revamping Wards 2 3 4 and 5	413,611
(b) Electric Wiring Replacement	354,523
(c) Reconditioning of Condensate Steam System	87,000
(d) Replacements of Floor Building No 10	40,501
(e) Floor Renewal Bake Shop	21,961
(f) Installation of Ventilation Lint Collecting Unit and Floor Topping for Laundry	80,307
(g) Construction of Admissions Diagnostic and Intensive Treatment Building 120 Capacity	3,106,395
(h) Addition and Alterations to Sewage Disposal Plant	219,767
(i) Cold Storage Unit Enlargement	301,722
(15) Western Pennsylvania Psychiatric Institute University of Pittsburgh Planing and Design for Reconstruction of In-Patient Clinical Service Areas	165,000
(16) Woodville State Hospital	
(a) Roof Replacement Female Building Group	236,185
(b) Ceiling Replacement Admissions Building	56,880
(17) Ebensburg State School Program Construction-Phase II	6,415,693
(18) Hamburg State School and Hospital	
(a) Enclose Two Stairways East and West Wings of Administration Building	25,612
(b) Construction of Filtered Water Storage Tank	118,150
(c) Construction of Ramps Building 1 through 6 and Surgical Building	25,612
(19) Laurelton State Village	
(a) Renewal of Main Steam Lines	51,106
(b) Construction of Cottage to Replace Farm Colony	411,097
(20) Pennhurst State School	
(a) Reconstruction of Subway and Overhead Walks	938,497
(b) Construction of New Roofs and Gutters Fifteen Buildings	520,973
(c) Installation of New Boiler for Powerhouse	189,893
(d) Construction of Laundry Building Addition	189,454
(21) Polk State School Revamp Electrical System	1,245,482
(22) Selinsgrove State School	
(a) Construction of Water Treatment Plant Settling Basin	21,514
(b) Installation of Transformer Bank	59,666
(23) Eastern Pennsylvania State School and Hospital Program Construction-Phase II Capacity 144	5,280,756
X Department of Revenue	923,112
A Program Highway Safety ($923,112)	
(1) Construction of Driver Examination Point Bortondale Media Delaware County	76,483
(2) Construction of Driver Examination Point Norristown Montgomery County	76,483
(3) Construction of Driver Examination Point East Rochester Beaver County	76,483
(4) Construction of Driver Examination Point Uniontown Fayette County	76,483
(5) Construction of Driver Examination Point Sunbury Area Northumberland County	76,483
(6) Construction of Driver Examination Point Chambersburg Area Franklin County	76,483
(7) Construction of Driver Examination Point Hazleton Luzerne County	76,483
(8) Construction of Driver Examination Point Mercer Mercer County	76,483
(9) Construction of Driver Examination Point State College Centre County	76,483
(10) Construction of Driver Examination Point Schuylkill Haven Schuylkill County	76,483
(11) Construction of Driver Examination Point Lebanon Lebanon County and Land Acquisition	81,799
(12) Construction of Driver Examination Point Johnstown Area Cambria County	76,483
XI Pennsylvania State Police	1,311,224
A Program Executive and General Administration ($1,311,224)	
(1) Construction of Headquarters Building and Land Acquisition Troop "E" District One Erie	465,414
(2) Construction of Headquarters Troop "B" District Three Wyoming	291,429
(3) Construction of Transportation Unit and Central Storage and Supply Facilities Harrisburg	554,381
XII Pennsylvania State University	16,004,747
A Program Higher Education ($16,004,747)	
(1) Construction of Life Sciences Building Unit One	2,179,593
(2) Convert and Renovate Four Buildings to Other Uses Add Unit to Mineral Science Building	1,073,640
(3) Relocation and Expansion of Present Agricultural Facilities	1,154,775
(4) Construction of Service and General Stores Building	2,067,500
(5) Planning and Design for Completion of Willard Building	120,575
(6) Construction of Extension of Main Physical Education Building	1,619,127
(7) Alterations to Main Home Economics Building	326,866
(8) Construction of Additions to Utilities	2,690,138
(9) Planning and Design for Forestry Center	60,750
(10) Construction of Computer Facilities Center Unit One	721,197
(11) Planning and Design of Physical Education Building Final Unit	110,500
(12) Construction of Extension Conference Center	2,273,004
(13) Planning and Design for Completion of Library	115,050
(14) Planning and Design of Physical Sciences Building	89,375
(15) Conversion of Service Building to Laboratories and Classrooms	279,093
(16) Construction of Education and Psychology Center Unit Two	1,123,564
XIII State-Aided Colleges and Universities	48,943,556
A Drexel Institute of Technology ($2,270,810)	
(1) Construction of Classroom Building	1,919,000
(2) Planning and Design for Addition to Basic Science Center	151,000
(3) Renovate Red Lion Storage Building	200,810
B Jefferson Medical College Land Acquisition and Planning and Design for Basic Science Building ($1,635,627)	1,635,627
C Lincoln University ($1,419,112)	
(1) Construction of New Electrical System	370,514
(2) Construction of New Administration Building	294,179
(3) Construction of Two Water Wells	51,490
(4) Construction of Sewage Plant Addition	64,284
(5) Construction of Fine Arts Building	346,980
(6) Construction of Maintenance Garage and Storage Building	291,665
D University of Pennsylvania ($12,579,129)	
(1) Construction of Fine Arts Building	3,044,268
(2) Construction of Graduate Library and Center for Graduate Studies	5,354,958

	(3) Planning and Design of Administration and General Service Building	175,000
	(4) Construction of New Physical Science Facilities	3,718,903
	(5) Planning and Design of Physical Education Facilities	123,500
	(6) Planning and Design of Addition to Medical School Teaching Facilities ..	162,500
E	University of Pittsburgh ($13,505,348)	
	(1) Construction of and Land Acquisition for Physical Education Plant Second and Third Phases	7,427,132
	(2) Construction of and Land Acquisition for Professional Schools Complex-Common Facilities Building	3,393,100
	(3) Renovation of Salk Hall for Dentistry and Pharmacy in Schools of Health professions	2,485,116
	(4) Designing and Planning of New Building for Dentistry	200,000
F	Hahnemann Medical College Construction of Clinical Research Building ($3,308,935)	3,308,935
G	Woman's Medical College of Pennsylvania Planning and Design of Clinical Teaching and Services Building Phase I ($270,135)	270,135
H	Temple University ($10,235,557)	
	(1) Construction of and Land Acquisition for Library Building	6,432,757
	(2) Construction of and Land Acquisition for Teachers College Building	3,414,335
	(3) Planning and Design of Communications Building	222,840
	(4) Planning and Design of School of Medicine Building	165,625
I	Philadelphia College of Osteopathy ($3,718,903) Construction of a College Library and Hospital Building	3,718,903
XIV	Additional borrowing capacity required under Section 8.15 of the Bond Resolution of The General State Authority	12,887,024

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—145

Adams,	Foerster,	Kramer,	Reibman,
Anderson, J. H.,	Foor,	Lamb,	Reidenbach,
Anderson, S. A.,	Fox,	Lawson,	Riley,
Arlene,	Frascella,	Leonard,	Rovansek,
Bachman,	Fry,	Limper,	Rubin,
Blair,	Fulmer,	Lippincott,	Rudisill,
Boles,	Galley,	Long, Wm. Jas.,	Sakulsky,
Bonner,	Gallagher,	Long, Wm. Jos.,	Scarcelli,
Bossert,	George,	Lutty,	Schaaf,
Branca,	Goldstein, J. H.,	Marsh,	Schuster,
Breth,	Goodrich,	Maxwell,	Shelton,
Buchanan,	Gray,	McCandless,	Shupnik,
Bush,	Greenlee,	McCann,	Simmons,
Capano,	Gremminger,	McDevitt,	Slack,
Capitolo,	Gross,	McDonald,	Snare,
Cauley,	Guesman,	McLaughlin,	Stone,
Cianfrani,	Guthrie,	McNally,	Sullivan, J. A.,
Cioffi,	Hamilton,	Merry,	Sullivan, T. F.,
Clarke,	Hankins,	Mihm,	Taylor,
Comer,	Hartley,	Mills,	Thompson,
Cooley,	Haudenshield,	Monroe,	Tomascik,
Crossin,	Heavey,	Morley,	Trusio,
Curwood,	Helm,	Mullen,	Ujobai,
Davis,	Irvis,	Munley,	Varner,
Dengler,	Isaacs,	Musto,	Verona,
Dennison,	Jenkins,	Needham,	Wargo,
Donaldson,	Jim,	O'Dell,	Welsh,
Dougherty,	Jones,	O'Donnell, J. P.,	Wescott,
Edwards,	Kamyk,	Parlante,	Whittaker,
Eilberg,	Kernaghan,	Pashley,	Willard,
Elvey,	Kessler,	Perry,	Williams, A. D.,
Eshback,	King,	Petrosky,	Williams, E. S.,
Ewing,	Kistler,	Piper,	Yetter,
Farabaugh,	Klein,	Polaski,	Zember,
Filo,	Kooker,	Polen,	Zimmerman,
Fineman,	Kornick,	Prendergast,	Andrews,
Flynn,			Speaker

NAYS—49

Auker,	Holl,	Markley,	Stank,
Backenstoe,	Holliday,	May,	Steckel,
Bower,	Holman,	McCormack,	Stimmel,
Bowman,	Horst,	Miller,	Stiteler,
Eshleman,	Johnson, A. W.,	Murphy,	Tompkins,
Fetterolf,	Johnson, R. P.,	O'Donnell, J. A.,	Wall,
Gelfand,	Keiser,	Ogilvie,	Walsh,
Gibb,	Knecht,	Pursley,	Willaredt,
Gibbons,	Korns,	Renwick,	Wilt,
Gramlich,	Lee, A. M.,	Royer,	Wood,
Heffner,	Lee, K. B.,	Rutherford,	Worley,
Henzel,	Manbeck,	Seltzer,	Wynd,
Hocker,			

NOT VOTING—16

Ashton,	Goldstein, M. H.,	McKeever,	Price,
Doughten,	Kelly,	Meholchick,	Sherman,
Down,	Magee,	Murray,	Strausser,
Esler,	McInroy,	Odoriaio,	Weidner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 716

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on Senate bill numbered and entitled as follows:

SENATE BILL No. 716.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" clarifying and changing provisions relating to social studies curriculum.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 716

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on Senate Bill No. 716.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate bill No. 716, entitled: "An act amending the act of March 10, 1949 (P. L. 30), entitled 'An act relating to the public school system including certain provisions, applicable as well to private and parochial schools amending, revising, consolidating and changing the laws relating thereto', clarifying and changing provisions relating to social studies curriculum."

Respectfully submit the following bill as our report:

MARTIN SILVERT,
HARRY E. SEYLER,
RAYMOND P. SHAFER,
(Committee on the part of the Senate.)
K. LEROY IRVIS,
AUSTIN J. MURPHY,
RALPH A. MARSH,
(Committee on the part of the House of Representatives.)

An Act amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools, amending, revising, consolidating and changing the laws relating thereto," clarifying and changing provisions relating to social studies curriculum.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1515 act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," is repealed absolutely.

Section 2. Subsection (a) of section 1605 of the act amended April 12, 1956 (P. L. 1459), is amended to read:

Section 1605. Courses of Study (a). In all public, private or parochial schools there shall be integrated in the social studies curriculum courses of study as provided in this act. It shall be the duty of the superintendent having supervision over any high school to prepare and recommend to the board of school directors maintaining the same suitable courses of study which shall be adopted by said board of school directors with such changes as they may deem wise subject to the provisions of this act. During [the last four years of a complete high school program] grades seven through twelve inclusive there shall be included at least [a] four [semester] semesters or equivalent [course of] study in the history and government of that portion of America which has become the United States of America and of the Commonwealth of Pennsylvania of such nature, kind or quality as to have for its purpose the developing, teaching and presentation of the principles and ideals of the American [Republican Representative] republican representative form of government as portrayed and experienced by the acts and policies of the framers of the Declaration of Independence and framers of the Constitution of the United States and the Bill of Rights. The [courses of] study [in] of the history of the United States including the study of the Constitution of the United States and the study of the history and Constitution of this Commonwealth shall also be such as will emphasize the good worthwhile and best features and points of the social economic and cultural development the growth of the American family high standard of living of the United States citizen the privileges enjoyed by such citizens their heritage and its derivations of and in our principles of government [and having for its purpose also the instilling into every boy and girl coming out of our public schools their solemn duty and obligation to exercise their voting privilege]. Such instruction shall have for its purpose also the instilling into every boy and girl who comes out of our public private and parochial schools their solemn duty and obligation to exercise intelligently their voting privilege and to understand the advantages of the American republican form of government as compared with various other forms of government.

Such instruction shall continue in courses in the State Colleges to an extent to be determined by the Superintendent of Public Instruction.

* * *

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—161

Adams,	Gallagher,	Lee, K. B.,	Prendergast,
Anderson, J. H.,	George,	Leonard,	Reidenbach,
Anderson, S. A.,	Gibb,	Limper,	Riley,
Arlene,	Gibbons,	Long, Wm. Jas.,	Rovansek,
Auker,	Goldstein, J. H.,	Long, Wm. Jos.,	Rubin,
Bachman,	Goldstein, M. H.,	Lutty,	Rudisill,
Backenstoe,	Goodrich,	Manbeck,	Sakulsky,
Blair,	Gray,	Markley,	Scarcelli,
Boles,	Greenlee,	Marsh,	Schaaf,
Bonner,	Gremminger,	Maxwell,	Schuster,
Bossert,	Guesman,	May,	Seltzer,
Bower,	Guthrie,	McCandless,	Shelton,
Bowman,	Hamilton,	McCann,	Shupnik,
Branca,	Hankins,	McCormack,	Simmons,
Breth,	Hartley,	McDevitt,	Slack,
Buchanan,	Haudenshield,	McKeever,	Snare,
Bush,	Heavey,	McLaughlin,	Steckel,
Capano,	Heffner,	McNally,	Stimmel,
Capitolo,	Helm,	Meholchick,	Stiteler,
Cauley,	Henzel,	Mihm,	Stone,
Cianfrani,	Holliday,	Miller,	Sullivan, J. A.,
Cioffi,	Holman,	Mills,	Sullivan, T. F.,
Clarke,	Horst,	Monroe,	Taylor,
Comer,	Irvis,	Morley,	Thompson,
Cooley,	Isaacs,	Mullen,	Tomascik,
Crossin,	Jenkins,	Munley,	Tompkins,
Curwood,	Jim,	Murphy,	Trusio,
Dengler,	Johnson, A. W.,	Murray,	Ujobai,
Donaldson,	Johnson, R. P.,	Musto,	Verona,
Dougherty,	Jones,	Needham,	Wargo,
Doughten,	Kamyk,	O'Dell,	Welsh,
Eilberg,	Kelly,	O'Donnell, J. P.,	Whittaker,
Elvey,	Kernaghan,	Ogilvie,	Willard,
Ewing,	Kistler,	Parlante,	Willaredt,
Farabaugh,	Klein,	Pashley,	Williams, A. D.,
Filo,	Kornick,	Perry,	Williams, E. S.,
Flynn,	Kramer,	Petrosky,	Wynd,
Foerster,	Lamb,	Piper,	Yetter,
Fox,	Lawson,	Polaski,	Zember,
Frascella,	Lee, A. M.,	Polen,	Andrews,
Fulmer,			Speaker

NAYS—33

Davis,	Gramlich,	McDonald,	Rutherford,
Edwards,	Gross,	Merry,	Stank,
Eshback,	Hocker,	O'Donnell, J. A.,	Wall,
Eshleman,	Kessler,	Price,	Walsh,
Fetterolf,	Knecht,	Pursley,	Wilt,
Fineman,	Kooker,	Reibman,	Wood,
Foor,	Korns,	Renwick,	Worley,
Fry,	Lippincott,	Royer,	Zimmerman,
Gailey,			

NOT VOTING—16

Ashton,	Gelfand,	Magee,	Strausser,
Dennison,	Holl,	McInroy,	Varner,
Down,	Keiser,	Odorisio,	Weidner,
Esler,	King,	Sherman,	Wescott,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered that the clerk inform the Senate accordingly.

Mr. McCANN. Mr. Speaker, at this time we will work very carefully and each person mark his or her calendar as we go. This is the same calendar you will work with now for the final session we are in. I ask again that we check everything out very carefully.

Mr. Speaker, I believe that this brings us up to the present date, except that I would like to know if the chief clerk can give me some information for the entire House as to any printing reports that he has from the printer as of this hour.

The SPEAKER pro tempore. We are unable to give the majority leader at this time any report as to the length of time it will take for the printing. The Chair would like to suggest that perhaps if we have some votes that we can take at the moment, we would then have our caucuses and come back and get a late report as to what the printing situation is. The Chair would also like to clear the table before we recess.

DEMOCRATIC CAUCUS

Mr. McCANN. I am going to ask that this House recess for a period of one hour. The membership on the Democratic side will proceed to the new House caucus room to immediately caucus on the bills in the front of the calendar that moved to third reading, which are here in print to this hour. Then we come here and vote those bills and the amendments battle that we would have on the

various bills which would certainly place us in a good position for the printer for a matter of a couple hours.

REPUBLICAN CAUCUS

Mr. A. W. JOHNSON. Mr. Speaker, we will also caucus during the same period. Bring your calendars to the caucus room immediately so we can get on to the business of the day.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 56.

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177), authorizing departments boards and commissions to train personnel.

HOUSE BILL No. 81.

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58), requiring commercial motor vehicles and truck tractors to be marked with the names and addresses of the owners or operators.

HOUSE BILL No. 112.

An Act amending "The Vehicle Code" approved April 29, 1959 (P. L. 58), providing additional enforcement procedures on traffic violations in boroughs towns and townships.

HOUSE BILL No. 254.

An Act amending "The Pennsylvania Workmen's Compensation Act" approved June 2, 1915 (P. L. 736) requiring employers to furnish employes with instructions on their rights in the event of an accident.

HOUSE BILL No. 255.

An Act amending "The Pennsylvania Occupational Disease Act" approved June 21, 1939 (P. L. 566), requiring employers to furnish employes with instructions on their rights in the event of disability or death caused by occupational disease.

HOUSE BILL No. 400.

An Act requiring the erection and maintenance of medial barriers or guards on the Pennsylvania Turnpike.

HOUSE BILL No. 670.

A Supplement to "The Pennsylvania Workmen's Compensation Act" approved June 2, 1915 (P. L. 736), providing for the payment of compensation to special school police appointed by boroughs or the dependents of such special school police.

HOUSE BILL No. 853.

An Act amending "The First Class Township Code" approved June 24, 1931 (P. L. 1206), authorizing a change in the compensation of certain township commissioners.

HOUSE BILL No. 1048.

An Act amending the "Liquor Code" approved April 12, 1951 (P. L. 90), further regulating the procedure for the revocation and suspension of licenses.

HOUSE BILL No. 1059.

An Act amending the "County Institution District Law" approved June 24, 1937 (P. L. 2017), increasing the amount the institution district may pay for burial costs in each case.

HOUSE BILL No. 1080.

An Act amending the "State Employes' Retirement Code of 1959" approved June 1, 1959 (P. L. 392), providing for death benefits for certain annuitants who are receiving a disability allowance.

HOUSE BILL No. 1407.

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333), further regulating the affidavit of the circulator of a nomination petition.

HOUSE BILL No. 1597.

An Act amending "The Insurance Company Law of 1921" approved May 17, 1921 (P. L. 682), clarifying the provisions relating to the merger or consolidation of certain domestic insurance companies and making editorial changes.

HOUSE BILL No. 1781.

An Act amending the act of July 31, 1941 (P. L. 605), entitled "An act relating to the summoning and service of jurors (except grand jurors) in the civil and criminal courts of the several counties of the Commonwealth except counties of the first and second class" extending the provisions to counties of the first class.

HOUSE BILL No. 1818.

An Act amending the "Unemployment Compensation Law" approved December 5, 1936 (1937 P. L. 2897), redefining State and modifying certain provisions as to eligibility of individuals while in training or when permanently separated.

SENATE BILL No. 99.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" regulating the issuance of operators' licenses to persons between sixteen and eighteen years of age restricting their driving privileges and providing penalties.

SENATE BILL No. 111.

An Act revising the procedure to be followed concerning arrest detention and bail substituting criminal summons for warrant of arrest in certain criminal cases and fixing penalties.

SENATE BILL No. 130.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" granting certain powers to directors of newly merged school districts.

SENATE BILL No. 202.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land with buildings improvements and antiques and other personal property therein in the Borough of Brownsville Fayette County for preservation care and maintenance as a historical site by the Pennsylvania Historical and Museum Commission.

SENATE BILL No. 312.

An Act amending the act of July 24, 1913 (P. L. 965), entitled "Commodities Weight and Measure Law" requiring additional markings on certain packages.

SENATE BILL No. 320.

An Act making an apropriation to the Pennsylvania Historical and Museum Commission to aid in the maintenance and operation of a shrine to house the replica of the Liberty Bell.

SENATE BILL No. 486.

An Act amending the act of June 25, 1947 (P. L. 1145),

entitled as amended "Local Tax Enabling Act" prescribing the effective date of taxes levied for the first time by any political subdivision limiting appeals by taxpayers to such first tax levies.

SENATE BILL No. 574.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" increasing the portion of the fee received from learners' permits appropriated to the Dpartment of Public Instruction for carrying out a standardized program of teaching safe driving of motor vehicles.

SENATE BILL No. 596.

An Act amending the act of June 15, 1871 (P. L. 387), entitled "An act providing for the entry of certain proceedings on the judgment indexes of the several courts of this commonwealth" changing the place of indexing certain proceedings.

SENATE BILL No. 597.

An Act amending the act of April 18, 1949 (P. L. 512), entitled "Fiduciaries Act of 1949" further regulating indexing of petitions for specific performance of agreements to purchase or sell real estate.

SENATE BILL No. 601.

An Act amending the act of April 29, 1959 (P. L. 58), entitled "The Vehicle Code" permitting motor vehicles owned and used by certain persons engaged in collecting news to be equipped with a warning light.

SENATE BILL No. 604.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further providing for director representation in union or merged districts under certain conditions.

SENATE BILL No. 619.

An Act amending the act of June 1, 1959 (P. L. 392), entitled "State Employes' Retirement Code of 1959" providing for the transfer of credits for employes of the Department of Health who are contributors to the Public School Employes' Retirement System.

SENATE BILL No. 665.

An Act amending the act of May 1, 1929 (P. L. 1216), entitled "Real Estate Brokers License Act of 1929" changing licensure provisions for limited real estate brokers and salesmen requiring the registration of cemetery lot salesmen and prescribing responsibilities of certain brokers.

SENATE BILL No. 667.

An Act creating and establishing a continuing career system for professional personnel in or assigned to the Department of Highways establishing and vesting certain powers in the Highway Professional Personnel Board and making an appropriation.

SENATE BILL No. 683.

A Joint Resolution proposing an amendment to article three section eighteen of the Constitution of the Commonwealth of Pennsylvania providing for grants or loans to residents of the Commonwealth for higher educational purposes.

SENATE BILL No. 702.

An Act amending the act of July 20, 1917 (P. L. 1158), entitled "An act to fix regulate and establish the fees to be charged and received by constables in this Commonwealth" increasing the fees in certain cases.

SENATE BILL No. 710.

An Act amending the act of October 14, 1959 (P. L. 1314), entitled "An act to regulate and establish the fees to be received by the clerk of oyer and terminer and quarter sessions of the peace and the municipal court of Philadelphia in counties of the first class" providing that the provisions of the act be subject to certain limitations.

SENATE BILL No. 713.

An Act amending the act of June 1, 1945 (P. L. 1242), entitled "State Highway Law" authorizing adoption of a system for qualification of competent and responsible bidders on highway projects.

SENATE BILL No. 851.

An Act amending the act of May 5, 1933 (P. L. 457), entitled "Building and Loan Code" authorizing the payment of bonus dividends to any class or classes of stock.

SENATE BILL No. 885.

An Act amending the act of May 5, 1933 (P. L. 457), entitled "Building and Loan Code" further defining and limiting the rights powers duties and liabilities of such associations and shareholders and further defining terms.

SENATE BILL No. 923.

An Act amending the act of August 4, 1959 (P. L. 587), entitled "An Act creating and establishing the Legislative Budget and Finance Committee providing for its membership . . ." further providing for the personnel to be appointed by the Legislative Budget and Finance Committee.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RECESS

The SPEAKER pro tempore. Without objection, the Chair will now declare a recess of one hour. The Chair hears no objection; the recess is so declared.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) in the Chair.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 911.

A Supplement to the act of May 27, 1937 (P. L. 917), entitled "An act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and of the Department of Labor and Industry, imposing duties on employers, providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders, exempting certain persons from the provisions of this act and providing penalties," concerning minimum wages, providing for a minimum wage for employes in this Commonwealth, providing a wage board procedure for establishing supplementary minimum wages, defining the powers and duties of the Department of Labor and Industry and providing penalties.

HOUSE BILL No. 1487.

An Act amending the act of May 1, 1929 (P. L. 1216), entitled "Real Estate Brokers License Act of 1929," changing educational and training requirements for licensure, changing the place of hearing, specifying the nature and weight to be given to the report of a representative appointed by the commission, to hold hearings in connection with any of its disciplinary proceedings and providing for the taking of testimony.

HOUSE BILL No. 1793.

An Act reenacting and amending the act of May 21, 1943 (P. L. 340), entitled as amended "An act empowering counties of the third, fourth, fifth, sixth, seventh and eighth classes, municipality, authorities, cities of the third class, boroughs, incorporated towns and townships adjoining each other to co-operate with each other through joint agreements in the exercise of their governmental powers, duties and functions," extending the provisions of the act to counties of the second class and to local governmental units outside of the Commonwealth, changing procedure for agreements, contracts and further regulating joint purchases, providing for the supply and exchange of certain services and the appointment of optional joint advisory boards and prescribing their powers and duties.

SENATE BILL No. 806.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for the establishment and operation of area technical schools, departments or classes by the Department of Public Instruction in certain cases.

SENATE BILL No. 826.

An Act prohibiting the expression by the judge before the jury or any juror in a criminal proceeding of his belief, opinion or thought concerning the guilt or innocence of any defendant in such proceeding.

SENATE BILL No. 828.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," creating a State Commission on Academic Facilities, providing for its membership powers and duties and imposing duties upon the Superintendent of Public Instruction.

SENATE BILL No. 882.

An Act amending the act of December 3, 1959 (P. L. 1688), entitled "Housing Agency Law," clarifying and supplementing provision of existing law relating to the financing of cooperatively-owned housing, changing the terms of housing loans for elderly persons, modifying the reserve requirement for outstanding Agency bonds and placing the Agency's report to the Legislature on an annual basis.

SENATE BILL No. 901.

An Act amending the act of May 13, 1909 (P. L. 520), entitled "Pure Food Law," by providing for the use of sulphur dioxide in certain food items and changing the labeling requirements relating to artificial sweetening agents.

SENATE BILL No. 905.

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code," excepting certain restaurants from the prohibition of granting licenses to places of amusement.

SENATE BILL No. 914.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," authorizing the awarding of additional scholarships.

SENATE BILL No. 915.

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employes' Retirement Code of 1959," providing retirement credit for sabbatical leaves of absence.

SENATE BILL No. 924.

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code," further regulating the issuance of new licenses for airport restaurants.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED SENATE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bills numbered and entitled as follows:

SENATE BILL No. 195.

An Act providing for group life insurance for State employes establishing a schedule providing for payment providing for payment providing for reduction of insurance upon retirement authorizing the Secretary of Property and Supplies to act as exclusive agent for the purpose of contracting for insurance and providing for administration and advisory services by the Department of Property and Supplies.

SENATE BILL No. 373.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" changing certain salaries and work loads prescribing general extension education areas decreasing the number of names needed for free extension education raising the deposit fee and providing for a tuition fee in certain instances deleting provisions relating to free evening schools providing for payments on account of approved vocational extension classes and making an appropriation.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 461, entitled:

A Joint Resolution proposing an amendment to article four section twenty-one of the Constitution of the Commonwealth of Pennsylvania changing the time at which the Auditor General the State Treasurer and the Secretary of Internal Affairs take office and permitting the Auditor General and State Treasurer to succeed themselves for one additional term.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—190

Adams,	Gelfand,	Lee, K. B.,	Rovansek,
Anderson, J. H.,	George,	Leonard,	Royer,
Anderson, S. A.,	Gibb,	Limper,	Rubin,
Arlene,	Gibbons,	Lippincott,	Rudisill,
Auker,	Goldstein, J. H.,	Long, Wm. Jas.,	Sakulsky,
Bachman,	Goldstein, M. H.,	Long, Wm. Jos.,	Scarcelli,

Backenstoe,	Goodrich,	Lutty,	Schaaf,
Blair,	Gray,	Manbeck,	Schuster,
Boles,	Greenlee,	Markley,	Seltzer,
Bonner,	Gremminger,	Marsh,	Shelton,
Bossert,	Gross,	May,	Sherman,
Bower,	Guesman,	McCandless,	Shupnik,
Bowman,	Guthrie,	McCormack,	Simmons,
Branca,	Hamilton,	McDevitt,	Slack,
Breth,	Hankins,	McCann,	Snare,
Buchanan,	Hartley,	McDonald,	Stank,
Bush,	Haudenshield,	McKeever,	Steckel,
Capano,	Heavey,	McLaughlin,	Stimmel,
Capitolo,	Heffner,	McNally,	Stiteler,
Cauley,	Helm,	Meholchick,	Stone,
Cianfrani,	Henzel,	Merry,	Sullivan, J. A.,
Cioffi,	Hocker,	Mihm,	Sullivan, T. F.,
Clarke,	Holl,	Miller,	Taylor,
Comer,	Holliday,	Monroe,	Thompson,
Cooley,	Holman,	Morley,	Tomascik,
Crossin,	Horst,	Mullen,	Tompkins,
Curwood,	Irvis,	Munley,	Trusio,
Dengler,	Isaacs,	Murphy,	Ujobai,
Donaldson,	Jenkins,	Musto,	Varner,
Dougherty,	Jim,	Needham,	Verona,
Doughten,	Johnson, A. W.,	O'Dell,	Wall,
Edwards,	Johnson, R. P.,	O'Donnell, J. A.,	Wargo,
Eilberg,	Jones,	O'Donnell, J. P.,	Welsh,
Elvey,	Kamyk,	Ogilvie,	Wescott,
Eshback,	Keiser,	Pashley,	Whittaker,
Ewing,	Kelly,	Perry,	Willard,
Farabaugh,	Kernaghan,	Petrosky,	Willaredt,
Fetterolf,	Kessler,	Piper,	Williams, A. D.,
Filo,	King,	Polaski,	Williams, E. S.,
Flynn,	Kistler,	Polen,	Wilt,
Foerster,	Klein,	Prendergast,	Wood,
Foor,	Kooker,	Price,	Worley,
Fox,	Kornick,	Pursley,	Wynd,
Frascella,	Korns,	Reibman,	Yetter,
Fry,	Kramer,	Reidenbach,	Zember,
Fulmer,	Lamb,	Renwick,	Zimmerman,
Gailey,	Lawson,	Riley,	Andrews,
Gallagher,	Lee, A. M.,		Speaker

NAYS—4

Davis,	Dennison,	Gramlich,	Walsh,

NOT VOTING—16

Ashton,	Fineman,	McInroy,	Parlante,
Down,	Knecht,	Mills,	Rutherford,
Eshleman,	Magee,	Murray,	Strausser,
Esler,	Maxwell,	Odorisio,	Weidner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 568, entitled:

An Act amending the act of June 4, 1937 (P. L. 1643), entitled "An act relating to certain existing beneficial societies . . ." further regulating contracts and payments of death benefits and providing for annual filing of certificates regarding surplus requirements.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—190

Anderson, S. A.,	Gallagher,	Leonard,	Rubin,
Arlene,	Gelfand,	Limper,	Rudisill,
Bachman,	George,	Lippincott,	Rutherford,
Backenstoe,	Gibb,	Long, Wm. Jas.,	Sakulsky,
Blair,	Goldstein, J. H.,	Long, Wm. Jos.,	Scarcelli,
Boles,	Goldstein, M. H.,	Lutty,	Schaaf,
Bonner,	Goodrich,	Manbeck,	Schuster,
Bossert,	Gramlich,	Markley,	Seltzer,
Bower,	Gray,	Marsh,	Shelton,
Bowman,	Greenlee,	May,	Sherman,
Branca,	Gremminger,	McCandless,	Shupnik,
Breth,	Gross,	McCann,	Simmons,
Buchanan,	Guesman,	McCormack,	Slack,
Bush,	Guthrie,	McDevitt,	Snare,
Capano,	Hamilton,	McDonald,	Stank,
Capitolo,	Hankins,	McKeever,	Steckel,
Cauley,	Hartley,	McLaughlin,	Stimmel,
Cianfrani,	Haudenshield,	McNally,	Stiteler,
Cioffi,	Heavey,	Merry,	Stone,
Clarke,	Helm,	Mihm,	Sullivan, J. A.,
Comer,	Henzel,	Morley,	Sullivan, T. F.,
Cooley,	Hocker,	Mullen,	Taylor,
Crossin,	Holl,	Munley,	Thompson,
Curwood,	Holliday,	Murphy,	Tomascik,
Davis,	Holman,	Murray,	Tompkins,
Dengler,	Horst,	Musto,	Trusio,
Dennison,	Irvis,	Needham,	Ujobai,
Donaldson,	Isaacs,	O'Dell,	Varner,
Dougherty,	Jim,	O'Donnell, J. A.,	Verona,
Doughten,	Johnson, A. W.,	O'Donnell, J. P.,	Wall,
Edwards,	Johnson, R. P.,	Ogilvie,	Walsh,
Eilberg,	Jones,	Parlante,	Wargo,
Elvey,	Kamyk,	Pashley,	Welsh,
Eshback,	Keiser,	Perry,	Wescott,
Eshleman,	Kelly,	Petrosky,	Whittaker,
Ewing,	Kernaghan,	Piper,	Willard,
Farabaugh,	Kessler,	Polaski,	Willaredt,
Fetterolf,	King,	Polen,	Williams, A. D.,
Filo,	Kistler,	Prendergast,	Williams, E. S.,
Fineman,	Klein,	Price,	Wilt,
Flynn,	Kooker,	Pursley,	Wood,
Foerster,	Kornick,	Reibman,	Worley,
Foor,	Korns,	Reidenbach,	Wynd,
Fox,	Kramer,	Renwick,	Yetter,
Frascella,	Lamb,	Riley,	Zember,
Fry,	Lawson,	Rovansek,	Zimmerman,
Fulmer,	Lee, A. M.,	Royer,	Andrews,
Gailey,	Lee, K. B.,		Speaker

NAYS—4

Adams,	Anderson, J. H.,	Auker,	Miller,

NOT VOTING—16

Ashton,	Heffner,	Maxwell,	Monroe,
Down,	Jenkins,	McInroy,	Odorisio,
Esler,	Knecht,	Meholchick,	Strausser,
Gibbons,	Magee,	Mills,	Weidner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 651, entitled:

An Act to empower cities of the second class second class A and third class boroughs incorporated towns townships of the first and second class and counties of the third through eighth class individually or jointly to plan their development and to govern the same by zoning subdivision and land development ordinances and other ordinances by official maps by reservation of certain land for future public purpose and by the acquisition of such land providing for the establishment of planning commissions planning departments and zoning hearing boards authorizing them to charge fees make inspections and hold public hearings providing for appropriations appeals to court and penalties for violations and repealing acts and parts of acts.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Bowman.

Mr. BOWMAN. Mr. Speaker, I did not hear the printer's number announced and I am not aware of its being in print.

Mr. McCANN. Mr. Speaker, Senate bill No. 651, printer's No. 1296, was delivered about, roughly, around 11 o'clock to your desks. The new printer's number is 1296.

Mr. BOWMAN. I thank the Speaker.

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Renwick.

BILL RECOMMITTED

Mr. RENWICK. Mr. Speaker, I move that Senate bill 651, printer's No. 1296, be recommitted to the Committee on State Government for further study.

On the question,

Will the House agree to the motion?

Mr. McCANN. Mr. Speaker, I rise to oppose the motion to recommit Senate bill 651, printer's 1296, and I ask that the members oppose the recommittal so that the bill may be debated and voted on.

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I would be inclined to support the motion to recommit. I understand that earlier we thought the municipalities, and so forth, around the State were for this bill. I understand now they are not for the bill in its present form and it would probably be the wiser thing to now recommit it.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Gailey.

Mr. GAILEY. Mr. Speaker, at this hour I certainly do not want to prolong the discussion, but I would like to interrogate the gentleman from Elk very briefly.

The SPEAKER. Will the gentleman from Elk, Mr. Renwick, permit himself to be interrogated?

Mr. RENWICK. I shall, Mr. Speaker.

Mr. GAILEY. Mr. Speaker, am I correct in surmising that the gentleman from Elk wishes to recommit this bill because he feels that it has not received sufficient study?

Mr. RENWICK. That is right.

Mr. GAILEY. I thank the gentleman.

Mr. Speaker, I would like to make a brief statement in opposition to the motion to recommit.

The SPEAKER. The gentleman is in order.

Mr. GAILEY. Mr. Speaker, I cannot agree with the gentleman when he says that the bill has not received sufficient study. I think the members who are familiar with the work in this area know very well that this code has been studied exhaustively over a period of several years. More specifically, the material in this particular bill, I know for a fact in my county of York, has been worked on intensively for the last several months.

Now, Mr. Speaker, this bill has been amended to make it a "may" bill. There is no compulsion whatsoever on local municipalities or counties to use this method. It says they may use it. Mr. Speaker, this bill has indeed received sufficient study and I would ask that the members give those of us from counties that would like to be able to use this method at least the opportunity of voting on the merits of the bill.

I ask, therefore, that the membership oppose the motion to recommit.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Auker.

Mr. AUKER. Mr. Speaker, I rise to support this motion. Here is a bill of 70 pages reported out in the last days of this session. I am sincere in saying that I try to read as much as possible every bill on the calendar, but I have not had a chance to read this bill in these closing days. There may be things in here that would vitally affect local municipalities. There may be jokers in this bill for all I know. I honestly cannot support a bill of this size, receiving as little consideration as it is possible to give a bill of this size at this late hour.

I think it is legislation at its worst, to try to pass a bill of this size at this late hour when it could have so many possible repercussions on local municipalities.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Filo.

Mr. FILO. Mr. Speaker, I wish to express the same sentiments as the gentleman from Blair just expressed. I want to tell the members of the House that the boroughs' associations of second class townships is against this legislation. As Mr. Auker stated, this is a bill with many pages, 76, 77, 78 pages. There have been amendments made to it, and I do not think anybody in this House could explain the bill. Therefore, I second the motion to recommit the bill.

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Renwick.

Mr. RENWICK. Very briefly, I would like to answer the gentleman from York, Mr. Gailey. There is probably a number of people who have studied it, as he said, but I do not think the legislature or any members of the legislature, have studied it. Therefore, I ask you to recommit the bill.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Curwood.

Mr. CURWOOD. Mr. Speaker, I cannot stand here and say that I know too much about this bill, but in Luzerne County we have a board that has been working on these projects and I had a call yesterday to support this bill. I think while we fellows are out here maybe we do not know what is going on back home, but it is about time we find out what is going on back home. I object to the motion to recommit this bill.

Mr. A. W. JOHNSON. May we have a roll call, Mr. Speaker?

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. A. W. JOHNSON and RENWICK and were as follows:

YEAS—98

Adams,	Fulmer,	Lee, K. B.,	Seltzer,
Auker,	George,	Lippincott,	Slack,
Backenstoe,	Gibb,	Long, Wm. Jas.,	Snare,
Blair,	Goldstein, J. H.,	Long, Wm. Jos.,	Stank,
Bonner,	Goldstein, M. H.,	Manbeck,	Steckel,
Bower,	Goodrich,	Markley,	Stimmel,
Bowman,	Gramlich,	Marsh,	Thompson,
Buchanan,	Hamilton,	McCandless,	Tompkins,
Bush,	Haudenshield,	McDonald,	Trusio,
Cianfrani,	Heffner,	Merry,	Ujobai,
Cooley,	Helm,	Miller,	Varner,
Davis,	Henzel,	Munley,	Wall,
Dengler,	Hocker,	Murphy,	Walsh,
Dennison,	Holl,	Needham,	Wargo,
Donaldson,	Holliday,	O'Dell,	Wescott,
Edwards,	Horst,	O'Donnell, J. A.,	Whittaker,
Elvey,	Isaacs,	Ogilvie,	Willard,

Eshback,	Jim,	Piper,	Willaredt,
Eshleman,	Johnson, A. W.,	Polaski,	Williams, E. S.,
Ewing,	Johnson, R. P.,	Pursley,	Wilt,
Farabaugh,	Keiser,	Renwick,	Wood,
Fetterolf,	Kernaghan,	Rovansek,	Worley,
Filo,	Kessler,	Royer,	Wynd,
Foor,	Kornick,	Rutherford,	Zimmerman,
Fox,	Lee, A. M.,		

NAYS—97

Anderson, J. H.,	Gallagher,	Leonard,	Price,
Anderson, S. A.,	Gelfand,	Limper,	Reibman,
Arlene,	Gibbons,	Lutty,	Riley,
Bachman,	Gray,	Maxwell,	Rubin,
Boles,	Greenlee,	May,	Rudisill,
Bossert,	Gremminger,	McCann,	Scarcelli,
Branca,	Gross,	McCormack,	Schaaf,
Breth,	Guesman,	McDevitt,	Schuster,
Capano,	Hankins,	McKeever,	Shelton,
Capitolo,	Hartley,	Meholchick,	Sherman,
Cauley,	Heavey,	Mihm,	Shupnik,
Cioffi,	Holman,	Mills,	Simmons,
Clarke,	Irvis,	Monroe,	Stiteler,
Comer,	Jenkins,	Morley,	Stone,
Crossin,	Jones,	Mullen,	Sullivan, J. A.,
Curwood,	Kamyk,	Murray,	Sullivan, T. F.,
Dougherty,	Kelly,	Musto,	Taylor,
Doughten,	Kistler,	O'Donnell, J. P.,	Tomascik,
Eilberg,	Klein,	Parlante,	Verona,
Fineman,	Kooker,	Pashley,	Welsh,
Flynn,	Korns,	Perry,	Williams, A. D.,
Foerster,	Kramer,	Petrosky,	Yetter,
Frascella,	Lamb,	Polen,	Zember,
Fry,	Lawson,	Prendergast,	Andrews,
Gailey,			Speaker

NOT VOTING—15

Ashton,	King,	McLaughlin,	Sakulsky,
Down,	Knecht,	McNally,	Strausser,
Esler,	Magee,	Odorisio,	Weidner,
Guthrie,	McInroy,	Reidenbach,	

So the question was determined in the affirmative and the motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 661, entitled:

An Act amending the act of May 26, 1891 (P. L. 129), entitled "An act authorizing and empowering the court of common pleas of the several counties of this Commonwealth to change, alter and direct the mode of preparing and keeping indices in the several offices of record in said counties and for preparing, making and substituting new indices for old indices or parts thereof," providing for the granting of contracts for new indices.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—188

Adams,	Frascella,	Kooker,	Renwick,
Anderson, J. H.,	Fry,	Kornick,	Riley,
Anderson, S. A.,	Fulmer,	Korns,	Rovansek,
Arlene,	Gailey,	Lamb,	Royer,
Auker,	Gallagher,	Lawson,	Rubin,
Bachman,	Gelfand,	Lee, A. M.,	Rudisill,
Backenstoe,	George,	Lee, K. B.,	Rutherford,
Blair,	Gibb,	Leonard,	Sakulsky,
Boles,	Gibbons,	Limper,	Scarcelli,
Bonner,	Goldstein, J. H.,	Lippincott,	Schaaf,
Bossert,	Goldstein, M. H.,	Long, Wm. Jas.,	Schuster,
Bower,	Goodrich,	Long, Wm. Jos.,	Seltzer,
Bowman,	Gramlich,	Manbeck,	Shelton,
Branca,	Gray,	Markley,	Sherman,
Breth,	Greenlee,	Marsh,	Shupnik,
Buchanan,	Gremminger,	Maxwell,	Simmons,
Bush,	Gross,	McCandless,	Slack,
Capano,	Guesman,	McCann,	Snare,
Capitolo,	Guthrie,	McCormack,	Steckel,
Cauley,	Hamilton,	McDevitt,	Stimmel,
Cianfrani,	Hankins,	McKeever,	Stiteler,
Cioffi,	Hartley,	McLaughlin,	Stone,
Clarke,	Haudenshield,	McNally,	Sullivan, J. A.,
Comer,	Heavey,	Meholchick,	Sullivan, T. F.,
Cooley,	Heffner,	Merry,	Taylor,
Crossin,	Helm,	Mihm,	Thompson,
Curwood,	Henzel,	Miller,	Tomascik,
Davis,	Hocker,	Mills,	Tompkins,
Dengler,	Holl,	Monroe,	Ujobai,
Dennison,	Holliday,	Morley,	Varner,
Donaldson,	Holman,	Mullen,	Verona,
Dougherty,	Horst,	Munley,	Wall,
Doughten,	Irvis,	Murphy,	Walsh,
Edwards,	Isaacs,	Murray,	Wargo,
Eilberg,	Jenkins,	Needham,	Welsh,
Elvey,	Jim,	O'Dell,	Wescott,
Eshback,	Johnson, A. W.,	O'Donnell, J. P.,	Willard,
Eshleman,	Johnson, R. P.,	Ogilvie,	Willaredt,
Ewing,	Jones,	Parlante,	Williams, A. D.,
Farabaugh,	Kamyk,	Pashley,	Williams, E. S.,
Fetterolf,	Keiser,	Petrosky,	Wilt,
Filo,	Kelly,	Piper,	Wood,
Fineman,	Kernaghan,	Polaski,	Wynd,
Flynn,	Kessler,	Polen,	Yetter,
Foerster,	King,	Prendergast,	Zember,
Foor,	Kistler,	Price,	Zimmerman,
Fox,	Klein,	Pursley,	Andrews,
			Speaker

NAYS—5

McDonald,	Reibman,	Stank,	Worley,
O'Donnell, J. A.,			

NOT VOTING—17

Ashton,	Lutty,	Musto,	Strausser,
Down,	Magee,	Odorisio,	Trusio,
Esler,	May,	Perry,	Weidner,
Knecht,	McInroy,	Reidenbach,	Whittaker,
Kramer,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Mr. WHITTAKER. I would like to be recorded as voting "aye."

The SPEAKER. The remarks of the gentleman will be spread on the record.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 696, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," designating certain schools, senior high schools and junior high schools.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—188

Anderson, S. A.,	Gelfand,	Lee, K. B.,	Reidenbach,
Arlene,	George,	Leonard,	Renwick,
Auker,	Gibb,	Limper,	Riley,
Bachman	Gibbons,	Lippincott,	Rovansek,
Backenstoe,	Goldstein, J. H.,	Long, Wm. Jas.,	Royer,
Blair,	Goldstein, M. H.,	Long, Wm. Jos.,	Rubin,
Boles,	Goodrich,	Lutty,	Rudisill,
Bonner,	Gramlich,	Manbeck,	Rutherford,
Bossert,	Gray,	Markley,	Sakulsky,
Bower,	Greenlee,	Marsh,	Schaaf,
Bowman,	Gremminger,	Maxwell,	Schuster,

Breth,	Gross,	May,	Seltzer,
Buchanan,	Guesman,	McCandless,	Shelton,
Bush,	Guthrie,	McCann,	Sherman,
Capano,	Hamilton,	McCormack,	Shupnik,
Capitolo,	Hankins,	McDevitt,	Simmons,
Cauley,	Hartley,	McDonald	Slack,
Cianfrani,	Haudenshield,	McKeever,	Snare,
Cioffi,	Heavey,	McLaughlin,	Stank,
Clarke,	Heffner,	McNally,	Steckel,
Comer,	Helm,	Meholchick,	Stimmel,
Cooley,	Henzel,	Merry,	Stone,
Crossin,	Hocker,	Mihm,	Sullivan, J. A.,
Curwood,	Holl,	Miller,	Sullivan, T. F.,
Davis,	Holliday,	Mills,	Taylor,
Dengler,	Holman,	Monroe,	Thompson,
Dennison,	Horst,	Morley,	Tomascik,
Donaldson,	Irvis,	Mullen,	Ujobai,
Dougherty,	Isaacs,	Munley,	Varner,
Doughten,	Jenkins,	Murphy,	Verona,
Edwards,	Jim,	Murray,	Wall,
Eilberg,	Johnson, A. W.,	Musto,	Walsh,
Elvey,	Johnson, R. P.,	Needham,	Wargo,
Eshback,	Jones,	O'Dell,	Welsh,
Eshleman,	Kamyk,	O'Donnell, J. P.,	Wescott,
Ewing,	Kaiser,	Ogilvie,	Whittaker,
Farabaugh,	Kelly,	Parlante,	Willaredt,
Fetterolf,	Kernaghan,	Pashley,	Williams, A. D.,
Filo,	King,	Perry,	Williams, E. S.,
Fineman,	Kistler,	Petrosky,	Wilt,
Flynn,	Klein,	Piper,	Wood,
Foerster,	Kooker,	Polaski,	Worley,
Fox,	Kornick,	Polen,	Wynd,
Frascella,	Kramer,	Prendergast,	Yetter,
Fulmer,	Lamb,	Price,	Zember,
Gailey,	Lawson,	Pursley,	Zimmerman,
Gallagher,	Lee, A. M.,	Reibman,	Andrews, Speaker

NAYS—9

Adams,	Kessler,	O'Donnell, J. A.,	Tompkins,
Anderson, J. H.	Korns,	Stiteler,	Trusio,
Foor,			

NOT VOTING—13

Ashton,	Fry,	McInroy,	Strausser,
Branca,	Knecht,	Odoriaio,	Weidner,
Down,	Magee,	Scarcelli,	Willard,
Esler,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

BILL PASSED OVER

There being no objection

Senate bill No. 758, printer's No. 1251,

was passed over at the request of Mr. McCANN.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 787, entitled:

An Act providing for the acquisition by the Department of Forests and Waters of the Kinzua Bridge and certain adjoining grounds for a State park.

On the question,

Will the House agree to the bill on third reading?

MOTION TO RECOMMIT

Mr. ROVANSEK. Mr. Speaker, I move that Senate bill 787, printer's No. 943, be recommitted to the Committee on Rules for further study.

On the question,

Will the House agree to the motion?

Mr. A. W. JOHNSON. Mr. Speaker, I have been here for 16 years and I have striven to help my people of McKean County by reason of my being here. Today we passed a pork bill, the GSA bill, House bill 1335, with many new projects in it, and, as floor leader, I could have really upset the apple cart on that bill. All this bill does is authorize the Department of Forests and Waters, if in their opinion, they deem it advisable, to buy Kinzua Bridge in my county, one of the greatest tourist attractions in Pennsylvania. There is no money in the bill; I am asking every member in this House to vote down this motion to recommit.

MOTION WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Cambria.

Mr. ROVANSEK. Mr. Speaker, I withdraw my motion to recommit Senate bill 787.

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, I ask the membership to vote "aye" on Senate 787 in support of the statement made on the floor.

The SPEAKER. For what purpose does the gentleman from Erie, Mr. Schaaf, rise?

Mr. SCHAAF. In this brief period, Mr. Speaker, I just want to take the opportunity to tell the gentleman from McKean, Mr. Johnson, that we are going to use every effort possible to paint the minority caucus rooms for them in 1963, so they are no longer drab.

The SPEAKER. For what purpose does the gentleman from Cameron rise?

Mr. TOMPKINS. Mr. Speaker, in that connection, I think, perhaps, they will be painted for the benefit of the now majority in this House.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—196

Adams,	Fulmer,	Lawson,	Reibman,
Anderson, J. H.,	Gailey,	Lee, A. M.,	Renwick,
Anderson, S. A.,	Gallagher,	Lee, K. B.,	Riley,
Ariene,	Gelfand,	Leonard,	Rovansek,
Auker,	George,	Limper,	Royer,
Bachman,	Gibb,	Lippincott,	Rubin,
Backenstoe,	Gibbons,	Long, Wm. Jas.,	Rudisill,
Blair,	Goldstein, J. H.,	Long, Wm. Jos.,	Rutherford,
Boles,	Goldstein, M. H.,	Lutty,	Sakulsky,
Bonner,	Goodrich,	Manbeck,	Scarcelli,
Bossert,	Gramlich,	Markley,	Schaaf,
Bower,	Gray,	Marsh,	Schuster,
Bowman,	Greenlee,	Maxwell,	Seltzer,
Branca,	Gremminger,	May,	Shelton,
Breth,	Gross,	McCandless,	Sherman,
Buchanan,	Guesman,	McCann,	Shupnik,
Bush,	Guthrie,	McCormack,	Simmons,
Capano,	Hamilton,	McDevitt,	Slack,
Capitolo,	Hankins,	McDonald,	Snare,
Cauley,	Hartley,	McKeever,	Stank,
Cianfrani,	Haudenshield,	McLaughlin,	Steckel,
Cioffi,	Heavey,	McNally,	Stimmel,
Clarke,	Heffner,	Meholchick,	Stiteler,
Comer,	Helm,	Merry,	Stone,
Cooley,	Henzel,	Mihm,	Sullivan, J. A.,
Crossin,	Hocker,	Miller,	Sullivan, T. F.,
Curwood,	Holl,	Mills,	Taylor,
Davis,	Holliday,	Monroe,	Thompson,
Dengler,	Holman,	Morley,	Tomascik,
Dennison,	Irvis,	Mullen,	Tompkins,
Donaldson,	Isaacs,	Munley,	Trusio,
Dougherty,	Jenkins,	Murphy,	Ujobai,

Doughten,	Jim,	Murray,	Varner,
Edwards,	Johnson, A. W.,	Musto,	Verona,
Eilberg,	Johnson, R. P.,	Needham,	Wall,
Elvey,	Jones,	O'Dell,	Wargo,
Eshback,	Kamyk,	O'Donnell, J. A.,	Welsh,
Eshleman,	Keiser,	O'Donnell, J. P.,	Wescott,
Ewing,	Kelly,	Ogilvie,	Whittaker,
Farabaugh,	Kernaghan,	Parlante,	Williams, A. D.,
Fetterolf,	Kessler,	Pashley,	Williams, E. S.,
Filo,	King,	Perry,	Wilt,
Fineman,	Kistler,	Petrosky,	Wood,
Flynn,	Klein,	Piper,	Worley,
Foerster,	Kooker,	Polaski,	Wynd,
Foor,	Kornick,	Polen,	Yetter,
Fox,	Korns,	Prendergast,	Zember,
Frascella,	Kramer,	Price,	Zimmerman,
Fry,	Lamb,	Pursley,	Andrews, Speaker

NAYS—0

NOT VOTING—14

Ashton,	Knecht,	Reidenbach,	Weidner,
Down,	Magee,	Strausser,	Willard,
Esler,	McInroy,	Walsh,	Willaredt,
Horst,	Odorisio,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 910, entitled:

An Act authorizing the Commonwealth through the Department of Forests and Waters or other State agencies or instrumentalities or political subdivisions of the Commonwealth or other local public bodies separately or together to conduct surveys, make land use studies and to purchase or accept land for park and recreational purposes, conservation purposes, preservation of open space land and for historic and scenic purposes with the assistance of the Federal Government and to accept funds, personnel or other aid from the Federal Government or from other sources.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—192

Adams,	Gailey,	Lee, A. M.,	Riley,
Anderson, J. H.,	Gallagher,	Lee, K. B.,	Rovansek,
Anderson, S. A.,	Gelfand,	Leonard,	Royer,
Arlene,	George,	Limper,	Rubin,
Auker,	Gibb,	Lippincott,	Rudisill,
Bachman,	Gibbons,	Long, Wm. Jas.,	Rutherford,
Backenstoe,	Goldstein, J. H.,	Long, Wm. Jos.,	Sakulsky,
Blair,	Goldstein, M. H.,	Lutty,	Scarcelli,
Boies,	Goodrich,	Manbeck,	Schaaf,
Bonner,	Gramlich,	Markley,	Schuster,
Bossert,	Gray,	Marsh,	Seltzer,
Bower,	Greenlee,	Maxwell,	Shelton,
Bowman,	Gremminger,	May,	Sherman,
Branca,	Gross,	McCandless,	Shupnik,
Buchanan,	Guesman,	McCann,	Slack,
Bush,	Guthrie,	McCormack,	Snare,
Capano,	Hamilton,	McDevitt,	Stank,
Capitolo,	Hankins,	McKeever,	Steckel,
Cianfrani,	Hartley,	McLaughlin,	Stimmel,
Cioffi,	Heavey,	McNally,	Stitzler,
Clarke,	Heffner,	Meholchick,	Stone,
Comer,	Helm,	Merry,	Sullivan, J. A.,
Cooley,	Henzel,	Mihm,	Sullivan, T. F.,
Cauley,	Hocker,	Miller,	Taylor,
Crossin,	Holl,	Mills,	Thompson,
Curwood,	Holliday,	Monroe,	Tomascik,
Davis,	Holman,	Morley,	Tompkins,
Dengler,	Horst,	Mullen,	Trusio,
Dennison,	Irvis,	Munley,	Ujobai,
Donaldson,	Isaacs,	Murphy,	Varner,
Dougherty,	Jenkins,	Murray,	Verona,
Doughten,	Jim,	Musto,	Wall,
Edwards,	Johnson, A. W.,	Needham,	Walsh,
Eilberg,	Johnson, R. P.,	O'Dell,	Wargo,
Elvey,	Jones,	O'Donnell, J. P.,	Welsh,
Eshback,	Kamyk,	Ogilvie,	Wescott,
Eshleman,	Keiser,	Parlante,	Whittaker,
Ewing,	Kelly,	Pashley,	Willard,
Farabaugh,	Kernaghan,	Perry,	Willaredt,
Fetterolf,	Kessler,	Petrosky,	Williams, E. S.,
Filo,	King,	Piper,	Wilt,
Fineman,	Klein,	Polaski,	Wood,
Foerster,	Kooker,	Polen,	Worley,
Foor,	Kornick,	Prendergast,	Wynd,
Fox,	Korns,	Price,	Yetter,
Frascella,	Kramer,	Pursley,	Zember,
Fry,	Lamb,	Reibman,	Zimmerman,
Fulmer,	Lawson,	Reidenbach,	Andrews, Speaker

NAYS—2

O'Donnell, J. A.,	Renwick,

NOT VOTING—16

Ashton,	Flynn,	Magee,	Simmons,
Breth,	Haudenshield,	McDonald,	Strausser,
Down,	Kistler,	McInroy,	Weidner,
Esler,	Knecht,	Odorisio,	Williams, A. D.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 912, entitled:

An Act amending the act of November 21, 1959 (P. L. 1579), entitled "An act authorizing the Department of Property and Supplies with the approval of the Governor to acquire purchase or lease certain institutions for use by the Department of Public Welfare as youth development centers . . ." abolishing the Board of Trustees of The Youth Development Center at Canonsburg creating additional boards and further providing for the receiving into custody of certain minors.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—171

Anderson, S. A.,	Gibbons,	Leonard,	Rovansek,
Arlene,	Goldstein, J. H.,	Limper,	Royer,
Bachman,	Goldstein, M. H.,	Long, Wm. Jas.,	Rubin,
Backenstoe,	Goodrich,	Long, Wm. Jos.,	Rudisill,
Bonner,	Gramlich,	Lutty,	Rutherford,
Bossert,	Gray,	Markley,	Sakulsky,
Bower,	Greenlee,	Marsh,	Scarcelli,
Bowman,	Gremminger,	Maxwell,	Schaaf,
Branca,	Gross,	McCann,	Schuster,
Breth,	Guesman,	McCormack,	Seltzer,
Buchanan,	Hamilton,	McDevitt,	Shelton,
Bush,	Hankins,	McDonald,	Sherman,
Capano,	Hartley,	McKeever,	Shupnik,
Capitolo,	Haudenshield,	McLaughlin,	Simmons,
Cauley,	Heavey,	McNally,	Slack,

Cianfrani,	Heffner,	Meholchick,	Snare,
Cioffi,	Helm,	Mihm,	Stank,
Clarke,	Henzel,	Mills,	Steckel,
Comer,	Hocker,	Monroe,	Stimmel,
Cooley,	Holl,	Morley,	Stone,
Crossin,	Holman,	Mullen,	Sullivan, J. A.,
Curwood,	Horst,	Munley,	Sullivan, T. F.,
Davis,	Irvis,	Murphy,	Taylor,
Dengler,	Jenkins,	Murray,	Thompson,
Dennison,	Jim,	Musto,	Tomascik,
Donaldson,	Johnson, A. W.,	Needham,	Trusio,
Dougherty,	Johnson, R. P.,	O'Dell,	Ujobai,
Doughten,	Jones,	O'Donnell, J. A.,	Varner,
Edwards,	Kamyk,	O'Donnell, J. P.,	Verona,
Eilberg,	Keiser,	Ogilvie,	Wall,
Elvey,	Kelly,	Parlante,	Walsh,
Eshleman,	Kernaghan,	Pashley,	Wargo,
Ewing,	Kessler,	Perry,	Welsh,
Farabaugh,	King,	Petrosky,	Wescott,
Fineman,	Kistler,	Polaski,	Williams, A. D.,
Flynn,	Klein,	Polen,	Williams, E. S.,
Forester,	Kooker,	Prendergast,	Wilt,
Frascella,	Kornick,	Price,	Wood,
Fry,	Kramer,	Pursley,	Wynd,
Fulmer,	Lamb,	Reibman,	Yetter,
Gallagher,	Lawson,	Reidenbach,	Zember,
Gelfand,	Lee, A. M.,	Renwick,	Andrews,
Gibb,	Lee, K. B.,	Riley,	Speaker

NAYS—23

Adams,	Foor,	Manbeck,	Tompkins,
Anderson, J. H.,	Fox,	McCandless,	Whittaker,
Boles,	Holliday,	Merry,	Willaredt,
Eshback,	Isaacs,	Miller,	Worley,
Fetterolf,	Korns,	Piper,	Zimmerman,
Filo,	Lippincott,	Stiteler,	

NOT VOTING—16

Ashton,	Esler,	Knecht,	Odorisio,
Auker,	Galley,	Magee,	Strausser,
Blair,	George,	May,	Weidner,
Down,	Guthrie,	McInroy,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 913, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" abolishing the Board of Trustees of the Youth Development Center at Canonsburg and creating additional boards of trustees.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—157

Anderson, S. A.,	Gibbons,	Long, Wm. Jas.,	Riley,
Arlene,	Goldstein, J. H.,	Long, Wm. Jos.,	Rovansek,
Bachman,	Goldstein, M. H.,	Lutty,	Royer,
Backenstoe,	Goodrich,	Markley,	Rubin,
Blair,	Gramlich,	Maxwell,	Rudisill,
Bonner,	Gray,	May,	Rutherford,
Bossert,	Greenlee,	McCann,	Sakulsky,
Bower,	Gremminger,	McCormack,	Scarcelli,
Bowman,	Guesman,	McDevitt,	Schaaf,
Breth,	Guthrie,	McKeever,	Shelton,
Buchanan,	Hamilton,	McLaughlin,	Sherman,
Capano,	Hankins,	McNally,	Shupnik,
Cauley,	Hartley,	Meholchick,	Simmons,
Cianfrani,	Haudenshield,	Mihm,	Slack,
Cioffi,	Heavey,	Mills,	Snare,
Clarke,	Heffner,	Monroe,	Stank,
Comer,	Helm,	Morley,	Steckel,
Cooley,	Hocker,	Mullen,	Stimmel,
Crossin,	Holl,	Munley,	Stone,
Curwood,	Holman,	Murphy,	Sullivan, J. A.,
Davis,	Jenkins,	Murray,	Sullivan, T. F.,
Dennison,	Jim,	Musto,	Taylor,
Donaldson,	Johnson, A. W.,	Needham,	Thompson,
Dougherty,	Johnson, R. P.,	O'Dell,	Trusio,
Doughten,	Jones,	O'Donnell, J. A.,	Ujobai,
Eilberg,	Kamyk,	O'Donnell, J. P.,	Varner,
Elvey,	Keiser,	Ogilvie,	Verona,
Eshleman,	Kelly,	Parlante,	Walsh,
Ewing,	Kistler,	Pashley,	Wargo,
Farabaugh,	Klein,	Perry,	Welsh,
Fineman,	Kooker,	Petrosky,	Wescott,
Flynn,	Kornick,	Polaski,	Williams, A. D.,
Forester,	Kramer,	Polen,	Williams, E. S.,
Frascella,	Lamb,	Prendergast,	Wilt,
Fry,	Lawson,	Price,	Wood,
Fulmer,	Lee, A. M.,	Pursley,	Wynd,
Galley,	Lee, K. B.,	Reibman,	Yetter,
Gallagher,	Leonard,	Reidenbach,	Zember,
Gelfand,	Limper,	Renwick,	Andrews,
Gibb,			Speaker

NAYS—39

Adams,	Foor,	Korns,	Stiteler,
Anderson, J. H.,	Fox,	Lippincott,	Tomascik,
Auker,	George,	Manbeck,	Tompkins,
Boles,	Gross,	Marsh,	Wall,
Bush,	Henzel,	McCandless,	Whittaker,
Dengler,	Holliday,	Merry,	Willard,
Edwards,	Horst,	Miller,	Willaredt,
Eshback,	Isaacs,	Piper,	Worley,
Fetterolf,	Kernaghan,	Schuster,	Zimmerman,
Filo,	King,	Seltzer,	

NOT VOTING—14

Ashton,	Esler,	Magee,	Odorisio,
Branca,	Irvis,	McDonald,	Strausser,
Capitolo,	Kessler,	McInroy,	Weidner,
Down,	Knecht,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 928, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" changing the power and duties of the Department of Internal Affairs in relation to the minutes of the Canal Commissioner.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—189

Adams,	Gallagher,	Lee, A. M.,	Renwick,
Anderson, J. H.,	George,	Lee, K. B.,	Riley,
Anderson, S. A.,	Gibb,	Leonard,	Rovansek,
Arlene,	Gibbons,	Limper,	Royer,
Auker,	Goldstein, J. H.,	Lippincott,	Rubin,
Backenstoe,	Goldstein, M. H.,	Long, Wm. Jos.,	Rudisill,
Blair,	Goodrich,	Lutty,	Rutherford,
Boles,	Gramlich,	Manbeck,	Sakulsky,
Bonner,	Gray,	Markley,	Scarcelli,
Bossert,	Greenlee,	Marsh,	Schuster,
Bower,	Gremminger,	Maxwell,	Seltzer,
Bowman,	Gross,	May,	Shelton,
Branca,	Guesman,	McCandless,	Sherman,

Breth,	Guthrie,	McCann,	Shupnik,
Buchanan,	Hamilton,	McCormack,	Simmons,
Bush,	Hankins,	McDevitt,	Slack,
Capano,	Hartley,	McDonald,	Snare,
Cauley,	Haudenshield,	McKeever,	Stank,
Cianfrani,	Heavey,	McLaughlin,	Stimmel,
Cioffi,	Heffner,	McNally,	Stiteler,
Clarke,	Helm,	Meholchick,	Stone,
Comer,	Henzel,	Merry,	Sullivan, J. A.,
Cooley,	Hocker,	Mihm,	Sullivan, T. F.,
Crossin,	Holl,	Miller,	Thompson,
Curwood,	Holliday,	Mills,	Tomascik,
Davis,	Holman,	Monroe,	Tompkins,
Dengler,	Horst,	Morley,	Trusio,
Dennison,	Irvis,	Mullen,	Ujobai,
Donaldson,	Isaacs,	Munley,	Varner,
Dougherty,	Jim,	Murphy,	Verona,
Doughten,	Johnson, A. W.,	Murray,	Wall,
Edwards,	Johnson, R. P.,	Musto,	Walsh,
Eilberg,	Jones,	Needham,	Wargo,
Elvey,	Kamyk,	O'Dell,	Welsh,
Eshback,	Keiser,	O'Donnell, J. A.,	Wescott,
Eshleman,	Kelly,	O'Donnell, J. P.,	Whittaker,
Ewing,	Kernaghan,	Ogilvie,	Willard,
Fetterolf,	Kessler,	Parlante,	Willaredt,
Filo,	King,	Pashley,	Williams, A. D.,
Fineman,	Kistler,	Petrosky,	Williams, E. S.,
Flynn,	Klein,	Piper,	Wilt,
Forester,	Kooker,	Polaski,	Wood,
Foor,	Kornick,	Polen,	Wynd,
Fox,	Korns,	Prendergast,	Yetter,
Frascella,	Kramer,	Price,	Zember,
Fry,	Lamb,	Pursley,	Zimmerman,
Fulmer,	Lawson,	Reidenbach,	Andrews,
Gailey,			Speaker

NAYS—2

Schaaf,	Worley,

NOT VOTING—19

Ashton,	Farabaugh,	Magee,	Steckel,
Bachman,	Gelfand,	McInroy,	Strausser,
Capitolo,	Jenkins,	Odorisio,	Taylor,
Down,	Knecht,	Perry,	Weidner,
Esler,	Long, Wm. Jas.,	Reibman,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Mr. HELM IN THE CHAIR

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 934, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further providing for school nurse services and changing reimbursement provisions with respect thereto.

On the question,

Shall the bill pass finally?

AMENDMENTS WITHDRAWN

Mr. McCANN. So the record will show, I ask the consent of the House to withdraw the amendments and that the bill be voted upon in its present form under printer's No. 1262.

The SPEAKER pro tempore. The gentleman has withdrawn his amendments that had previously been offered to this bill.

On the question recurring.

Shall the bill pass finally?

The SPEAKER pro tempore. Does the gentleman from Washington, Mr. Capano, desire recognition? Does the gentleman desire to debate the bill? The Chair recognizes the gentleman from Washington, Mr. Capano.

Mr. CAPANO. I did intend to speak on this bill, however, since it is so late I would like to insert my remarks in the journal and ask that they be spread upon the record.

Mr. CAPANO filed the following statement for the record:

Mr. Speaker and members of the House:

I desire to give the members of the House a brief explanation of the purposes and intent of Senate bill No. 934.

The School Health Services Act had its beginnings during the administration of Governor Martin when a so-called "School Health Act" (1945, June 1, P. L. 1222) became law. There was concern at the time that health measures respecting children in the Commonwealth were inadequate, and this was showing up in persons who were physically defective for purposes of the draft. Of course, it was not contemplated that some children should have the indicated health checks and that others need not. So the act pointedly stated that it was applicable to "every child attending, or who should attend an elementary, grade, or high school, either public or private, within the Commonwealth." The definition of "children of school age" was therefore most carefully framed so as not to be restricted to public school children.

This policy for all children thus became the considered and enacted public policy of the Commonwealth. No constitutional issue was raised then. No constitutional question was raised when, in 1949, the act was revised, with the same definition "children of school age." No question of constitutionality was raised when, in 1957, the act in its present form was adopted.

Nursing services were included in the 1945 act. That act provided also that medical and dental services should be provided. The Department of Health was assigned to reimburse school districts for all services provided. This policy was continued in the 1949 act. The 1957 act did not change this. Section 2505 of the Public School Code has provided since 1949 that: "The reimbursement provided for by this Section shall be paid by the Department of Health out of any money appropriated to said department for administering the provisions of Article fourteen of this act." There is no basis for calling the funds in question "educational funds." They are public funds being used for a public purpose and being dispensed according to the following scheme: public funds go to the Department of Health; the Department of Health pays the school district; the school district (or joint school board) employs a "school nurse"; this nurse is assigned by the school district for the performance of health services to "children of school age" regardless of the school in which they are found.

Senator John H. Dent (now a United States Congressman) was one of the co-sponsors of the 1957 bill. He had stated that it was never the intention of the sponsors of this bill to exclude nursing services as far as parochial schools are concerned. The Jewish Community Relations Council of Greater Philadelphia has stated that S.640 (a similar bill) does not violate the principle of separation of church and state and it has unequivocally endorsed the measure. The American Civil Liberties Union, Greater Philadelphia Branch, has today announced that it finds no constitutional objection to H.1845 which is also a similar bill and that they endorse it.

Senate bill 934 is intended to correct a deficiency in

existing law so as to make it plain that school nursing services are to be provided to private, including parochial, school children. The term, "child of school age," as here employed is intended to embrace (1) public school children (2) private school children (3) parochial school children.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, this bill becomes effective on July 1, 1962. Yesterday I voted "no" on a number of bills that were effective on that date, by reason of the fact that you are merely piling upon the next session of the General Assembly a lot of money bills for which we have not provided the money in this session. I want the record to show that I am voting against this bill for that reason.

MOTION TO LAY ON TABLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Bowman.

Mr. BOWMAN. Mr. Speaker, I move that Senate bill No. 934, printer's number 1262, be laid upon the table.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. I ask the membership of the House to oppose the motion to lay Senate bill 934, printer's number 1262, upon the table.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. BOWMAN and BACKENSTOE and were as follows:

YEAS—57

Anderson, J. H.	Fulmer,	Kooker,	Simmons,
Blair,	George,	Korns,	Snare,
Bossert,	Gibb,	Marsh,	Stiteler,
Bower,	Goodrich,	May,	Tompkins,
Bowman,	Gramlich,	McCandless,	Varner,
Bush,	Gross,	McDonald	Wall,
Davis,	Haudenshield,	Merry,	Wescott,
Dennison,	Helm,	O'Dell,	Williams, A. D.,
Donaldson,	Henzel,	O'Donnell, J. A.,	Wilt,
Edwards,	Hocker,	Ogilvie,	Wood,
Eshback,	Holl,	Piper,	Worley,
Eshleman,	Holliday,	Price,	Wynd,
Ewing,	Holman,	Pursley,	Zember,
Foor,	Keiser,	Rutherford,	Zimmerman,
Fox,			

NAYS—135

Adams,	Gallagher,	Limper,	Renwick,
Anderson, S. A.,	Gelfand,	Lippincott,	Riley,
Arlene,	Gibbons,	Long, Wm. Jas.,	Rovansek,
Auker,	Goldstein, J. H.,	Long, Wm. Jos.,	Royer,
Bachman	Goldstein, M. H.,	Lutty,	Rubin,
Backenstoe,	Gray,	Maxwell,	Rudisill,
Boles,	Greenlee,	McCann,	Sakulsky,
Bonner,	Gremminger,	McCormack,	Scarcelli,
Branca,	Guesman,	McDevitt,	Schaaf,
Breth,	Hamilton,	McKeever,	Schuster,
Buchanan,	Hankins,	McLaughlin,	Shelton,
Capano,	Hartley,	McNally,	Sherman,
Capitolo,	Heavey,	Meholchick,	Shupnik,
Cauley,	Heffner,	Mihm,	Slack,
Cianfrani,	Irvis,	Miller,	Stank,
Cioffi,	Isaacs,	Mills,	Steckel,
Clarke,	Jenkins,	Monroe,	Stimmel,
Comer,	Jim,	Morley,	Stone,
Cooley,	Johnson, A. W.,	Mullen,	Sullivan, J. A.,
Crossin,	Johnson, R. P.,	Munley,	Sullivan, T. F.,
Curwood,	Jones,	Murphy,	Taylor,
Dengler,	Kamyk,	Murray,	Tomascik,
Dougherty,	Kelly,	Musto,	Trusio,
Doughten,	Kernaghan,	Needham,	Ujobai,
Eilberg,	Kessler,	O'Donnell, J. P.,	Verona,
Farabaugh,	Kistler,	Parlante,	Walsh,
Fetterolf,	Klein,	Pashley,	Wargo,
Filo,	Kornick,	Perry,	Welsh,
Fineman,	Kramer,	Petrosky,	Whittaker,
Flynn,	Lamb,	Polaski,	Willaredt,
Foerster,	Lawson,	Polen,	Williams, E. S.,
Frascella,	Lee, A. M.,	Prendergast,	Yetter,
Fry,	Lee, K. B.,	Reibman,	Andrews,
Galley,	Leonard,	Reidenbach,	Speaker

NOT VOTING—18

Ashton,	Horst,	Markley,	Strausser,
Down,	King,	McInroy,	Thompson,
Elvey,	Knecht,	Odorisio,	Weidner,
Esler,	Magee,	Seltzer,	Willard,
Guthrie,	Manbeck,		

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—152

Adams,	Galley,	Limper,	Reidenbach,
Anderson, S. A.,	Gallagher,	Lippincott,	Renwick,
Arlene,	Gelfand,	Long, Wm. Jas.,	Riley,
Auker,	Gibb,	Long, Wm. Jos.,	Rovansek,
Bachman,	Gibbons,	Lutty,	Rubin,
Backenstoe,	Goldstein, J. H.,	Markley,	Rudisill,
Blair,	Goldstein, M. H.,	Marsh,	Rutherford,
Boles,	Gray,	Maxwell,	Sakulsky,
Bonner,	Greenlee,	McCann,	Scarcelli,
Bossert,	Gremminger,	McCormack,	Schaaf,
Bower,	Guesman,	McDevitt,	Schuster,
Branca,	Hamilton,	McKeever,	Shelton,
Breth,	Hankins,	McLaughlin,	Sherman,
Buchanan,	Hartley,	McNally,	Shupnik,
Capano,	Haudenshield,	Meholchick,	Simmons,
Capitolo,	Heavey,	Mihm,	Slack,
Cauley,	Heffner,	Miller,	Stank,
Cianfrani,	Helm,	Mills,	Steckel,
Cioffi,	Holliday,	Monroe,	Stimmel,
Clarke,	Irvis,	Morley,	Stone,
Comer,	Isaacs,	Mullen,	Sullivan, J. A.,
Cooley,	Jenkins,	Munley,	Sullivan, T. F.,
Crossin,	Jim,	Murphy,	Taylor,
Curwood,	Johnson, A. W.,	Murray,	Thompson,
Dengler,	Johnson, R. P.,	Musto,	Tomascik,
Donaldson,	Jones,	Needham,	Ujobai,
Dougherty,	Kamyk,	O'Dell,	Verona,
Doughten,	Kelly,	O'Donnell, J. A.,	Walsh,
Eilberg,	Kernaghan,	O'Donnell, J. P.,	Wargo,
Eshback,	Kessler,	Parlante,	Welsh,
Farabaugh,	Klein,	Pashley,	Whittaker,
Fetterolf,	Kornick,	Perry,	Williams, E. S.,
Filo,	Kramer,	Petrosky,	Wilt,
Flynn,	Lamb,	Piper,	Worley,
Forester,	Lawson,	Polaski,	Wynd,
Frascella,	Lee, A. M.,	Polen,	Yetter,
Fry,	Lee, K. B.,	Prendergast,	Zember,
Fulmer,	Leonard,	Reibman,	Andrews,
			Speaker

NAYS—42

Anderson, J. H.,	George,	Kooker,	Stiteler,
Bowman,	Goodrich,	Korns,	Tompkins,
Bush,	Gramlich,	Manbeck,	Trusio,
Davis,	Gross,	May,	Varner,
Dennison,	Henzel,	McCandless,	Wall,
Edwards,	Hocker,	Merry,	Wescott,
Elvey,	Holl,	Ogilvie,	Willaredt,
Eshleman,	Holman,	Price,	Williams, A. D.,
Ewing,	Horst,	Pursley,	Wood,
Foor,	Keiser,	Snare,	Zimmerman,
Fox,	Kistler,		

NOT VOTING—16

Ashton,	Guthrie,	McDonald,	Seltzer,
Down,	King,	McInroy,	Strausser,

Esler,	Knecht,	Odorisio,	Weidner,
Fineman,	Magee,	Royer,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 448, entitled:

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code," authorizing other than separate confinement in county penal institutions and requiring the approval of plans by the Department of Justice in certain cases.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. Does the gentleman from Delaware, Mr. Gremminger, desire to be recognized?

Mr. GREMMINGER. I rise in support of Senate bill 448 and ask both sides of the House to vote for this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—191

Anderson, J. H.,	Fulmer,	Lawson,	Renwick,
Anderson, S. A.,	Gallagher,	Lee, A. M.,	Riley,
Arlene,	George,	Lee, K. B.,	Rovansek,
Auker,	Gibb,	Leonard,	Rubin,
Bachman,	Gibbons,	Limper,	Rudisill,
Backenstoe,	Goldstein, J. H.,	Lippincott,	Rutherford,
Blair,	Goldstein, M. H.,	Long, Wm. Jos.,	Sakulsky,
Boles,	Goodrich,	Lutty,	Scarcelli,
Bonner,	Gramlich,	Markley,	Schaaf,
Bossert,	Gray,	Marsh,	Schuster,
Bower,	Greenlee,	Maxwell,	Seltzer,
Bowman,	Gremminger,	May,	Shelton,
Branca,	Gross,	McCandless,	Sherman,
Breth,	Guesman,	McCann,	Shupnik,
Buchanan,	Guthrie,	McCormack,	Simmons,
Bush,	Hamilton,	McDevitt,	Slack,
Capano,	Hankins,	McDonald,	Snare,
Capitolo,	Hartley,	McKeever,	Steckel,
Cauley,	Haudenshield,	McLaughlin,	Stimmel,
Cianfrani,	Heavey,	McNally,	Stiteler,
Cioffi,	Heffner,	Meholchick,	Stone,
Clarke,	Helm,	Merry,	Sullivan, J. A.,
Comer,	Henzel,	Mihm,	Sullivan, T. F.,
Cooley,	Hocker,	Miller,	Taylor,
Crossin,	Holl,	Mills,	Thompson,
Curwood,	Holliday,	Monroe,	Tomascik,
Davis,	Holman,	Morley,	Tompkins,
Dengler,	Horst,	Mullen,	Ujobai,
Dennison,	Irvis,	Munley,	Varner,
Donaldson,	Isaacs,	Murphy,	Verona,
Dougherty,	Jenkins,	Murray,	Wall,
Doughten,	Jim,	Musto,	Walsh,
Edwards,	Johnson, A. W.,	Needham,	Wargo,
Eilberg,	Johnson, R. P.,	O'Dell,	Welsh,
Elvey,	Jones,	O'Donnell, J. P.,	Whittaker,
Eshbach,	Kamyk,	Ogilvie,	Willard,
Eshleman,	Keiser,	Parlante,	Willaredt,
Ewing,	Kelly,	Pashley,	Williams, A. D.,
Farabaugh,	Kernaghan,	Perry,	Williams, E. S.,
Fetterolf,	Kessler,	Petrosky,	Wilt,
Filo,	King,	Piper,	Wood,
Fineman,	Kistler,	Polaski,	Worley,
Flynn,	Klein,	Polen,	Wynd,
Forester,	Kooker,	Prendergast,	Yetter,
Foor,	Kornick,	Price,	Zember,
Fox,	Korns,	Pursley,	Zimmerman,
Frascella,	Kramer,	Reibman,	Andrews,
Fry,	Lamb,	Reidenbach,	Speaker

NAYS—5

Adams,	Manbeck,	O'Donnell, J. A.,	Trusio,
Gelfand,			

NOT VOTING—14

Ashton,	Knecht,	Odorisio,	Strausser,
Down,	Long, Wm. Jas.,	Royer,	Weidner,
Esler,	Magee,	Stank,	Wescott,
Galley,	McInroy,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 20, entitled:

An Act establishing a separate orphans' court in and for the County of Bucks.

On the question,

Will the House agree to the bill on third reading?

Mrs. KOOKER asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Sec. 7, page 3, lines 10 to 14, by striking out all of said lines.

Amend Sec. 8, page 3, line 15, by striking out "8" and inserting: 7

Amend Sec. 8, page 3, line 15, by striking out "November 1 1961" and inserting: January 30, 1963.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

Mrs. KOOKER. Mr. Speaker, I would like to ask for a roll call on these amendments.

The SPEAKER pro tempore. Does the lady desire to explain the amendments?

Mrs. KOOKER. The amendments simply change the effective date of the bill from 1961 to 1963.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, I ask the membership to vote "no" to the amendments offered by the lady to Senate bill No. 20, changing the effective date of this proposed legislation.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mrs. KOOKER and Mr. BACKENSTOE and were as follows:

YEAS—92

Adams,	George,	King,	Simmons,
Anderson, J. H.,	Gibb,	Kistler,	Slack,
Auker,	Gibbons,	Kooker,	Snare,
Backenstoe,	Goldstein, J. H.,	Korns,	Steckel,
Blair,	Goldstein, M. H.,	Lee, A. M.,	Stimmel,

Bossert,	Goodrich,	Lee, K. B.,	Stiteler,
Bower,	Gramlich,	Lippincott,	Thompson,
Bowman,	Gross,	Markley,	Tompkins,
Buchanan,	Haudenshield,	Marsh,	Trusio,
Bush,	Heffner,	May,	Ujobai,
Davis,	Helm,	McCandless,	Varner,
Dengler,	Henzel,	McDonald,	Wall,
Dennison,	Hocker,	Merry,	Wescott,
Donaldson,	Holl,	Miller,	Whittaker,
Edwards,	Holliday,	O'Dell,	Willaredt,
Elvey,	Holman,	O'Donnell, J. A.,	Williams, A. D.,
Eshback,	Horst,	Ogilvie,	Williams, E. S.,
Eshleman,	Isaacs,	Piper,	Wilt,
Ewing,	Johnson, A. W.,	Price,	Wood,
Fetterolf,	Johnson, R. P.,	Pursley,	Worley,
Foor,	Keiser,	Royer,	Wynd,
Fox,	Kernaghan,	Rutherford,	Zember,
Fulmer,	Kessler,	Seltzer,	Zimmerman,

NAYS—103

Anderson, S. A.,	Gailey,	Lutty,	Prendergast,
Arlene,	Gallagher,	Maxwell,	Reibman,
Bachman,	Gelfand,	McCann,	Reidenbach,
Boles,	Gray,	McCormack,	Renwick,
Bonner,	Greenlee,	McDevitt,	Riley,
Branca,	Gremminger,	McKeever,	Rovansek,
Breth,	Guesman,	McLaughlin,	Rubin,
Capano,	Hamilton,	McNally,	Rudisill,
Capitolo,	Hankins,	Meholchick,	Sakulsky,
Cauley,	Hartley,	Mihm,	Scarcelli,
Cianfrani,	Heavey,	Mills,	Schaaf,
Cioffi,	Irvis,	Monroe,	Schuster,
Clarke,	Jenkins,	Morley,	Shelton,
Comer,	Jim,	Mullen,	Sherman,
Cooley,	Jones,	Munley,	Shupnik,
Crossin,	Kamyk,	Murphy,	Stone,
Curwood,	Kelly,	Murray,	Sullivan, J. A.,
Dougherty,	Klein,	Musto,	Sullivan, T. F.,
Doughten,	Kornick,	Needham,	Taylor,
Eilberg,	Kramer,	O'Donnell, J. P.,	Tomascik,
Filo,	Lamb,	Parlante,	Verona,
Fineman,	Lawson,	Pashley,	Wargo,
Flynn,	Leonard,	Perry,	Welsh,
Foerster,	Limper,	Petrosky,	Yetter,
Frascella,	Long, Wm. Jas.,	Polaski,	Andrews,
Fry,	Long, Wm. Jos.,	Polen,	Speaker

NOT VOTING—15

Ashton,	Guthrie,	McInroy,	Walsh,
Down,	Knecht,	Odorisio,	Weidner,
Esler,	Magee,	Stank,	Willard,
Farabaugh,	Manbeck,	Strausser,	

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, we do not desire to vote the bill at this time.

The SPEAKER pro tempore. The Chair will entertain a motion to postpone action on the bill.

Mr. McCANN. The agreement was that we would vote the amendments offered to the bill at this time, so that if the amendments were adopted, the bill could be printed. Otherwise, it is ready for a vote and we will not vote the bill now.

BILL PASSED OVER

The SPEAKER pro tempore. Without objection, the bill will be passed over temporarily.

FORMER SPEAKER WELCOMED

The SPEAKER pro tempore. The Chair notes the presence in the hall of the House of a former Speaker of the House, the former Lieutenant-Governor, the gentleman from Greene, Mr. Roy E. Furman. We are glad to have you with us.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 919, entitled:

A Joint Resolution proposing an amendment to article nine section four of the Constitution of the Commonwealth of Pennsylvania providing for and regulating Commonwealth debt for capital improvements and certain other purposes and prohibiting debts and obligations inconsistent therewith.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, this bill is one of the recommendations of the Constitutional Revision Commission of 1958. The bill was principally the product of suggestions made by our advisors at that time, David Baldwin and David Kurtzman. This was an objective report prepared at that time, and it is designed to abolish authorities in the State of Pennsylvania that have their obligations taken over by general obligation bonds of the Commonwealth, and to forbid that type of financing, forbid authority financing, General State Authority financing, in the future and to get a better debt control in the State of Pennsylvania.

This bill was embodied in House bill 993 of this session and we had a discharge resolution on it to get the bill out of committee.

Mr. Speaker, I happened to be one of the sponsors of this House resolution on this very same subject, and this bill, being a duplicate of that, I am asking the members of this House to support this bill in the interest of good fiscal management of the Commonwealth of Pennsylvania.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—193

Adams,	Gailey,	Lawson,	Riley,
Anderson, J. H.,	Gallagher,	Lee, A. M.,	Rovansek,
Anderson, S. A.,	Gelfand,	Lee, K. B.,	Royer,
Arlene,	George,	Leonard,	Rubin,
Auker,	Gibb,	Limper,	Rudisill,
Bachman,	Gibbons,	Lippincott,	Rutherford,
Backenstoe,	Goldstein, J. H.,	Long, Wm. Jas.,	Sakulsky,
Blair,	Goldstein, M. H.,	Long, Wm. Jos.,	Scarcelli,
Boles,	Goodrich,	Lutty,	Schaaf,
Bonner,	Gramlich,	Manbeck,	Schuster,
Bossert,	Gray,	Markley,	Seltzer,
Bower,	Greenlee,	Marsh,	Shelton,
Bowman,	Gremminger,	Maxwell,	Sherman,
Branca,	Guesman,	May,	Shupnik,
Breth,	Guthrie,	McCann,	Simmons,
Buchanan,	Hamilton,	McCormack,	Slack,
Bush,	Hankins,	McDevitt,	Snare,
Capano,	Hartley,	McDonald,	Stank,
Capitolo,	Haudenshield,	McKeever,	Steckel,
Cauley,	Heavey,	McLaughlin,	Stimmel,
Cianfrani,	Heffner,	McNally,	Stiteler,
Cioffi,	Helm,	Meholchick,	Stone,
Clarke,	Henzel,	Merry,	Sullivan, J. A.,
Comer,	Hocker,	Mihm,	Sullivan, T. F.,
Cooley,	Holl,	Miller,	Taylor,

Crossin,	Holliday,	Mills,	Thompson,
Curwood,	Holman,	Monroe,	Tomascik,
Davis,	Horst,	Morley,	Tompkins,
Dengler,	Irvis,	Mullen,	Trusio,
Dennison,	Isaacs,	Munley,	Ujobai,
Donaldson,	Jenkins,	Murphy,	Varner,
Dougherty,	Jim,	Murray,	Verona,
Doughten,	Johnson, A. W.,	Musto,	Wall,
Edwards,	Johnson, R. P.,	Needham,	Walsh,
Eilberg,	Jones,	O'Dell,	Wargo,
Elvey,	Kamyk,	Ogilvie,	Welsh,
Eshback,	Keiser,	Parlante,	Wescott,
Eshleman,	Kelly,	Pashley,	Whittaker,
Ewing,	Kernaghan,	Perry,	Willard,
Farabaugh,	Kessler,	Petrosky,	Willaredt,
Fetterolf,	King,	Piper,	Williams, A. D.,
Filo,	Kistler,	Polaski,	Williams, E. S.,
Fineman,	Klein,	Polen,	Wilt,
Flynn,	Kooker,	Prendergast,	Wood,
Foerster,	Kornick,	Price,	Wynd,
Foor,	Korns,	Pursley,	Yetter,
Fox,	Kramer,	Reidenbach,	Zember,
Frascella,	Lamb,	Renwick,	Zimmerman,
Fry,			

NAYS—6

Gross,	O'Donnell, J. A.,	Worley,	Andrews,
McCandless,	O'Donnell, J. P.,		Speaker

NOT VOTING—11

Ashton,	Fulmer,	McInroy,	Strausser,
Down,	Knecht,	Odorisio,	Weidner,
Esler,	Magee,	Reibman,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 815, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further regulating the establishment and operation of audio-visual libraries and instructional materials centers.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—183

Adams,	Gallagher,	Lippincott,	Royer,
Anderson, J. H.,	Gelfand,	Long, Wm. Jas.,	Rubin,
Anderson, S. A.,	George,	Long, Wm. Jos.,	Rudisill,
Arlene,	Gibb,	Lutty,	Rutherford,
Auker,	Gibbons,	Markley,	Scarcelli,
Bachman,	Goldstein, J. H.,	Marsh,	Schaaf,
Backenstoe,	Goldstein, M. H.,	Maxwell,	Schuster,
Blair,	Gray,	May,	Seltzer,
Boles,	Greenlee,	McCandless,	Shelton,
Bonner,	Gremminger,	McCann,	Sherman,
Bower,	Guesman,	McCormack,	Shupnik,
Bowman,	Guthrie,	McDevitt,	Simmons,
Branca,	Hamilton,	McKeever,	Slack,
Buchanan,	Hankins,	McLaughlin,	Snare,
Bush,	Hartley,	McNally,	Stank,
Capano,	Haudenshield,	Meholchick,	Steckel,
Capitolo,	Heavey,	Merry,	Stimmel,
Cauley,	Heffner,	Mihm,	Stiteler,
Cianfrani,	Helm,	Miller,	Stone,
Cioffi,	Hocker,	Mills,	Sullivan, J. A.,
Clarke,	Holliday,	Monroe,	Sullivan, T. F.,
Comer,	Holman,	Morley,	Taylor,
Cooley,	Horst,	Mullen,	Thompson,
Crossin,	Irvis,	Munley,	Tomascik,
Curwood,	Isaacs,	Murphy,	Tompkins,
Davis,	Jenkins,	Murray,	Trusio,
Dengler,	Jim,	Musto,	Ujobai,
Dennison,	Johnson, A. W.,	Needham,	Varner,
Donaldson,	Johnson, R. P.,	O'Dell,	Verona,
Doughten,	Jones,	O'Donnell, J. P.,	Wall,
Edwards,	Kamyk,	Ogilvie,	Walsh,
Eilberg,	Keiser,	Parlante,	Wargo,
Elvey,	Kelly,	Pashley,	Wescott,
Eshleman,	Kernaghan,	Perry,	Whittaker,
Ewing,	Kessler,	Petrosky,	Willard,
Farabaugh,	King,	Piper,	Williams, A. D.,
Filo,	Kistler,	Polaski,	Williams, E. S.,
Fineman,	Klein,	Polen,	Wilt,
Flynn,	Kooker,	Prendergast,	Wood,
Forester,	Kornick,	Price,	Worley,
Foor,	Kramer,	Pursley,	Wynd,
Fox,	Lamb,	Reibman,	Yetter,
Frascella,	Lawson,	Reidenbach,	Zember,
Fry,	Lee, A. M.,	Renwick,	Zimmerman,
Fulmer,	Leonard,	Riley,	Andrews,
Gailey,	Limper,	Rovansek,	Speaker

NAYS—14

Bossert,	Gramlich,	Korns,	McDonald,
Eshback,	Gross,	Lee, K. B.,	O'Donnell, J. A.,
Fetterolf,	Henzel,	Manbeck,	Willaredt,
Goodrich,	Holl,		

NOT VOTING—13

Ashton,	Esler,	McInroy,	Strausser,
Breth,	Knecht,	Odorisio,	Weidner,
Dougherty,	Magee,	Sakulsky,	Welsh,
Down,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 920, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further regulating the election and term of office of school directors when districts are formed into union or merged districts.

And said bill having been read at length the third time, considered and agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—173

Adams,	Gibb,	Leonard,	Royer,
Anderson, S. A.,	Gibbons,	Limper,	Rubin,
Arlene,	Goldstein, J. H.,	Long, Wm. Jas.,	Rudisill,
Bachman	Goldstein, M. H.,	Long, Wm. Jos.,	Rutherford,
Backenstoe,	Goodrich,	Lutty,	Sakulsky,
Blair,	Gramlich,	Manbeck,	Scarcelli,
Boles,	Gray,	Markley,	Schaaf,
Bonner,	Greenlee,	Marsh,	Schuster,
Bossert,	Gremminger,	Maxwell,	Shelton,
Bower,	Guesman,	May,	Sherman,
Bowman,	Guthrie,	McCandless,	Shupnik,
Branca,	Hamilton,	McCann,	Simmons,
Buchanan,	Hankins,	McCormack,	Slack,
Bush,	Hartley,	McDevitt,	Snare,
Capano,	Haudenshield,	McKeever,	Stank,
Capitolo,	Heavey,	McLaughlin,	Steckel,
Cauley,	Heffner,	McNally,	Stimmel,
Cianfrani,	Helm,	Meholchick,	Stone,

Cioffi,	Henzel,	Merry,	Sullivan, J. A.,
Clarke,	Holl,	Mihm,	Sullivan, T. F.,
Comer,	Holliday,	Mills,	Taylor,
Cooley,	Holman,	Monroe,	Thompson,
Crossin,	Horst,	Morley,	Tomascik,
Curwood,	Irvis,	Mullen,	Tompkins,
Davis,	Jenkins,	Munley,	Trusio,
Dengler,	Jim,	Murray,	Ujobai,
Donaldson,	Johnson, A. W.,	Musto,	Varner,
Dougherty,	Johnson, R. P.,	Needham,	Verona,
Doughten,	Jones,	O'Dell,	Wall,
Eilberg,	Kamyk,	O'Donnell, J. P.,	Walsh,
Elvey,	Keiser,	Ogilvie,	Wargo,
Eshleman,	Kelly,	Parlante,	Welsh,
Ewing,	Kernaghan,	Pashley,	Whittaker,
Fetterolf,	King,	Perry,	Willaredt,
Filo,	Kistler,	Petrosky,	Williams, A. D.,
Fineman,	Klein,	Piper,	Williams, E. S.,
Flynn,	Kooker,	Polaski,	Wilt,
Foerster,	Kornick,	Polen,	Wood,
Frascella,	Kramer,	Prendergast,	Wynd,
Fry,	Lamb,	Reibman,	Yetter,
Fulmer,	Lawson,	Reidenbach,	Zember,
Gailey,	Lee, A. M.,	Riley,	Zimmerman,
Gallagher,	Lee, K. B.,	Rovansek,	Andrews,
Gelfand,			Speaker

NAYS—23

Anderson, J. H.	Foor,	Korns,	Pursley,
Auker,	Fox,	Lippincott,	Renwick,
Dennison,	Gross,	Miller,	Stiteler,
Edwards,	Hocker,	Murphy,	Wescott,
Eshback,	Isaacs,	O'Donnell, J. A.,	Worley,
Farabaugh,	Kessler,	Price,	

NOT VOTING—14

Ashton,	George,	McInroy,	Strausser,
Breth,	Knecht,	Odorisio,	Weidner,
Down,	Magee,	Seltzer,	Willard,
Esler,	McDonald		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 931, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" imposing powers and duties on the General Assembly relative to the allocation of space in the State Capitol Building.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—198

Adams,	Gailey,	Lee, K. B.,	Riley,
Anderson, J. H.,	Gallagher,	Leonard,	Rovansek,
Anderson, S. A.,	Gelfand,	Limper,	Royer,
Arlene,	George,	Lippincott,	Rubin,
Auker,	Gibb,	Long, Wm. Jas.,	Rudisill,
Bachman,	Gibbons,	Long, Wm. Jos.,	Rutherford,
Backenstoe,	Goldstein, J. H.,	Lutty,	Sakulsky,
Blair,	Goldstein, M. H.,	Manbeck,	Scarcelli,
Boles,	Goodrich,	Markley,	Schaaf,
Bonner,	Gramlich,	Marsh,	Schuster,
Bossert,	Gray,	Maxwell,	Shelton,
Bower,	Greenlee,	May,	Sherman,
Bowman,	Gremminger,	McCandless,	Shupnik,
Branca,	Gross,	McCann,	Simmons,
Breth,	Guesman,	McCormack,	Slack,
Buchanan,	Guthrie,	McDevitt,	Snare,
Bush,	Hamilton,	McDonald,	Stank,
Capano,	Hankins,	McKeever,	Steckel,
Capitolo,	Hartley,	McLaughlin,	Stimmel,
Cauley,	Haudenshield,	McNally,	Stiteler,
Cianfrani,	Heavey,	Meholchick,	Stone,
Cioffi,	Heffner,	Merry,	Sullivan, J. A.,
Clarke,	Helm,	Mihm,	Sullivan, T. F.,
Comer,	Hocker,	Miller,	Taylor,
Cooley,	Holl,	Mills,	Thompson,
Crossin,	Holliday,	Monroe,	Tomascik,
Curwood,	Holman,	Morley,	Tompkins,
Davis,	Horst,	Mullen,	Trusio,
Dengler,	Irvis,	Munley,	Ujobai,
Dennison,	Isaacs,	Murphy,	Varner,
Donaldson,	Jenkins,	Murray,	Verona,
Dougherty,	Jim,	Musto,	Wall,
Doughten,	Johnson, A. W.,	Needham,	Walsh,
Edwards,	Johnson, R. P.,	O'Dell,	Wargo,
Eilberg,	Jones,	O'Donnell, J. A.,	Welsh,
Elvey,	Kamyk,	O'Donnell, J. P.,	Wescott,
Eshback,	Keiser,	Ogilvie,	Whittaker,
Eshleman,	Kelly,	Parlante,	Willard,
Ewing,	Kernaghan,	Perry,	Willaredt,
Farabaugh,	Kessler,	Petrosky,	Williams, A. D.,
Fetterolf,	King,	Piper,	Williams, E. S.,
Filo,	Kistler,	Polaski,	Wilt,
Fineman,	Klein,	Polen,	Wood,
Flynn,	Kooker,	Prendergast,	Worley,
Foerster,	Korns,	Price,	Wynd,
Foor,	Kornick,	Pursley,	Yetter,
Fox,	Kramer,	Reibman,	Zember,
Frascella,	Lamb,	Reidenbach,	Zimmerman,
Fry,	Lawson,	Renwick,	Andrews,
Fulmer,	Lee, A. M.,		Speaker

NAYS—0

NOT VOTING—12

Ashton,	Henzel,	McInroy,	Seltzer,
Down,	Knecht,	Odorisio,	Strausser,
Esler,	Magee,	Pashley,	Weidner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 195.

An Act providing for group life insurance for State employes establishing a schedule providing for payment, providing for reduction of insurance upon retirement, authorizing the Secretary of Property and Supplies to act as exclusive agent for the purpose of contracting for insurance and providing for administration and advisory services by the Department of Property and Supplies.

SENATE BILL No. 373.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," changing certain salaries and work loads, prescribing general extension education areas, decreasing the number of names needed for free extension education, raising the deposit fee and providing for a tuition fee in certain instances, deleting provisions relating to free evening schools, providing for payments on account of approved vocational extension classes and making an appropriation.

SENATE BILL No. 716.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," clarifying and changing provisions relating to social studies curriculum.

SENATE BILL No. 916.

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code," authorizing counties to make appropriations and to enter into contracts for improvement of transportation operations and facilities and to accept gifts grants and federal loans in connection therewith.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, for the information of the membership, we, of course, have a good many bills that are not yet in print at this hour, and it is now four o'clock in the morning. It is going to be recommended at this point, and I hope Mr. Ominsky can give us some information on this, that if we recess until 10 a.m. we will have all the bills and concurrence reports here in position to be voted on.

The SPEAKER pro tempore. The Chair would like to inform the respective floor leaders, as well as the members, that I have had a report from the chief clerk and at 10 o'clock we will have a calendar for today and all bills will be in print.

For what purpose does the gentleman rise?

Mr. GELFAND. Mr. Speaker, I object to this recess.

The SPEAKER pro tempore. We have not declared a recess, or even attempted to declare one, up until the present time.

Mr. GELFAND. I am hearing rumors that we are intending to recess at four o'clock until 10 the next morning. If my ears belied me, I will apoligize, but it occurs to me that I just heard the Acting Speaker make a statement to that effect. If such a recess is being requested, I am now rising to object to it, because we do have bills available upon which we can work and I would like to work on those bills.

The SPEAKER pro tempore. The Chair did not announce that we are going to have a recess. The Chair merely made an announcement that the bills will be in print by 10 o'clock. I might add, the Chair hopes that we will take a recess.

Mr. McCANN. Mr. Speaker, I mentioned that we would ask for a recess because the bills are not here in print. I asked when, in the opinion of the chief clerk, they would be able to deliver all the bills. Certainly there is work. We have been jammed up in the printing trying to get this done at this point, and I am not trying to delay any more than the next person in completing the work. Therefore, I will, at the proper time, when I am informed, be most pleased to ask for a recess so that the members may have an opportunity to sleep for a couple hours.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Gelfand.

Mr. GELFAND. If the time does come that we do not have any bills on our desk upon which we can work, maybe I will withdraw any objection, but at this time I believe we do have some bills available upon which we can work. If I have the tenor of this House and if I can feel the pulse of things, I think there are many of us who would rather sit here and work through and have it over with.

Mr. McCANN. Mr. Speaker, I have to ask for a recess until the printer catches up. Certainly, there are bills that can be debated. I am sure the gentleman has reference to a bill I passed over temporarily, and there are one or two other bills. But I have to, in trying to work this out, ask for the recess for a period until 10 a.m.

MOTION TO RECESS

Mr. A. W. JOHNSON. Mr. Speaker, I move that we have a recess until 10 a.m.

THE SPEAKER (Hiram G. Andrews) IN THE CHAIR

The SPEAKER. The Chair will take the sense of the House.

The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, the understanding was, on our side, that we would recess from the hours of 4 a.m. to 10 a.m. this morning. I therefore move that this House recess until 10 a.m., d.s.t., this morning.

Mr McCANN. Mr. Speaker, that was the understanding with the printer on the delivery of the bills and I hope everything can be delivered by then.

The SPEAKER. We can either have a voice vote or a roll call vote.

The motion is to recess until 10 a.m. this morning.

For what purpose does the gentleman from Philadelphia, Mr. McCormack, rise?

Mr. McCORMACK. Mr. Speaker, is this a motion to recess until 10 o'clock?

The SPEAKER. That is right.

Mr. McCORMACK. Mr. Speaker, I would like to have eight hours sleep, so I would like to move that we recess until 12.

On the question,

Will the House agree to the motion?

It was agreed to.

RECESS

The SPEAKER. Without objection, the Chair declares a recess until 10 a.m., d.s.t.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

SENATE MESSAGE

AMENDED SENATE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bills numbered and entitled as follows:

SENATE BILL No. 666.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" increasing the membership of the Real Estate Commission and prescribing qualifications for the additional member.

SENATE BILL No. 730.

An Act amending the act of June 1, 1956 (P. L. 1959), entitled "An act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned

in the law certain state officers and the salary and expenses of the members of the General Assembly and repealing certain inconsistent acts" increasing the salaries of judges of courts of common pleas orphans' courts County Court and Juvenile Court of Allegheny County and Municipal Court of Philadelphia.

SENATE BILL No. 731.

An Act making an appropriation to Western Pennsylvania School for Blind Children in Pittsburgh and crediting said appropriation to the indebtedness of said school to the Commonwealth of Pennsylvania.

SENATE BILL No. 732.

An Act making an appropriation to Western Pennsylvania School for the Deaf in Edgewood Pittsburgh and crediting said appropriation to the indebtedness of said school to Commonwealth of Pennsylvania.

SENATE BILL No. 733.

An Act making an appropriation to The Pennsylvania School for the Deaf in Philadelphia and crediting said appropriation to the indebtedness of said school to the Commonwealth of Pennsylvania.

SENATE BILL No. 805.

An Act amending the act of May 20, 1937 (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth . . ." changing the compensation of members providing for the appointment of an excutive secretary and other employes changing the limitations on the filing of claims increasing the powers of the board further providing for rules of procedure before the board providing for appeals and making an appropriation.

SENATE BILL No. 884.

An Act amending the act of June 1, 1956 (P. L. 1997), entitled "An act relating to comic books magazines and other publications prohibiting and regulating the sale thereof in certain instances and imposing penalties" defining the word "obscene."

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 67

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 67.

An Act to protect the public safety by regulating the mining of anthracite coal prescribing duties for certain municipal officers and imposing penalties.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 775

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 775.

An Act making appropriations to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University for the School of Medicine and for the School of Veterinary Medicine.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 781

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 781.

An Act making an appropriation to the Philadelphia College of Osteopathy Philadelphia Pennsylvania.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 785

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 785.

An Act making an appropriation to the Berean Manual Training School at Philadelphia Pennsylvania.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 787

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 787.

An Act making an appropriation to the National Agricultural College at Doylestown Pennsylvania.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 869

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 869.

An Act amending "The Mental Health Act of 1951" approved June 12, 1951 (P. L. 533), regulating voluntary admission of minors to institutions and further regulating emergency commitments.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1277

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of

Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 1277.

An Act amending the "Local Tax Enabling Law" approved June 25, 1947 (P. L. 1145), limiting the taxation of mobilehomes and house trailers and abolishing the use and occupancy tax on mobilehomes and house trailers.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1335

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 1335.

An Act amending "The General State Authority Act of one thousand nine hundred forty-nine" approved March 31, 1949 (P. L. 372), increasing the powers and the borrowing capacity of the Authority and allocating the proceeds of such increased borrowing capacity.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 610.

An Act amending the "Public School Employes' Retirement Code of 1959" approved June 1, 1959 (P. L. 350), providing a death benefit after ten years of service or an accumulation of withdrawal credits in certain cases.

HOUSE BILL No. 1224.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing for the payments by the Commonwealth for certain equipment used for the instruction of handicapped children.

HOUSE BILL No. 1513.

An Act amending "The Realty Transfer Tax Act" approved December 27, 1951 (P. L. 1742), fixing minimum compensation for recorders of deeds acting as agents for the sale of stamps.

HOUSE BILL No. 1560.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), redefining year to mean academic year in reference to State scholarships.

HOUSE BILL No. 1678.

An Act amending the act of June 22, 1935 (P. L. 414), entitled as amended "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills * * *" providing that certain corporations doing business with professional school employes shall not be subject to the provisions of the act.

HOUSE BILL No. 1796.

An Act amending the act of July 7, 1955 (P. L. 258), entitled "An act providing for anthracite mine drainage contingent on Federal aid and making an appropriation" removing certain restrictions.

HOUSE BILL No. 1802.

An Act amending the "Business Corporation Law" approved May 5, 1933 (P. L. 364), further providing for the payment of dividends.

HOUSE BILL No. 1816.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), enlarging the functions of the State colleges and providing for certain duties for the Board of Presidents of State Colleges and for the Department of Public Instruction and changing provisions relating to tuition board and fees.

HOUSE BILL No. 1824.

An Act making an appropriation to the Department of Property and Supplies for the publication of the History and Roster of the Tenth Pennsylvania Volunteer Infantry.

HOUSE BILL No. 1849.

An Act amending "The First Class City Permanent Registration Act" approved March 30, 1937 (P. L. 115), providing for the registration of physically disabled persons.

HOUSE BILL No. 1850.

An Act amending "The Permanent Registration Act for Cities of the Second Class Cities of the Second Class A Cities of the Third Class Boroughs Towns and Townships" approved April 29, 1937 (P. L. 487), providing for the registration of physically disabled persons.

HOUSE BILL No. 1854.

An Act amending "The Military Code of 1949" approved May 27, 1949 (P. L. 1903), providing for the extension of the terms of service of enlisted personnel in the Pennsylvania National Guard.

With the information that the Senate has passed the same without amendment.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 814, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for educational broadcasting and authorizing agreements relating thereto.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—189

Adams,	Fulmer,	Lee, K. B.,	Renwick,
Anderson, J. H.,	Gallagher,	Leonard,	Riley,
Anderson, S. A.,	Gelfand,	Limper,	Rovansek,
Arlene,	George,	Lippincott,	Royer,
Auker,	Gibbons,	Long, Wm. Jas.,	Rubin,
Bachman,	Goldstein, J. H.,	Long, Wm. Jos.,	Rudisill,
Backenstoe,	Goldstein, M. H.,	Lutty,	Rutherford,
Blair,	Goodrich,	Manbeck,	Sakulsky,
Bonner,	Gramlich,	Markley,	Scarcelli,
Bossert,	Gray,	Marsh,	Schaaf,
Bower,	Greenlee,	Maxwell,	Seltzer,
Bowman,	Gremminger,	May,	Shelton,
Branca,	Guesman,	McCandless,	Sherman,
Breth,	Guthrie,	McCann,	Shupnik,
Buchanan,	Hamilton,	McCormack,	Simmons,
Bush,	Hankins,	McDevitt,	Slack,

Capano,	Hartley,	McDonald,	Snare,
Capitolo,	Heavey,	McKeever,	Stank,
Cauley,	Heffner,	McLaughlin,	Steckel,
Cianfrani,	Helm,	McNally,	Stimmel,
Cioffi,	Henzel,	Meholchick,	Stiteler,
Clarke,	Hocker,	Merry,	Stone,
Comer,	Holl,	Mihm,	Sullivan, J. A.,
Cooley,	Holliday,	Miller,	Sullivan, T. F.,
Crossin,	Holman,	Mills,	Taylor,
Curwood,	Horst,	Monroe,	Thompson,
Davis,	Irvis,	Morley,	Tomascik,
Dennison,	Isaacs,	Mullen,	Tompkins,
Donaldson,	Jenkins,	Munley,	Ujobai,
Dengler,	Jim,	Murphy,	Varner,
Dougherty,	Johnson, A. W.,	Murray,	Verona,
Doughten,	Johnson, R. P.,	Musto,	Wall,
Edwards,	Jones,	Needham,	Wargo,
Eilberg,	Kamyk,	O'Dell,	Welsh,
Elvey,	Keiser,	Ogilvie,	Wescott,
Eshback,	Kelly,	Parlante,	Whittaker,
Eshleman,	Kernaghan,	Pashley,	Willaredt,
Ewing,	Kessler,	Perry,	Williams, A. D.,
Farabaugh,	Kistler,	Petrosky,	Williams, E. S.,
Fetterolf,	Klein,	Piper,	Wilt,
Filo,	Kooker,	Polaski,	Wood,
Fineman,	Korns,	Polen,	Worley,
Flynn,	Kornick,	Prendergast,	Wynd,
Foerster,	Kramer,	Price,	Yetter,
Foor,	Lamb,	Pursley,	Zember,
Fox,	Lawson,	Reibman,	Zimmerman,
Frascella,	Lee, A. M.,	Reidenbach,	Andrews,
Fry,			Speaker

NAYS—4

Galley,	Gross,	O'Donnell, J. A.,	Walsh,

NOT VOTING—17

Ashton,	Haudenshield,	McInroy,	Strausser,
Boles,	King,	O'Donnell, J. P.,	Trusio,
Down,	Knecht,	Odorisio,	Weidner,
Esler,	Magee,	Schuster,	Willard,
Gibb,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 639, entitled:

An Act limiting the liability of landowners of agricultural lands or woodlands for personal injuries suffered by any persons while hunting or fishing upon or who has entered for his own purposes on the landowner's property.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Adams.

Mr. ADAMS. Mr. Speaker, I would just like to know who the people are who are opposed to this bill. I see we have a few.

I want to speak in behalf of this bill. This is a bill that is highly beneficial to both the farmer who owns the land and also to the sportsman, and that includes the hunter and the fisherman who uses the land for his own purposes.

This bill is very necessary in order to keep the farm lands open for the hunters and the fishermen, and, unless we have legislation of this sort, we are going to find that very shortly there will be no place to hunt or fish any more.

I respectively urge all the members to vote "aye" on this bill for the benefit of the farmer and the hunter and the fisherman.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Fineman.

Mr. FINEMAN. Mr. Speaker, some weeks ago in one of your editions of "Dispelling the Fog"—

The SPEAKER. Are we going to go through that again?

Mr. FINEMAN. Happy day, the end is in sight!

In one of your editions of "Dispelling the Fog," Mr. Speaker, the edition dated July 24, 1961, you had this one sentence in there which set forth the purpose of Senate bill 639. You stated, "The ostensible purpose of Senate bill 639 is to say to the world, including all of the allegedly dumb hick farmers, that land owners should be responsible for the injuries sustained by persons who trespass"—who trespass—I repeat that word because that is the key word in this sentence, "who trespass upon his land for the purpose of hunting and fishing thereon."

Mr. Speaker, I say to you, and I realize full well that assertions to the contrary notwithstanding, you are not a learned member of the Bar and perhaps you are not as familiar with case law on this subject as some of the attorneys in the House might be. But if this be the purpose of Senate bill 639, then Senate bill 639 is absolutely unnecessary because the law of negligence in this Commonwealth today as to trespassers is, as a general proposition, that a landowner owes absolutely no liability, no obligation, no responsibility whatsoever to anyone who trespasses on his ground, other than to refrain from wantonly and intentionally inflicting harm on anyone who might come on his ground.

For instance, he does not have to search his ground to look for latent defects, and even if he were to find a negligent condition on his ground he would not have to repair it. Even if he found a negligent condition on his ground he would not have to post a sign saying beware of this dangerous condition. He has absolutely no responsibility whatsoever except for certain stated conditions which are not germane to the argument at the moment, to anyone who trespasses on his ground, hunter or fisherman.

I might say that I am sympathetic with what is sought to be accomplished here, but this is not the way to do it because of the confusion that will ensue. A hunter or a fisherman who comes on another's ground, without that person's permission, comes there at his own peril. Even if he were to come with the owner's permission, so that in effect he became a licensee and not a trespasser, even if the negligent condition were one that he might reasonably expect to anticipate, one that was visible and obvious to the eye as distinguished from one that was latent or one that connot be readily discovered; even in that circumstance, the landowner has no responsibility whatsoever to that trespasser.

I say to you, in addition to the fact that there is no need for this legislation and that it interrupts, confuses, difuses and does everything harmful to existing case laws, I say that in addition to this, the bill is discriminatory, Mr. Speaker, and not constitutional in that it constitutes class legislation. You say that this bill should be passed because we should give an exemption to the farmer from any claims for liability as a result of an injury sustained by a person who hunts or fishes on his ground. Mr.

Speaker, I ask, why should that be so? Why should the person who allows children to come on his ground to play, why should he be held responsible if that person is injured in the course of the play? Do we not also want to promote and encourage competition and competitive sports with children, healthy activities, recreation? Do we not want to encourage these? Is not our purpose just as fine and noble in that instance as it is in the purpose of encouraging hunting and fishing? Yet, there is no exemption in favor of property owners who allow children to come on their ground. To that extent this bill is discriminatory. It is not only discriminatory, but poorly worded, poorly written, and will lead to a great deal of confusion.

Let me point these things out to you: This bill states in section 1, ladies and gentlemen, that no landowner—landowner—of agricultural lands or woodlands shall be liable, etcetera. Now, I say too, if the purpose, the purport, the intent, of this bill is to encourage hunting and fishing, why have we limited the exemption to landowners? What about the farm land that is rented or leased to a sole tenant, a tenant farmer, who runs the farm? Under this bill the tenant farmer is going to be held responsible if someone comes across his ground and is hurt during the course of hunting or fishing. The landowner cannot be sued, but of course he could not be sued anyway since he is an absentee owner and he has vested complete control and jurisdiction in the tenant, and the tenant having sole control and possession of such premises would be the person responsible under existing law. Yet, this bill does not give that tenant any exemption. Why the differential, if, as I say, the purpose of the bill is to allegedly encourage hunting and fishing?

Mr. Speaker, it just it not a wise thing to do, to legislate exemption from liability by class; it just cannot be done. This bill would cause untold confusion. Let me just cite a couple of examples.

This bill says that anyone who suffers injuries while he is hunting or fishing has no claim against the landowner. Now, what does this mean? Does it mean that he actually has to be in the act of hunting or in the act of fishing? Suppose I come on someone's ground with a rifle in my hand, and, instead of going to my destination, which is a certain part of the woodland where I know there are pheasants to be hunted, I detour and I go through the owners' property with the idea in mind of saying to him, "Look, if you will let me on your ground, I will split the kill with you. Whatever I kill I will give you 50 percent of it." Now, suppose while I am on the way to the owner's home, I am not hunting; I am not fishing; I am injured by a negligent condition. Do I have a course of action? I would like some lawyer to give me an answer to that question. I do not expect an answer from a layman, and I do not expect a concrete intelligent answer from a lawyer because there is no answer to that thing and there will not be until the proposition is tested in court. The reason there is no answer is because of the fact that the law states there are three classes of persons in regard to the degree of negligence that must be exhibited by a landowner, one being a trespasser, one being a licensee, and one being a business invitee. At the moment I detour from my destination, I no longer am either a trespasser or a licensee; I am a business invitee, so the degree of care that must be shown to me by that landowner is greater than it would be if I were merely a licensee or merely a trespasser.

Now another question: It says, "while hunting or fising." Suppose somebody is along on a hunting party mérely to observe. Many times when I am on a golf course, someone will come along to observe. I asume that must be true in hunting and fishing expeditions too, that people who come along, not to actively participate in the sport, but to observe. Now suppose those persons are injured. Is there a claim against the landowner? I do not know the answer to that question. I am sure no attorney in here can give you a firm answer to that question.

Now, one final point. I said before that a landowner owes no liability, no obligation whatsoever, to a trespasser. A trespasser, again ladies and gentlemen, is one who comes on another's property without right, without cover of privilege or license. But even as to a trespasser, there are certain exceptions as to the degree of care that the landowner must exhibit. For instance, he cannot set a trap for a person. He could not wall up his property and imbed on the top of the wall, pieces of glass; he could not maintain a wild animal on his property knowing that if someone comes that wild animal will attack that person. This is logical, common sense exception in the law of negligence in trespassing, yet in this bill you are giving carte blanc to anybody who comes on the property and is injured. You are saying that they have absolutely no course of action whatsoever; no claim no matter what the circumstances.

Ladies and gentlemen, I have but briefly touched on the ramifications of the problems that are posed by legislation of this sort. I think you can verily agree with me. I think if you will look at the problem objectively and not so affirmatively merely because someone says to you, "Look, the Grange wants this; the hunters want this." We cannot always give the people what they want in the way of legislation, if in fact the legislation is bad. The people of this State do not want taxes, but they get taxes because that is the burden. We cannot always do what we want; we cannot always be receptive to the demands of our constituents. I say to you that it is not ground enough, not basic enough, to vote for this bill merely because you have been asked to do so by the sportsmen or the hunters, when the bill is, in essence, so basically bad.

The SPEAKER. The Chair knows no law. We just make them so lawyers will have the groundwork upon which to make a living.

For what purpose does the gentleman from Cambria, Mr. Farabaugh, rise? I would charge him that he will not get anywhere by crossing swords with the esteemed barrister who has just delivered a talk that could well be given before a Supreme Court session.

Mr. FARABAUGH. Mr. Speaker, I have no intention of going into any lengthy debate. I think I could correct several of the statements that were made here. I would like the privilege of citing one instance as an example and it is a short one. If I could have that privilege, I assure you it would only take a very short time.

Right now in the courts a case is going on where a couple of young farmers have run into terrific expense because of the needful expense of a man in the dairy business. There is a case going on in court, where, by permission, a youngster came on that land, by permission of the owner, and had a serious accident. The owner of

that land has been sued for $75,000 damage. The point is this: before the attorneys and the courts are through with this, it is going to cost that farmer so much money that he is going to lose everything he has. Is there any justice in this? All this bill does is give a little protection to the farmer in the case of people coming on his land without his consent. It does not cover this case, but I say this is just one example of what can happen, and this is just a little bit of a safeguard.

Mr. FINEMAN. Mr. Speaker, briefly in reply, first, I want to point out to the members of the House that in the story related by the gentleman from Cambria, Mr. Farabaugh, this did not involve hunting and fishing. If he meant to imply that a farmer or landowner should be exempted from all kinds of claims that may be brought against him, then I say to you we might as well throw up our hands. Why the farmers? Why not all businessmen who may be going out of business by a suit brought against them?

I will tell you what the very simple answer to this problem is and why we should not entertain a bill of this kind. The answer is insurance. The cost for unimproved acereage is one cent and one mill per front foot for $10,000 worth of coverage for a farmer to buy. What prudent businessman, and I assume farmers are businessmen, leaves himself without insurance coverage?

If you were to pass this bill, this is the effect: The farmer feels free from any claims; therefore, if he had been prudent enough to take insurance, he is going to drop it. Then what happens if someone who comes on his property, not for hunting or fishing, but let us say a salesman, a business invitee, someone who might come to sell him a threshing machine, and he is hurt? Should he not have coverage? Should he not have protection just like we say about any businessman, just like we say about any motorist—if they cause injury to anybody they should be good enough to have insurance to make sure that the injured party is put in a position where he can, in some measure, be restored to his status quo.

Mr. LIPPINCOTT. Mr. Speaker, I know this bill is going to pass without any difficulty, but I would like to say that everything the learned gentleman from Philadelphia has stated is correct.

The SPEAKER. The Chair again wants to pay tribute to the presentation made by the gentleman from Philadelphia. The Chair knows no law, but I again say that that address could well have been made and would have received substantial recognition if made before a session of the Supreme Court of this State.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—125

Adams,	Fulmer,	Long, Wm. Jas.,	Seltzer,
Anderson, J. H.,	George,	Long, Wm. Jos.,	Shupnik,
Auker,	Goldstein, J. H.,	Manbeck,	Simmons,
Bachman,	Goodrich,	Markley,	Slack,
Backenstoe,	Gramlich,	Marsh,	Snare,
Blair,	Gross,	Maxwell,	Stank,
Boies,	Guthrie,	McCandless,	Steckel,
Bonner,	Hamilton,	McDevitt,	Stimmel,
Bossert,	Heavey,	McDonald,	Stiteler,
Bower,	Heffner,	McNally,	Sullivan, J. A.,
Breth,	Helm,	Meholchick,	Taylor,
Buchanan,	Henzel,	Merry,	Thompson,
Bush,	Hocker,	Miller,	Tompkins,
Capano,	Holl,	Mills,	Ujobai,
Cianfrani,	Holliday,	Munley,	Varner,
Comer,	Holman,	Murphy,	Wall,
Cooley,	Horst,	Murray,	Wargo,
Curwood,	Isaacs,	Musto,	Welsh,
Davis,	Jenkins,	Needham,	Wescott,
Dengler,	Jim,	O'Dell,	Whittaker,
Dennison,	Johnson, A. W.,	O'Donnell, J. A.,	Willaredt,
Donaldson,	Johnson, R. P.,	Ogilvie,	Williams, A. D.,
Edwards,	Keiser,	Petrosky,	Williams, E. S.,
Elvey,	Kernaghan,	Piper,	Wilt,
Eshback,	Kessler,	Polen,	Wood,
Eshleman,	Kistler,	Price,	Worley,
Ewing,	Kooker,	Pursley,	Wynd,
Farabaugh,	Kornick,	Renwick,	Yetter,
Filo,	Korns,	Rovansek,	Zember,
Flynn,	Lee, K. B.,	Royer,	Zimmerman,
Foor,	Leonard,	Sakulsky,	Andrews,
Fox,			Speaker

NAYS—65

Anderson, S. A.,	Gailey,	Kramer,	Pashley,
Arlene,	Gallagher,	Lamb,	Perry,
Bowman,	Gelfand,	Lawson,	Polaski,
Branca,	Gibbons,	Lee, A. M.,	Prendergast,
Capitolo,	Goldstein, M. H.,	Limper,	Reibman,
Cauley,	Gray,	Lippincott,	Reidenbach,
Cioffi,	Greenlee,	Lutty,	Riley,
Clarke,	Gremminger,	McCann,	Rubin,
Crossin,	Guesman,	McCormack,	Rudisill,
Dougherty,	Hankins,	McKeever,	Scarcelli,
Doughten,	Hartley,	Mihm,	Schaaf,
Eilberg,	Irvis,	Monroe,	Shelton,
Fetterolf,	Jones,	Morley,	Sherman,
Fineman,	Kamyk,	Mullen,	Stone,
Foerster,	Kelly,	O'Donnell, J. P.,	Sullivan, T. F.,
Frascella,	Klein,	Parlante,	Verona,
			Walsh,

NOT VOTING—20

Ashton,	Haudenshield,	McInroy,	Strausser,
Down,	King,	McLaughlin,	Tomascik,
Esler,	Knecht,	Odorisio,	Trusio,
Fry,	Magee,	Rutherford,	Weidner,
Gibb,	May,	Schuster,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 932, entitled:

An Act amending the act of December 22, 1959 (P. L. 1978), entitled "State Harness Racing Law" changing the commission to an independent administrative commission permitting corporations organized to hold race meetings to have a perpetual duration permitting the renewal of licenses and authorizing elections to determine if a racing plant is to be located within the county once every four years.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—109

Anderson, S. A.,	Gailey,	Leonard,	Petrosky,
Arlene,	Gallagher,	Limper,	Polaski,
Blair,	Gelfand,	Lippincott,	Prendergast,
Boies,	Gibbons,	Long, Wm. Jas.,	Reidenbach,
Bonner,	Gray,	Long, Wm. Jos.,	Renwick,
Bower,	Greenlee,	Lutty,	Riley,
Branca,	Gremminger,	McCann,	Rovansek,
Capano,	Guesman,	McCormack,	Rubin,

Capitolo,	Hamilton,	McDevitt,	Sakulsky,
Cauley,	Hankins,	McKeever,	Scarcelli,
Cianfrani,	Hartley,	McLaughlin,	Schaaf,
Cioffi,	Heavey,	McNally,	Shelton,
Clarke,	Irvis,	Meholchick,	Sherman,
Comer,	Isaacs,	Mihm,	Shupnik,
Cooley,	Jenkins,	Monroe,	Stone,
Crossin,	Jim,	Morley,	Sullivan, J. A.,
Curwood,	Jones,	Mullen,	Sullivan, T. F.,
Dengler,	Kamyk,	Munley,	Taylor,
Dennison,	Kelly,	Murphy,	Varner,
Dougherty,	Kernaghan,	Murray,	Verona,
Doughten,	Kessler,	Musto,	Walsh,
Ellberg,	Klein,	Needham,	Wargo,
Farabaugh,	Kooker,	O'Dell,	Welsh,
Filo,	Kornick,	O'Donnell, J. P.,	Williams, A. D.,
Fineman,	Kramer,	Parlante,	Yetter,
Flynn,	Lamb,	Pashley,	Zember,
Frascella,	Lawson,	Perry,	Andrews, Speaker

NAYS—81

Adams,	George,	Lee, A. M.,	Seltzer,
Anderson, J. H.,	Goldstein, J. H.,	Lee, K. B.,	Simmons,
Auker,	Goldstein, M. H.,	Manbeck,	Slack,
Backenstoe,	Goodrich,	Markley,	Snare,
Bossert,	Gramlich,	Marsh,	Stank,
Bowman,	Gross,	Maxwell,	Steckel,
Breth,	Guthrie,	McCandless,	Stimmel,
Buchanan,	Heffner,	McDonald,	Stiteler,
Bush,	Helm,	Merry,	Thompson,
Davis,	Henzel,	Miller,	Tompkins,
Donaldson,	Hocker,	Mills,	Ujobai,
Edwards,	Holl,	O'Donnell, J. A.,	Wall,
Elvey,	Holliday,	Ogilvie,	Wescott,
Eshback,	Holman,	Piper,	Whittaker,
Eshleman,	Horst,	Polen,	Willaredt,
Ewing,	Johnson, A. W.,	Price,	Williams, E. S.,
Fetterolf,	Johnson, R. P.,	Pursley,	Wilt,
Foerster,	Keiser,	Reibman,	Wood,
Foor,	Kistler,	Royer,	Worley,
Fox,	Korns,	Rutherford,	Wynd,
Fulmer,			Zimmerman,

NOT VOTING—20

Ashton,	Gibb,	May,	Strausser,
Bachman,	Haudenshield,	McInroy,	Tomascik,
Down,	King,	Odorisio,	Truslo,
Esler,	Knecht,	Rudisill,	Weidner,
Fry,	Magee,	Schuster,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

REASONS FOR VOTE

Mr. WALSH submitted the following reasons for his vote:

Senate bill No. 932, printer's No. 1299, proposes to amend "The State Harness Racing Law."

These amendments are corrective in nature and are intended to remedy certain inequities in the xisting law.

Under the present law only one (1) election or referendum may be held in any county. This means that if a county has voted against locating a track within the county it may never vote on this again.

This appears to be wholly undemocratic since it permits one generation to bind forever all future generations, notwithstanding that their desires might be totally different.

This proposed amendment would permit subsequent referendums, providing that no more than one (1) referendum would be held in any four-year period.

These amendments, therefore, will permit future generations to vote again on the question should their views differ from those who have already cast their vote.

Under the present law any track holding a license must apply every year for a new license. There is no provision for a renewal under the present law as there is in other license laws. This means that a track which has expended as much as twelve million or twenty million dollars must apply every year for a license as if it had not constructed such a track.

This unfair procedure was pointed out by Chief Justice Bell of the Supreme Court of Pennsylvania, in a recent decision involving the Harness Racing Commission. The Supreme Court in that case expressly recommended that the Legislature amend this procedure to provide for renewal of licenses.

Accordingly this proposed amendment would permit an existing track to apply for renewal of an existing license. That application, however, is still subject to the approval of the Commission and is not merely automatic. Under the present law a corporation may have a life term not to exceed fifty years. This proposed amendment would permit the corporation to exist perpetually.

This is in keeping with modern corporation practices and in no way does it affect the license.

Finally, under the present law, the Commission is a departmental commission under the Department of Agriculture. This proposed amendment would make the commission an independent agency. There is no logical reason for maintaining the commission in the Department of Agriculture, since there is no relationship between the two agencies. Under the proposed amendment the commission is still bound by the Administrative Code of 1929 with regard to salaries and employes since this provision expressly exists in the law.

So, too, the present commission membership is not changed by the provisions of the proposed amendments.

This proposed bill does not in any manner extend existing law substantially. It is merely intended to correct existing inequities, and, for that reason, I am supporting this bill.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 345, entitled:

An Act regulating sewage disposal systems in the interest of preserving the health of the people of the Commonwealth requiring permits to be issued to persons installing sewage disposal systems imposing certain duties on the Department of Health and on municipalities and providing penalties.

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, this Senate bill No. 345 failed previously here because of many phases of the bill that the membership, particularly on our side, did not quite agree with. They did not like the tremendous power that would be vested down here in Harrisburg with respect to sewage disposal systems. When we caucused last night we were not able to tell the caucus just what the amendment did. The amendment that was put in the bill did not improve the bill with respect to the arguments that this side had against the bill. Therefore, I am just reporting to our membership that this is practically the same bill they voted on before.

The SPEAKER. The chair recognizes the gentleman from Westmoreland, Mr. Maxwell.

Mr. MAXWELL. Mr. Speaker, very briefly, I have to correct the statement that the minority leader made. This bill was not voted on before. This bill was recommitted to committee. Amendments were inserted into it; amendments that were asked for by the farm groups and by the townships. This is a good bill. This legislation is very badly needed in our State. This is not only a protection

for people who build good homes, but is is also protection for the general health and welfare of the people. If we do not pass this bill this session, the conditions that are at stake are rapidly growing worse each day and, if you do not pass this bill, you will find out that at the next session of this legislature, every civic minded group in this State will be up here pressuring you to either pass this bill or a much more stringent bill than this. This bill hurts no one and it helps everybody. I wish you would vote "yes." Thank you.

Mr. HOCKER. Mr. Speaker, as far as I am concerned, nothing has been done to this bill to make it better. When a bill that we pass here in the legislature says that the department shall make the rules and regulations and the municipalities shall carry them out, to me that is hogwash. I sat in on a hearing with Dr. Wilbar on this bill. He is very much interested in it, and we asked and we pleaded for the department to just put some minimum, minimum standards in here so we would not get in trouble with rules and regulations of the Department of Health. Dr. Wilbar agreed and came back to our committee with rules and regulations that no one could accept. To start with, one of the minimum standards is cast iron pipe, or the equivalent, from the house to the tank. Now, Mr. Speaker, these dirty words pop up again in this piece of legislation, "the equivalent thereof." I would like to know what that means. I have had a septic tank with clay pipe installed in my home, a Pennsylvania product, if you will, for 20 years and I have had no trouble with it because it was put in properly.

And then the question is raised whether or not I have faith in Dr. Wilbar to allow him to set standards that my people have to live by. I made the statement in committee and I will make it on the floor, I have faith in Dr. Wilbar, but I will never forget some of the people who have been on this hill whom I did not have faith in and I still do not have faith in.

Mr. Speaker, every political subdivision in the Commonwealth of Pennsylvania has the right today to control this problem. They do not have to come to us. They, can, by local ordinance, every political subdivision, control this thing. We cry "home rule." Now we say, you cannot have it; we will set the standards.

Mr. Speaker, I will not belabor the House any more but I say this bill is no better than it was when it started and I ask the people to vote against it.

Mr. BOIES. Mr. Speaker, I think the argument the gentleman just made is the best argument for this bill. The gentleman from Dauphin said that every municipality in the State has the power to control this for themselves. That is exactly the point, Mr. Speaker. They do not control it. They will not take action. The average municipality and its governing council has no knowledge or no interest in health problems of the public. And I say with my colleague from Westmoreland, that there is not a district in the State that has new housing developments that does not have the condition we are trying to cure, and, if we do not do something about it now, we will get a more drastic cure in the next session.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—90

Anderson, S. A.,	Goldstein, M. H.,	McCann,	Reidenbach,
Auker,	Gray,	McCormack,	Riley,
Bachman,	Gross,	McDevitt,	Rovansek,
Boies,	Guesman,	McLaughlin,	Rudisill,
Breth,	Hamilton,	McNally,	Sakulsky,
Cauley,	Horst,	Meholchick,	Schaaf,
Cianfrani,	Irvis,	Mihm,	Simmons,
Cioffi,	Jenkins,	Miller,	Stank,
Clarke,	Jim,	Mills,	Steckel,
Comer,	Kamyk,	Mullen,	Stimmel,
Cooley,	Kessler,	Munley,	Stone,
Crossin,	Kistler,	Murphy,	Sullivan, J. A.,
Curwood,	Klein,	Murray,	Sullivan, T. F.,
Donaldson,	Kooker,	Musto,	Taylor,
Dougherty,	Kornick,	Needham,	Thompson,
Doughten,	Kramer,	O'Donnell, J. A.,	Verona,
Ewing,	Lamb,	O'Donnell, J. P.,	Walsh,
Filo,	Leonard,	Petrosky,	Wargo,
Foerster,	Long, Wm. Jas.,	Polaski,	Welsh,
Fox,	Lutty,	Polen,	Wilt,
Gailey,	Markley,	Prendergast,	Yetter,
Gallagher,	Marsh,	Reibman,	Andrews, Speaker
Gelfand,	Maxwell,		

NAYS—100

Adams,	Foor,	Keiser,	Pursley,
Anderson, J. H.,	Frascella,	Kelly,	Renwick,
Arlene,	Fulmer,	Kernaghan,	Royer,
Backenstoe,	George,	Knecht,	Rubin,
Blair,	Gibbons,	Korns,	Scarcelli,
Bonner,	Goldstein, J. H.,	Lawson,	Seltzer,
Bossert,	Goodrich,	Lee, K. B.,	Shelton,
Bower,	Gramlich,	Lee, A. M.,	Sherman,
Bowman,	Greenlee,	Limper,	Shupnik,
Branca,	Gremminger,	Lippincott,	Slack,
Buchanan,	Guthrie,	Long, Wm. Jos.,	Snare,
Bush,	Hankins,	Manbeck,	Stiteler,
Capano,	Hartley,	McCandless,	Tompkins,
Capitolo,	Heavey,	McDonald,	Ujobai,
Davis,	Heffner,	McKeever,	Varner,
Dengler,	Helm,	Merry,	Wall,
Dennison,	Henzel,	Monroe,	Wescott,
Edwards,	Hocker,	Morley,	Whittaker,
Eilberg,	Holl,	O'Dell,	Willaredt,
Elvey,	Holliday,	Ogilvie,	Williams, E. S.,
Eshback,	Holman,	Parlante,	Wood,
Eshleman,	Isaacs,	Pashley,	Worley,
Farabaugh,	Johnson, A. W.,	Perry,	Wynd,
Fetterolf,	Johnson, R. P.,	Piper,	Zember,
Flynn,	Jones,	Price,	Zimmerman,

NOT VOTING—20

Ashton,	Gibb,	McInroy,	Tomascik,
Down,	Haudenshield,	Odorisio,	Trusio,
Esler,	King,	Rutherford,	Weidner,
Fineman,	Magee,	Schuster,	Willard,
Fry,	May,	Strausser,	Williams, A. D.,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

The SPEAKER. For what purpose does the gentleman from Bucks, Mr. Williams, rise?

Mr. A. D. WILLIAMS, Jr. Mr. Speaker, I was engaged in conversation and neglected to vote on that bill. If I had voted I would have voted "yes."

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 613, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing reimbursement in the year of acquisition for school building sites purchased in advance of their need and harmonizing provisions related thereto and extending the provisions for reimbursement on preliminary payments on account of approved building construction to include the State

Public Building Authority and Municipal Authorities and abolishing the cost limitations on school building projects for reimbursement purposes.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—181

Adams,	Gibbons,	Leonard,	Renwick,
Anderson, S. A.,	Goldstein, J. H.,	Limper,	Riley,
Arlene,	Goldstein, M. H.,	Long, Wm. Jas.,	Rovansek,
Bachman	Goodrich,	Long, Wm. Jos.,	Royer,
Backenstoe,	Gramlich,	Lutty,	Rubin,
Blair,	Gray,	Manbeck,	Rudisill,
Boles,	Greenlee,	Markley,	Rutherford,
Bonner,	Gremminger,	Marsh,	Sakulsky,
Bossert,	Guesman,	Maxwell,	Scarcelli,
Bowman,	Guthrie,	McCandless,	Schaaf,
Branca,	Hamilton,	McCann,	Seltzer,
Breth,	Hankins,	McGormack,	Shelton,
Buchanan,	Hartley,	McDevitt,	Sherman,
Bush,	Heavey,	McDonald	Shupnik,
Capano,	Heffner,	McKeever,	Simmons,
Capitolo,	Helm,	McLaughlin,	Slack,
Cauley,	Henzel,	McNally,	Snare,
Cianfrani,	Hocker,	Meholchick,	Stank,
Cioffi,	Holl,	Merry,	Steckel,
Clarke,	Holliday,	Mihm,	Stimmel,
Comer,	Holman,	Miller,	Stiteler,
Cooley,	Horst,	Mills,	Stone,
Crossin,	Irvis,	Monroe,	Sullivan, J. A.,
Dengler,	Isaacs,	Morley,	Sullivan, T. F.,
Dennison,	Jenkins,	Mullen,	Taylor,
Donaldson,	Jim,	Munley,	Thompson,
Dougherty,	Johnson, A. W.,	Murphy,	Tompkins,
Doughten,	Johnson, R. P.,	Murray,	Ujobai,
Edwards,	Jones,	Musto,	Verona,
Eilberg,	Kamyk,	Needham,	Wall,
Elvey,	Keiser,	O'Dell,	Wargo,
Eshleman,	Kelly,	O'Donnell, J. A.,	Welsh,
Ewing,	Kernaghan,	Ogilvie,	Wescott,
Farabaugh,	Kessler,	Parlante,	Whittaker,
Fetterolf,	Kistler,	Pashley,	Willaredt,
Filo,	Klein,	Perry,	Williams, A. D.,
Fineman,	Knecht,	Petrosky,	Williams, E. S.,
Flynn,	Kooker,	Piper,	Wilt,
Foerster,	Kornick,	Polaski,	Wood,
Foor,	Korns,	Polen,	Worley,
Fox,	Kramer,	Prendergast,	Wynd,
Frascella,	Lamb,	Price,	Yetter,
Fulmer,	Lawson,	Pursley,	Zember,
Gailey,	Lee, A. M.,	Reibman,	Zimmerman,
Gallagher,	Lee, K. B.,	Reidenbach,	Andrews,
George,			Speaker

NAYS—5

Anderson, J. H.	Davis,	Gross,	Lippincott,
Auker,			

NOT VOTING—24

Ashton,	Fry,	May,	Tomascik,
Bower,	Gelfand,	McInroy,	Trusio,
Curwood,	Gibb,	O'Donnell, J. P.,	Varner,
Down,	Haudenshield,	Odorisio,	Walsh,
Eshback,	King,	Schuster,	Weidner,
Esler,	Magee,	Strausser,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, it is extremely important that I try to get some concurrences so we will know if they will pass or fall. I am ready to vote on concurrence in Senate amendments. I would request the Republican floor leader to consent to a short caucus so that he may caucus on nine items, I believe, that are on the calendar. I am not sure how many in total.

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, we do have a few concurrences and conference reports that we have not caucused on, and there are other matters, so I believe in a half hour we can accomplish our purpose.

I understand Mr. McCann does not want to break for lunch at this point because of waiting for messages from the Senate, and there will be a proper time when we will be able to break for lunch. Many people had a late breakfast, anyhow.

So if we could caucus for about one-half hour, we would be down here and we would have completely covered the calendar.

INTERROGATION

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Bowman.

Mr. BOWMAN. Mr. Speaker, may I interrogate the majority leader for just a second?

The SPEAKER. Will the majority leader permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. BOWMAN. Mr. Speaker, in light of the fact that you are going to concur in House bill 1541, which repeals House bill 1340, that is, the act which 1340 is written over, on page 5—in other words, House bill 1541, if passed, would repeal the act of 1917—I was just wondering, I did not know, what problem we were going to be faced with there.

Mr. McCANN. That is the drug law bill we passed in the House that came from the Allegheny County judge, if I remember correctly.

Mr. BOWMAN. My only point is that if 1541 becomes law, the act of 1917 will be repealed thereby and I do not see the point in amending it.

Mr. McCANN. The gentleman from Allegheny, Mr. Irvis, has the answer on that so you will have it for your caucus.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr, Irvis.

Mr. IRVIS. Mr. Speaker, the reason for the concurrence vote is the fact that nobody knows which one of these bills will become law. It is up to the Governor to decide, if we do concur in both, which one he will sign, if any. The gentleman who spoke just a few moments ago is absolutely correct so far as the law is concerned, but he is presuming as to what the Governor's intentions are. We cannot presume that.

Mr. McCANN. Mr. Speaker, I will at the proper time, if there is anything to go across the table, request a 30-minute recess and come right back and vote, if that is agreeable, please.

The SPEAKER. The Chair understands that the majority leader is not requesting a recess at this time, is that right?

Mr. McCANN. I am not, but just that the House be at ease for the purpose of a 30-minute Republican caucus.

The SPEAKER. The House will be at ease for a 30-minute Republican caucus.

(The House was at ease during the Republican caucus)

(After Caucus)

QUESTION OF PERSONAL PRIVILEGE

Mr. ADAMS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. ADAMS. Mr. Speaker, in reference to the remarks that I made yesterday while debating House bill 730, the pay raise bill, I want to set the record straight. I do not mind getting headlines in newspapers when they are accurate, but when they are false I strenuously object to them. I have here a copy of this morning's local paper in which it is in quotation marks that I called the judges "fat cats." That is not correct. I stand by what I said. I said I opposed the pay increases; I called them fantastic increases. I do not think that the word "fantastic" sounds like "fat cats." Mr. Speaker, I was not speaking Dutch either.

I have here in my hands the official transcript of the legislative journal and I have carefully examined it to make sure of what I said and what I did not say. I would like to have it noted on the record and I request that the press correct what they misprinted and whatever papers it went to. Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

For what purpose does the gentleman from Philadelphia, Mr. McCormack, rise?

Mr. McCORMACK. I would like to interrogate the gentleman from Berks, Mr. Adams.

The SPEAKER. The Chair would imagine that the interrogation on the question of personal privilege might be privileged and it might not. Let us hear it.

Will the gentleman from Berks permit himself to be interrogated?

Mr. ADAMS. I shall, Mr. Speaker.

Mr. McCORMACK. Mr. Speaker, when I was in the House yesterday when this bill came up, I thought I distinctly heard you refer to judges as "fat cats" or "fat heads." Now, I am asking you, in light of the newspaper story, whether or not you now think the judges are "fat cats"?

Mr. ADAMS. I do not now and I did not yesterday, and I think that you were not listening at the time or you would not have imagined that you heard something like that.

Mr. McCORMACK. Thank you. That is all.

Mr. ADAMS. You are welcome.

The SPEAKER. The Speaker used to call them "gypsies" and we never went to jail.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of Senate bill No. 872, entitled:

An Act to authorize the Department of Health and County Departments of Health to render home nursing care services and to charge fees therefor.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—131

Adams,	Gelfand,	Lutty,	Rovansek,
Anderson, S. A.,	George,	Markley,	Rudisill,
Arlene,	Goldstein, M. H.,	Marsh,	Sakulsky,
Auker,	Gray,	Maxwell,	Scarcelli,
Bachman,	Greenlee,	McCann,	Schaaf,
Boies,	Gremminger,	McCormack,	Schuster,
Bonner,	Guesman,	McDevitt,	Shelton,
Branca,	Hamilton,	McDonald,	Simmons,
Breth,	Hankins,	McKeever,	Sherman,
Capano,	Hartley,	McLaughlin,	Shupnik,
Capitolo,	Heavey,	McNally,	Slack,
Cauley,	Holliday,	Meholchick,	Stank,
Cianfrani,	Holman,	Mihm,	Steckel,
Cioffi,	Horst,	Mills,	Stimmel,
Clarke,	Irvis,	Monroe,	Stone,
Comer,	Jenkins,	Morley,	Sullivan, J. A.,
Cooley,	Jim,	Munley,	Sullivan, T. F.,
Crossin,	Johnson, A. W.,	Murphy,	Taylor,
Curwood,	Jones,	Murray,	Tomascik,
Dennison,	Kamyk,	Musto,	Thompson,
Dougherty,	Kelly,	Needham,	Trusio,
Doughten,	Klein,	O'Donnell, J. A.,	Ujobai,
Eilberg,	Kooker,	O'Donnell, J. P.,	Varner,
Ewing,	Kornick,	Parlante,	Verona,
Farabaugh,	Kramer,	Pashley,	Walsh,
Filo,	Lamb,	Perry,	Wargo,
Fineman,	Lawson,	Petrosky,	Welsh,
Flynn,	Lee, A. M.,	Polaski,	Williams, A. D.,
Foerster,	Lee, K. B.,	Polen,	Williams, E. S.,
Frascella,	Leonard,	Prendergast,	Wilt,
Fulmer,	Limper,	Reibman,	Yetter,
Gailey,	Long, Wm. Jas.,	Reidenbach,	Andrews,
Gallagher,	Long, Wm. Jos.,	Renwick,	Speaker

NAYS—59

Anderson, J. H.,	Fox,	Kessler,	Royer,
Blair,	Goldstein, J. H.,	Kistler,	Seltzer,
Bossert,	Goodrich,	Knecht,	Snare,
Bower,	Gramlich,	Korns,	Stiteler,
Bowman,	Gross,	Lippincott,	Tompkins,
Buchanan,	Guthrie,	Manbeck,	Wall,
Bush,	Heffner,	May,	Wescott,
Davis,	Helm,	McCandless,	Whittaker,
Dengler,	Henzel,	Merry,	Willaredt,
Edwards,	Hocker,	Miller,	Wood,
Elvey,	Holl,	O'Dell,	Worley,
Eshback,	Isaacs,	Ogilvie,	Wynd,
Eshleman,	Johnson, R. P.,	Piper,	Zember,
Fetterolf,	Keiser,	Price,	Zimmerman,
Foor,	Kernaghan,	Pursley,	

NOT VOTING—20

Ashton,	Fry,	Magee,	Rubin,
Backenstoe,	Gibb,	McInroy,	Rutherford,
Donaldson,	Gibbons,	Mullen,	Strausser,
Down,	Haudenshield,	Odorisio,	Weidner,
Esler,	King,	Riley,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 795

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House Bill No. 795.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the

purpose of considering House bill No. 795 entitled: "An act making an appropriation to the Dickinson School of Law, Carlisle, Pennsylvania.

Respectfully submit the following bill as our report:

JOHN CARL MILLER,
GEORGE SARRAFF,
THOMAS A. EHRGOOD,
(Committee on the part of the Senate)
J. DEAN POLEN,
H. J. MAXWELL,
(Committee on the part of the House of Representatives.)

An Act making an appropriation to the Dickinson School of Law Carlisle, Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred thousand dollars ($100,000) or as much thereof as may be necessary is hereby specifically appropriated to the Dickinson School of Law Carlisle, Pennsylvania for the fiscal period June 1, 1961 to June 30, 1962 for the general maintenance of the school for current expenses including but not limited to the purchase of equipment and supplies and the payment of salaries for alterations and improvements to the grounds and buildings and their furnishings for improvement of the law library for research projects and for such other purposes as the trustees may deem necessary for the best interest of the school.

On the question,

Will the House adopt the report of the Committee of Conference?

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Ogilvie.

Mr. OGILVIE. Mr. Speaker, I am compelled to vote against one of these appropriations as contained in House bill 795.

Why, may you ask? Until justice is done. Why should I vote for a law school to the amount of $100,000 when there is House bill 1093 languishing in the Appropriations Committee.

This bill, 1093, would give our old retired State police, who are now living on meager pensions, $150 a month retirement, men who have risked their lives for you and for me. What would be the cost to give these old retired men $150? Just $40,000 a year, according to the estimate given to me by the chairman of the Appropriations Committee.

But there is no money for this bill, no money for this humanitarian or justifiable cause. But there is money to give away in the amount of $100,000 to Dickinson Law School. I ask you, do we owe an obligation to a retired State Policeman living on a meager pension, or do we owe an obligation to the law school?

Search your hearts and show by your vote where you stand. The retired State Police will be watching and so will the retired public and the public in general. I thank you very much.

Mr. HELM IN THE CHAIR

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. McNally.

Mr. McNALLY. Mr. Speaker, I would like to interrogate Mr. Polen, the Appropriations Committee chairman.

The SPEAKER pro tempore. Will the gentleman, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. McNALLY. Mr. Speaker, on House bill 795, how much was the appropriation that we sent to the higher body?

Mr. POLEN. Mr. Speaker, the amount contained in the bill that was passed by the House was $54,000.

Mr. McNALLY. Mr. Speaker, when this bill was returned from the House before it went into conference committee, how much was the amount in the bill at that time?

Mr. POLEN. The Senate amended the bill to provide $135,000.

Mr. McNALLY. And the amount in the bill at the present time, Mr. Speaker?

Mr. POLEN. The amount in the bill at the present time is $100,000.

Mr. McNALLY. Thank you very kindly, sir.

I rise in protest to this particular bill. I have been given to understand, although I am a novice in this great, wonderful body, the University of Pennsylvania does a great deal of research work, the University of Pittsburgh does a great deal of research work for the Commonwealth; the same is true of Temple University. In addition to that, I have been given to understand there are 300 senatorial scholarships put out at all three of these universities.

I say to you, Mr. Speaker, in my county we have a university that needs some help, Saint Francis. My daughter went to Westminster College. I get letters from them constantly, they need help. Duquesne Law School, a wonderful law school, they need help. I just wonder, Mr. Speaker, how long we, the members of this body, who have been given the privilege a way, way back by our forefathers, who in their reasoning saw fit to give this body the privilege of making appropriations, and only this body, shall continue to do this. I believe that the citizenry we represent have put 210 of us in here as the custodians of the funds that we collect from them in taxes.

I do not believe that we have any right to put $100,000 in a college that has not in any way that I have been able to find out done one single thing for the Commonwealth.

I am going to vote against this bill. You folks can use your own judgment.

Thanks very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill, Mr. Heffner.

Mr. HEFFNER. Mr. Speaker, in this session of the General Assembly we have voted for $30 million of appropriations to many schools.

I call your attention to an amendment inserted in the General State Authority bill to the tune, mind you, of $34 million, and look at some of the schools that are going to benefit in that bill, not by a mere $100,000, but by millions.

Mr. Speaker, mention was made of the University of Pennsylvania which has a law school. I call your attention to the fact that we gave them an appropriation not in thousands but in millions. Some of that appropriation is going to be used to maintain that law school at the University of Pennsylvania. The same is true of the University of Pittsburgh. The same is true of Temple University which has a law school.

Mr. Speaker, why we should discriminate against Dickinson School of Law for $100,000 I do not know. The gentleman who preceded me said he knows nothing that this law school has done for the Commonwealth of Pennsylvania. It has produced many great judges and jurists in this Commonwealth. It holds judicial conferences. It holds conferences to combat juvenile delinquency.

Mr. Speaker, this is only a temporary measure. This law school has a history of being a small law school with a small tuition to give the men and women of this Commonwealth who come from families who are not in the high income brackets an opportunity to become professional men, if you will, and I want to say this, that if any school has graduated people from the lower income brackets it has been Dickinson School of Law. Many of your great lawyers and many of your great jurists came from the low income groups because this school was willing to have low tuition fees to help in an educational program and give those families an opportunity to have professional men in their families.

Mr. Speaker, there is nothing sinister or wrong about this bill. We have passed appropriation after appropriation; I do not know of one single appropriation that we did not pass in this General Assembly, and I would certainly hate to see in the dying days of this session that Dickinson Law School was the only school or the only institution that we singled out and denied an appropriation.

I ask you to vote in favor of this measure.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Andrews.

Mr. ANDREWS. Mr. Speaker, I certainly want to state my reasons for opposing this bill.

It happens that I was one of those who in a small way helped this institution obtain its first State appropriation. I held the conviction at that time that we were creating a bad precedent, that if we started to subsidize institutions like Dickinson, we could legitimately be called upon to subsidize all the liberal arts colleges, all the liberal arts institutions, in the Commonwealth.

I was told by those who purposed to represent the institution that a particular situation had arisen, that there was a need for $250,000 which was bothering the management of that institution, and, if they could get that paid off, since it was the first time they had ever asked for State aid, that I could be certain it would be the last time. They would be able to sail their own boat. They just had this one encumbrance that bothered them. Now I would not say the high command personally told me that, but persons who purported to state the case for Dickinson and the reasons why they should have an appropriation, did so state, and it was solely on that condition that it was that one time sought that I agreed, and I believe I rendered the institution material assistance in obtaining its first appropriation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Sherman.

Mr. SHERMAN. Mr. Speaker, I rise to support this bill and state briefly that Dickinson Law School represents a school that differs from many other schools. We have made appropriations to the University of Pennsylvania and to Temple University which well deserved their appropriations. At those institutions there are some students who attend both the university and the law school.

In Dickinson we have a different situation and that is that the university is on a different footing than the law school and has no appropriation that would be applicable to the law school. Until a matter of a few years ago Dickinson was well endowed as far as their law school was concerned; they did not need money and they did not turn to this General Assembly for any appropriation.

Within the past year or two—and remember this is not the first time there has been any appropriation because we did have one in the previous session—Dickinson has seen fit to seek your help. They represent the common man of this State. You will find by your investigation that more men from Dickinson have sat on the Supreme Court of Pennsylvania who perhaps may not have even been college graduates as such, than from any other legal institution in the State. I say that Dickinson should appeal to a good many of you as representing the general common man of the State of Pennsylvania.

Without going into further detail, I earnestly seek your support for this appropriation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Steckel.

Mr. STECKEL. Mr. Speaker, I think there are several misconceptions that should be corrected that have been made on the floor of the House.

Earlier the Speaker said that Dickinson is a liberal arts college. I think it should be distinctly understood by the membership that Dickinson School of Law has absolutely no connection with Dickinson College, a liberal arts college. Dickinson School of Law is a separate organization, a separate corporation, receives no help and is not tied up in any way with Dickinson College.

Now then, if we do not see fit to grant any appropriations to this school, we are, in effect, discriminating against this graduate school because all the other law schools, medical schools, and so forth, in this State, through the universities under which they operate, have and are receiving such appropriations.

This law school is not sectarian and, as I said, it is not tied up with any liberal arts college. It is over 100 years old.

In light of the fact that in this session we have been particularly concerned about higher education and locations for our schools, and the fact that this fine institution which, by the way, is not heavily endowed or it would not need this money, in order to keep up with present standards of law schools and with the present building requirements which were placed upon it several years ago, requires and needs some kind of support. It is no longer able to operate simply with the income from the tuition of the students who attend there.

Now if we are so deeply interested in the maintenance of institutions at a high level for our students in this Commonwealth, then certainly we should not deprive this institution, which has existed for over 100 years, of the means of keeping its standards up as it has been accustomed to.

I see no reason why we should discriminate or make a big fuss out of this one institution and say it alone of the graduate schools shall be denied some support from this State, particularly when we are in need of additional spots to send our students to in this State. It has had a fine history and there is no reason to deny it this appropriation. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Andrews.

Mr. ANDREWS. If I actually intimated that Dickinson was a liberal arts college, it was a loose use of language, and I do not think that is what I said. I said that there was, in my mind, as much reason why liberal arts colleges, all of them, or any of them, should be entitled to State assistance as other professional schools. I want to clear up that point because I know that Dickinson is a law school, and I do not think there is a private institution that is any

more entitled to assistance, but I use the word "other," other institutions, which are not law schools but which are liberal arts colleges.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Dengler.

Mr. DENGLER. Mr. Speaker, it is my sincere belief that Pennsylvania has the finest educational system of any State in this Union. We have more colleges and universities than any other State.

During the past months we have heard a great deal of talk about additional moneys for our schools, both secondary and on the higher educational level. The other day I said, from this microphone, that I think what we should do to take care of this increase of the number of students which will occur within the next ten years is to undergird our present educational system and think less and less about establishing new colleges.

We have in our budget over a million dollars for community colleges. They may be necessary but I doubt it, because I think we have now in Pennsylvania the framework that will be able to handle this influx of new students. I am not a graduate of Dickinson College, I do not think any of my relatives are graduates of Dickinson College; I think I have been on the campus of Dickinson Law School once in my life, so I have no ax to grind. I think, ladies and gentlemen, we would be making a very serious mistake after appropriating millions of dollars to other colleges, if we would single out Dickinson College and have that hit the headlines. It would not look good. I do not think the reasons that have been advanced are very good ones. Thank you.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—166

Adams,	George,	Lawson,	Price,
Anderson, J. H.,	Gibbons,	Lee, A. M.,	Pursley,
Anderson, S. A.,	Goldstein, J. H.,	Lee, K. B.,	Reibman,
Arlene,	Goldstein, M. H.,	Leonard,	Riley,
Auker,	Goodrich,	Limper,	Rubin,
Bachman,	Gramlich,	Lippincott,	Rudisill,
Backenstoe,	Gray,	Long, Wm. Jas.,	Sakulsky,
Blair,	Greenlee,	Long, Wm. Jos.,	Scarcelli,
Boles,	Gremminger,	Lutty,	Seltzer,
Bonner,	Guesman,	Manbeck,	Shupnik,
Bossert,	Guthrie,	Markley,	Shelton,
Bower,	Hamilton,	Marsh,	Sherman,
Bowman,	Hankins,	Maxwell,	Simmons,
Branca,	Hartley,	May,	Slack,
Breth,	Heavey,	McCandless,	Snare,
Buchanan,	Heffner,	McCann,	Stank,
Bush,	Helm,	McCormack,	Steckel,
Capitolo,	Henzel,	McDonald,	Stimmel,
Cianfrani,	Holl,	McKeever,	Stiteler,
Cioffi,	Holliday,	McLaughlin,	Stone,
Comer,	Holman,	Meholchick,	Sullivan, J. A.,
Cooley,	Horst,	Merry,	Sullivan, T. F.,
Crossin,	Irvis,	Mihm,	Taylor,
Curwood,	Isaacs,	Miller,	Thompson,
Davis,	Jenkins,	Mills,	Tomascik,
Dengler,	Jim,	Monroe,	Tompkins,
Dennison,	Johnson, A. W.,	Morley,	Trusio,
Donaldson,	Johnson, R. P.,	Mullen,	Ujobai,
Dougherty,	Jones,	Munley,	Varner,
Doughten,	Kamyk,	Murphy,	Verona,
Edwards,	Keiser,	Murray,	Wall,
Eilberg,	Kelly,	Musto,	Wargo,
Elvey,	Kernaghan,	Needham,	Welsh,
Eshback,	Kessler,	O'Dell,	Wescott,
Ewing,	Kistler,	Parlante,	Whittaker,
Fetterolf,	Klein,	Perry,	Willaredt,
Fineman,	Knecht,	Petrosky,	Williams, E. S.,
Foor,	Kooker,	Piper,	Worley,
Fox,	Kornick,	Polaski,	Wynd,
Frascella,	Korns,	Polen,	Yetter,
Gallagher,	Kramer,	Prendergast,	Zember,
Gelfand,			Zimmerman,

NAYS—27

Capano,	Fulmer,	O'Donnell, J. P.,	Rutherford,
Cauley,	Gailey,	Ogilvie,	Schuster,
Eshleman,	Gross,	Pashley,	Walsh,
Farabaugh,	Hocker,	Reidenbach,	Williams, A. D.,
Filo,	McDevitt,	Renwick,	Wood,
Flynn,	McNally,	Rovansek,	Andrews,
Foerster,	O'Donnell, J. A.,	Royer,	Speaker

NOT VOTING—17

Ashton,	Gibb,	Magee,	Strausser,
Clarke,	Haudenshield,	McInroy,	Weidner,
Down,	King,	Odorisio,	Willard,
Esler,	Lamb,	Schaaf,	Wilt,
Fry,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

ANNOUNCEMENTS—BILL FILES AND COMMITTEE RECORDS

The SPEAKER pro tempore. The Chair would like to make an announcement on behalf of the Speaker of the House. The announcement has already been made, but it has been requested that we repeat the announcement because we have a full House.

Members are requested to not take their daily calendar bill files home, as they will be kept in the custody of the chief clerk for use in the 1962 session.

Papers and pamphlets on top of the members' desks which they desire to keep should be placed inside their desks where they will remain undisturbed.

Also, the following announcement by the Speaker:

In accordance with the provisions of House rule 29, upon adjournment, the chairmen of the Standing Committees of the House are required to file with the chief clerk, bills and all other papers in the possession of the committees, including committee record books. The chairmen are directed, at their earliest convenience, to comply with the provisions of this rule.

REQUEST FOR RECESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, it is now 2:26 p.m., d. s. t., and the cafeteria will be open until 2:30 to accommodate the members for a brief lunch. I was wondering at this time if we could not take a brief recess to let the members have their lunch.

PERMISSION TO ADDRESS HOUSE

Mr. SCHAAF asked and obtained unanimous consent to address the House.

Mr. Speaker, I will be brief. I want to talk on a subject again, the subject of non-preferred appropriations. I want to serve notice here and now that until such time as somebody produces a really equitable way of distributing the largess of this Commonwealth to institutions and persons who have no connection whatsoever with the govern-

ment of the people, I will fight every non-preferred appropriation that comes through this House.

It is not equitable, Mr. Speaker. The precedent has been set and if we are going to do it, it is going to be done on an equitable basis. Thank you.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, I appreciate the situation of the minority whip in requesting permission for their members to eat. Of course, I realize a good many members have eaten, our members had an opportunity to eat while the minority were caucusing. I cannot refuse them this request, since the cafeteria, I believe he said, is going to remain open until 2:30.

Mr. TOMPKINS. Mr. Speaker, we will proceed. We will send out for some sandwiches and hope they have some.

Mr. McCANN. I thank the gentleman.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 840

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House Bill No. 840.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 840, entitled: "An act prohibiting the sale, transfer, purchase, ownership, possession and use of tear and noxious gas and tear gas guns; providing for certain exemptions and providing penalties."

Respectfully submit the following bill as our report:

PETER J. CAMIEL,
GEORGE J. SARRAF,
D. ELMER HAWBAKER,
(Committee on the part of the Senate.)
JOHN J. WELSH,
PETER G. SCHAAF,
FORD E. O'DELL,
(Committee on the part of the House of Representatives.)

An Act Prohibiting the use of tear and noxious gas by certain persons and providing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. As used in this act.

(1) "Tear or noxious gas" means any liquid or gaseous substance that when dispersed in the atmosphere blinds the eyes with tears or irritates or injures other organs and tissues of the human body or causes nausea.

Section 2. It shall be unlawful for any person, partnership, association or corporation other than a duly constituted officer of the law to use or direct the use of tear or noxious gas against any person involved in a labor dispute.

Section 3. Any persons violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not exceeding two thousand five hundred dollars ($2,500) or undergo imprisonment for not more than two years or both.

On the question,

Will the House adopt the report of the Committee of Conference?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. O'Dell.

Mr. O'DELL. Mr. Speaker, members of the House, this is a darned good report to call to the attention of the House, and one of our weaknesses.

The sponsors of this bill had one idea in mind and it was a good idea. If you remember, when I debated this bill, since becoming known as "Tear Gas O'Dell," I suggested that everything be stricken out except the very items that they wanted to accomplish. The original bill had several hundred pages; it has three different printings. I do not know how much it cost to print this bill. It finally comes back to us and we get exactly what we wanted to say in 39 words. Thank you.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—189

Adams,	George,	Lee, K. B.,	Renwick,
Anderson, J. H.,	Gibbons,	Leonard,	Riley,
Anderson, S. A.,	Goldstein, J. H.,	Limper,	Rovansek,
Arlene,	Goldstein, M. H.,	Lippincott,	Rubin,
Auker,	Goodrich,	Long, Wm. Jas.,	Rudisill,
Bachman,	Gramlich,	Long, Wm. Jos.,	Rutherford,
Backenstoe,	Gray,	Lutty,	Sakulsky,
Blair,	Greenlee,	Manbeck,	Scarcelli,
Boies,	Gremminger,	Markley,	Schaaf,
Bonner,	Gross,	Marsh,	Schuster,
Bossert,	Guesman,	May,	Seltzer,
Bower,	Guthrie,	Maxwell,	Shelton,
Bowman,	Hamilton,	McCandless,	Sherman,
Branca,	Hankins,	McCann,	Shupnik,
Breth,	Hartley,	McCormack,	Simmons,
Buchanan,	Heavey,	McDevitt,	Slack,
Bush,	Heffner,	McDonald,	Snare,
Capano,	Helm,	McKeever,	Stank,
Capitolo,	Henzel,	McLaughlin,	Steckel,
Cianfrani,	Hocker,	McNally,	Stimmel,
Cioffi,	Holl,	Meholchick,	Stiteler,
Clarke,	Holliday,	Mihm,	Stone,
Comer,	Holman,	Miller,	Sullivan, J. A.,
Cooley,	Horst,	Mills,	Sullivan, T. F.,
Crossin,	Irvis,	Monroe,	Taylor,
Curwood,	Isaacs,	Morley,	Thompson,
Dengler,	Jenkins,	Mullen,	Tomascik,
Donaldson,	Jim,	Munley,	Tompkins,
Dougherty,	Johnson, A. W.,	Murphy,	Trusio,
Doughten,	Johnson, R. P.,	Murray,	Ujobai,
Edwards,	Jones,	Musto,	Verona,
Eilberg,	Kamyk,	Needham,	Wall,
Elvey,	Keiser,	O'Dell,	Wargo,
Eshback,	Kelly,	O'Donnell, J. A.,	Welsh,
Eshleman,	Kernaghan,	O'Donnell, J. P.,	Wescott,
Farabaugh,	Kessler,	Ogilvie,	Whittaker,
Fetterolf,	King,	Parlante,	Willaredt,
Filo,	Kistler,	Pashley,	Williams, A. D.,
Fineman,	Klein,	Perry,	Williams, E. S.,
Flynn,	Knecht,	Petrosky,	Wilt,
Foerster,	Kooker,	Piper,	Wood,
Foor,	Kornick,	Polaski,	Worley,
Fox,	Korns,	Polen,	Wynd,
Frascella,	Kramer,	Prendergast,	Yetter,
Fulmer,	Lamb,	Price,	Zember,
Gailey,	Lawson,	Pursley,	Zimmerman,
Gallagher,	Lee, A. M.,	Reidenbach,	Andrews,
Gelfand,			Speaker

NAYS—2

Davis,	Merry,

NOT VOTING—19

Ashton,	Ewing,	McInroy,	Varner,
Cauley,	Fry,	Odorisio,	Walsh,
Dennison,	Gibb,	Reibman,	Weidner,
Down,	Haudenshield,	Royer,	Willard,
Esler,	Magee,	Strausser,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

The SPEAKER pro tempore. For what purpose does the gentleman from Clarion, Mr. Varner, rise?

Mr. VARNER. To make a brief statement, Mr. Speaker.

My colleagues, Mr. Dennison, Mr. Ewing and myself were so busily engaged in ordering a sandwich that we did not get recorded. We would like to be recorded as voting "aye."

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record, that had he been recorded he would have voted "aye."

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1259

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on House Bill No. 1259.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1259, entitled: "An act relating to State highways, roads and bridges and certain use thereof; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto; establishing the State Highway System; providing for the construction, abandonment and vacation of State highways and placing of existing roads and bridges on the State Highway System; imposing certain obligations on counties, cities, boroughs, towns and townships in regard to roads, highways and bridges; changing and regulating the condemnation and other acquisition of property for highway purposes and regulating certain Federal, State, local, public utility and personal rights in regard to State highways and certain roads and bridges."

Respectfully submit the following bill as our report:

WM. VINCENT MULLIN,
FRED B. ROONEY,
(Committee on the part of the Senate.)

HARRY R. J. COMER,
E. W. McNALLY,
AUSTIN M. LEE,
(Committee on the part of the House of Representatives.)

An Act relating to State highways roads and bridges and certain use thereof amending revising consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto establishing the State Highway System providing for the construction abandonment and vacation of State highways and placing of existing roads and bridges on the State Highway System imposing certain obligations on counties cities boroughs towns and townships in regard to roads highways and bridges changing and regulating the condemnation and other acquisition of property for highway purposes and regulating certain Federal State local public utility and personal rights in regard to State highways and certain roads and bridges

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Section 2302 Acts Repealed in so far as They Apply to State Highways or the Department of Highways
Section 2303 General Repeal

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Article 1
Short Title

Section 101 Short Title This act shall be known and may be cited as the "State Highway Act"

Article II
Legislative Intent

Section 201 Declaration of Legislative Intent The General Assembly recognizing that safe and efficient highway transportation is a matter of importance to all the citizens of the Commonwealth hereby determines and declares that

(1) An integrated safe and efficient system of highways and connecting roads is essential to the general welfare of the Commonwealth

(2) The providing of this system its efficient management operation and control is recognized as an important function of government since inadequate highways and roads obstruct the free flow of traffic result in increased cost of vehicle operation endanger the health and safety of the citizens of the Commonwealth depreciate property values and impede generally the economic and social progress of the Commonwealth

(3) The avoiding and correcting of these undesirable conditions resulting from an inadequate highway system are the proper objectives of State highway legislation and to this end the General Assembly constitutes the Secretary and Department of Highways custodians of the State Highway System and provides sufficiently broad authority to enable them to function adequately and efficiently in all areas of appropriate jurisdiction subject to the limitations of the Constitution and the legislative mandate imposed by this act

(4) The General Assembly declares in general terms the powers and duties of the Secretary and Department of Highways leaving specific details to be determined by reasonable regulations which the secretary may promulgate

(5) In so doing the General Assembly places a high degree of trust in the hands of those officials whose duty it shall be to plan develop construct operate maintain repair and protect the facilities of the highway system of the Commonwealth

(6) The General Assembly hereby finds determines and declares that this act is necessary for the preservation of the public safety the promotion of the general welfare and the improvement and development of transportation facilities in the Commonwealth

Section 202 Saving Clause The provisions of this act so far as they are substantially the same as those of existing laws are intended as a continuation of those laws and not as new enactments The repeal by this act or any act or part thereof shall not revive any other act or part thereof previously repealed or superseded The provisions of this act shall not affect any act done liability incurred or right accrued or vested or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of the repealed laws All regulations and rules made pursuant to any act repealed by this act shall continue with the same force and effect as if that act had not been repealed

Section 203 Severability The provisions of this act are severable If any provision of this act is found by a court of record to be unconstitutional the remaining provisions of the act shall nevertheless remain valid unless the court finds that the valid provisions of the act are so essentially and inseparably connected with and so dependent upon the unconstitutional provision that it cannot be presumed that the General Assembly would have enacted the remaining valid provisions without the unconstitutional

provision or unless the court finds the remaining valid provisions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent

Article III
Definitions

Section 301 Definitions As used in this act unless the context clearly indicates otherwise

(1) "Abandon" means to eliminate a highway from the State Highway System and to reject the department's rights and responsibilities relating to the highway

(2) "Acquire" means to obtain property by gift devise bequest purchase lease exchange condemnation or otherwise

(3) "Bridge" includes the approaches and appurtenances thereto

(4) "Department" means the Department of Highways of this Commonwealth

(5) "Exchange" means the transfer of one or more properties for one or more other properties

(6) "Highway" means State Highway or a part thereof and includes bridges and tunnels and all real property acquired by the department for highway purposes and all structures constructed or maintained thereon

(7) "Highway purposes" includes all those purposes stated in Article VIII section 802

(8) "Intersection" means the area where two or more highways or a highway and road join or cross

(9) "Limited access highway" means a highway to which owners or occupants of abutting property or the traveling public have no right of ingress or egress to from or across except as may be provided by the department

(10) "Local service road" means a public road which provides ingress or egress to or from highways roads or areas which would otherwise be isolated by the construction or establishment of a limited access highway

(11) "May" is used in the permissive sense

(12) "Municipality" includes counties cities boroughs townships and incorporated towns

(13) "Person" includes natural persons companies firms associations corporations business trusts and partnerships

(14) "Property" includes all real and personal property tangible or intangible and all rights or interests therein The term includes also property already devoted to a public purpose

(15) "Road" means any public way or part thereof not on the State Highway System

(16) "Secretary" means the Secretary of Highways of this Commonwealth

(17) "Shall' is used in the imperative sense

(18) "State Highway System" means the system of highways the responsibility for which is lodged in the department

(19) "Vacate" means to close a highway to public use and travel

Article IV
Highway Administration

Section 401 Department Subject to Provisions of Administrative Code Subject to the provisions of this act the department shall have all the powers and shall perform the duties generally vested in and imposed upon administrative departments by the act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929" and its amendments and shall be subject to all the provisions of that code which apply generally to administrative departments

Section 402 Powers and Duties of Department Vested in and Imposed upon Secretary All the powers of the department are vested in and all the duties of the department are imposed upon the secretary as administrative head of the department

Section 403 Secretary Authorized to Do Any Necessary and Proper Acts The secretary may do any act necessary and proper to carry out the powers vested in him by this act

Section 404 Secretary Has Exclusive Jurisdiction Over Highways The secretary has exclusive authority and jurisdiction as imposed or conferred by this act over all the facilities of the State Highway System

Section 405 Power to Make Regulations The secretary may make regulations for conducting the business and work of the department not otherwise provided for by law and shall prescribe the duties of all appointees and employes of the department All appointees or employes other than those appointed or selected under the career system or any other civil service program may be removed or discharged by the secretary

Section 406 Secretary May Authorize Employes to Perform Official Acts The secretary may authorize employes of the department to perform such official acts as the secretary may designate but the secretary is responsible for such acts as may be performed by these employes

Section 407 Highway Districts The secretary may divide the Commonwealth into suitable highway districts or divisions or both and place in charge of each district or division or both such employe of the department as the secretary deems advisable These employes shall perform such duties in connection with their district or division or both as the secretary prescribes

Section 408 Meetings In order to promote better highways and roads the secretary may call meetings of highway officials and municipal road officials to discuss and exchange information relating to all aspects of highways and roads and may assist in the formation of county associations of municipal road officials

Article V
State Highway System

Section 501 Map Showing State Highway System The State Highway System consists of all those highways which are shown on the map prepared by the department and filed with the Secretary of the Senate and with the Chief Clerk of the House of Representatives of the General Assembly of this Commonwealth and shall continue as so constituted until changed under the authority of this act

Section 502 Secretary May Join Certain Highways The secretary is hereby authorized to join two or more State highway routes in cities boroughs incorporated towns or townships or in any two or more of such political subdivisions by taking over or building a connecting road not more than two miles in length whenever such connecting road would lessen the distance between two points on separate routes or provide a better alignment or grade Such road when constructed or taken over shall become a State highway and subject to the laws relating to such highways

Section 503 Designation as Part of State Highway System The General Assembly shall designate an existing road to be part of the State Highway System

Seciton 504 Effective Date of Designation The designation is effective as of the date of the Act of General Assembly placing the existing road on the State Highway System

Section 505 All Bridges on Highways Taken Over All bridges located on highways except privately owned bridges are hereby taken over as part of the State Highway System

Section 506 Changes on Map The department shall maintain a current map which shall show all the highways which have been constructed designated located or constructed as part of the State Highway System All changes in designation or location of highways constituting the State Highway System additions thereto or deletions therefrom shall be indicated on the map The map shall be available for public inspection at the office of the department and at each district office and shall be filed with the chairmen of the committees on highways of the Senate and House of Representatives at each biennium

Section 507 Numbering Highways in Department's Records The secretary may identify highways by number in the records of the department

Article VI
Researching Planning and Programming

Section 601 Planning and Traffic Data The department may investigate collect analyze and interpret information needed to measure existing and estimated future highway and road traffic characteristics such as origin and destination volumes speeds accidents congestion parking pedes-

trian use of highways and roads future land uses and the economic loss caused by inferior traffic facilities The department may prepare traffic plans and recommendations The secretary may disseminate all or any part of this information together with any recommendation he deems advisable

Section 602 Research on Highway Construction and Development Data The department may investigate collect analyze and interpret information relating to the construction improvement maintenance and use of highways and roads the practices and methods of efficient highway organization financing and such other information data and statistics of this or other states as are deemed necessary and the extent of the natural resources of highway building materials within the Commonwealth

The secretary may enter into agreements and cooperate with other states Federal agencies research organizations persons or municipalities of this Commonwealth to carry on research and test projects involving highway development

The secretary may disseminate all or any part of this information together with any recommendations he deems advisable

Section 603 Preparation of Manuals of Methods and Procedures The department may prepare print and distribute manuals of standard and uniform methods for any of the activities divisions or work of the department or for highway and bridge construction maintenance design property acquisition traffic control marking and similar purposes

Section 604 Inspection and Testing of Materials The department may do research inspect and test all materials supplies equipment and machinery used or being considered for use by the department and develop methods and procedures for this purpose The department may maintain and develop a testing laboratory to carry out the provisions of this section

Section 605 Use of Testing Laboratory by Municipalities and Federal Government The department may upon request of any agency of the Commonwealth any municipality of the Commonwealth or the Federal government make available the services and facilities of its testing laboratory and make a reasonable charge therefor

Section 606 Construction and Maintenance Program The secretary shall by November first of each even-numbered year prepare adopt and submit to the governor a program of highway projects for the next two fiscal years The program shall designate project priorities If circumstances so warrant the secretary may add to reduce or revise the program after it has been adopted The secretary shall submit a copy of the program to the members of the General Assembly

Article VII
Location and Design

Section 701 (a) Highways on Commonwealth Lands Approval of Governor If the highway to be located or relocated will go through lands owned by the Commonwealth or under the direct control or supervision of any administrative department board or commission the secretary shall pay just compensation from the Motor License Fund to the Administrative Department Board or Commission who has the direct control or supervision of the lands through which the highway is to be located or relocated In the event of any dispute as to the amount of just compensation to be paid for the land over which the highway is to be located or relocated the matter shall be referred to the Attorney General of the Commonwealth of Pennsylvania for determination The determination of the Attorney General with regard to the amount of compensation shall be final All monies received by any administrative department board or commission under the provisions of Section 701 (a) of this act shall be especially set aside for the purchase of lands to replace those acquired for highway purposes If the road to be designated as a highway to be part of the State Highway System will go through any lands mentioned in the previous sentence the secretary shall first obtain the approval of the Governor

701 (b) Highways on Local Subdivision Lands If the highway to be located or relocated will go through lands owned by any local political subdivision the local political subdivision shall receive just compensation for such land acquired by the secretary The local political subdivision shall follow the procedures as set forth in Sections 811 to 821 in the event of a dispute as to just compensation

Section 702 Adoption of Standards and Specifications The secretary shall prepare and adopt uniform standards and specifications for the establishment construction reconstruction maintenance and repair of highways In preparing these standards and specifications the secretary shall consider those adopted by the American Association of State Highway Officials The secretary may from time to time amend or rescind these standards and specifications

Section 703 Width of State Highways The width of a highway shall not be less than thirty-three feet and shall have such maximum width as shall be determined necessary by the secretary

Article VIII
Acquisition of Property and Procedure for Condemnation

Section 801 Power to Acquire Property for Highway Purposes Under Certain Terms and Conditions

(a) The secretary may acquire all property necessary for present or future highway purposes The acquisition of property for future highway purposes shall be restricted to projects that are on the National System of Interstate and Defense Highways and on the Federal Aid Primary Highways System and no property shall be acquired for future purposes unless construction shall be initiated within three (3) years from the date of acquisition

(b) Highway purposes are limited to the following

(1) Establishment construction reconstruction location relocation improvement maintenance and repair of all highways

(2) Adequate drainage of highways

(3) Slope areas

(4) Channel changes

(5) Rock quarries gravel pits sand and earth borrow pits disposal areas and access highways to all these places

(6) Roadside rests

(7) Unobstructed view at intersections curves and railroad grade crossings

(8) Cattle passes

(9) Grade separation structures

(10) Underpasses and overpasses for pedestrian use

(11) Acquisition of remainder of properties and landlocked parcels in excess of that needed for the highway to reduce severance damage or to prevent or eliminate economically useless parcels of property Provided however That acquisition under this section shall be limited to the acquisition of property for limited access highways or for highways on the National System of Interstate and Defense Highways and on the Federal Aid Primary Highways System

(12) Acquisition of property for live snow breaks and the erection of permanent snow fences

(13) The erection and maintenance of traffic signs and signals

(14) The costruction and maintenance of sidewalks and highway illumination devices

(15) Acquisition of easements necessary for detours

(16) Sites for repair shops highway offices material and equipment storage highway buildings weighing stations or other highway auxiliary facilities

(17) The acquisition of property necessary for the changing altering relocating improving or widening roads where they intersect with highways

(18) The acquisition of property necessary for local service roads

(19) The acquistiion of property to provide a substitute right-of-way for a public utility whose right-of-way has been acquired by the department

(20) The acquisition of unimproved property for the purpose of moving and establishing thereon buildings and structures located on lands required for the highway where the owner of the buildings or structures and the owner of such unimproved land consent in writing to the moving and where acquisition costs would be reduced by the moving provided however that no relocation hereunder

shall be in violation of any local zoning ordinance and in the absence of any such ordinance may only be made with the approval of the local political subdivision to which the building or structure is to be moved

Section 802 Legal Interests Acquired The secretary may acquire property in fee simple absolute either by purchase or condemnation only for projects on the National System of Interstate and Defense Highways and on the Federal Aid Primary Highways System the secretary's power to acquire property and highways not on the National System of Interstate and Defense Highways and on the Federal Aid Primary Highways System shall be limited to the acquisition of easements for highway purposes Provided however property in fee simple absolute may be acquired for any highway purposes with the consent of the owner

Section 803 Title in Name of Commonwealth Title to all property acquired by the secretary shall be taken in the name of the Commonwealth

Section 804 Procedure Where Possession of Property is Withheld Whenever possession of property acquired for highway purposes is withheld the secretary may petition the court of common pleas of the county in which the property is located for a rule returnable in ten days to show cause why a writ of possession should not be issued The rule shall be served upon the persons named in the petition and upon all other persons found in possession of the property The prothonotary shall add the names of the persons in possession and not named in the petition as respondents after service of the rule If no answer is filed or if an answer is filed and after such hearing as the court directs it shall deem the answer to be insufficient the court shall issue a writ of possession ordering the sheriff to deliver possession to the Commonwealth

This remedy is in addition to any other remedies possessed by the Commonwealth

Section 805 Revocation of Condemnation Proceedings The secretary may by revising the plan relinquish all or any part of the property condemned before physical entry upon the property and before final determination of damages In these cases the department shall be under no obligation to accept and pay for any property condemned and subsequently relinquished provided however the court shall make such order as may be just to compensate such owner for any loss occasioned by such condemnation and subsequent relinquishment and may require an undertaking or other security to secure the owners against any and all such loss or damages occasioned to them from the time of the original condemnation to the time of the modification thereof

Section 806 Power to Sell Exchange or Lease Property Under Certain Conditions The secretary may sell at public sale or may exchange any marginal or landlocked property which he acquired if he determines that the property is not needed for present or future highway purposes The secretary may lease any property which he acquired either by purchase or condemnation for a project on the National System of Interstate and Defense Highways and on the Federal Aid Primary Highways System

Section 807 Exchange of Property When the secretary exchanges properties he may pay or may receive the difference between the values of the properties being exchanged provided however that the values of the property shall be based on independent appraisals obtained by the secretary

Section 808 Approval by Governor When the secretary determines that it is necessary to condemn property for highway purposes he shall submit to the Governor a plan showing the property and estate or interest condemned the names of the owners or reputed owners of the property affected by the condemnation and such other information as may be necessary

Section 809 Filing and Recording If the plan is approved by the Governor it shall be filed as a public record in the department and a copy thereof shall be recorded in the office of the recorder of deeds in the proper county or counties at the expense of the department in a plan book or books provided by the county for that purpose

Section 810 Condemnation and Effective Date The approval of the plan by the Governor shall be the condemnation as is specified on the plan of all property therein shown The date of the filing and recording of the Governor's approval as provided in Section 809 of this act shall be the effective date of condemnation and the date on which the department may enter upon and take possession of the property so specified

Section 811 Agreement Viewers' Petition After the plan is approved by the Governor the secretary shall give written notice to the owners by registered or certified mail If the owners or their whereabouts are unknown then notice shall be given by publication in a newspaper of general circulation in the county in which the property is located The secretary shall when possible enter into an agreement with the owners as to the amount of damages to be paid If an agreement cannot be made or if the owner is legally incapacitated or unable to convey valid title or is absent or unknown either the Commonwealth or the owner or the owner's guardian may apply to the court of common pleas of the county in which the property is located or if the property is located in two or more counties then in any one of the counties for the appointment of viewers to determine the amount of damages if any resulting from the condemnation

Section 812 Statute of Limitations The petition may be presented within six years from the date of the condemnation but not thereafter

Section 813 Contents of Petition The petition for appointment of viewers shall contain the following and any other relevant information and allegations

(1) The name of the petitioner

(2) The name of the owner

(3) The name of the condemnor the date of condemnation and a reference to the act of Assembly authorizing the condemnation

(4) The names of tenants if any and the terms and conditions of the lease

(4) A description of the property condemned

(6) A list of all judgments mortgages or liens of record affecting the property condemned

(7) A plan showing the location and extent of property condemned and the remainder drawn to a suitable scale which shall be indicated thereon

(8) If the petitioner is the owner a list of the elements of damages claimed

Section 814 Appointment of Viewers Upon presentation of a proper petition the court shall appoint three viewers and fix a time not less than thirty nor more than sixty days thereafter when the viewers shall view the property Before the view the viewers shall be sworn or affirmed faithfully to perform their duties

Section 815 Service of Copy of Petition and Order Within ten days of the entry of the order the petitioner shall serve by certified mail or personally a true and correct copy of the petition and order on

(1) The secretary if the owner is the petitioner

(2) The owner if the department is the petitioner

If the owner is unknown notice shall be given as the court directs

Section 816 Viewers' Hearing After the view the viewers shall hold a hearing to ascertain the damages if any The viewers or any party may on application to the court compel the attendance of witnesses or the production of books papers documents or records

Section 817 Viewers' Report When the viewers have ascertained the damages they shall submit a report to the court The prothonotary shall mail a copy of the report to all parties

Section 818 Exceptions to Report Within thirty days of the filling of the report any party may file exceptions thereto with the court The court shall either confirm the report absolutely or modify it or refer it back to the same or to other viewers for such action as the court directs

Section 819 Jury Trial and Appeal Within thirty days after final action on the report by the court any party may demand a trial by jury or if all parties consent by the court without a jury From any judgment after a jury trial or trial by the court without a jury an appeal may be taken by any party to the Supreme Court or Superior Court depending upon the amount in controversy

Section 820 Special Benefits Qualified Interest Condemned In all proceedings to assess damages resulting from the condemnation of property for highway purposes special benefits if any shall be considered A local service road shall be treated as a special benefit

When the secretary condemns less than a fee simple absolute the qualified nature of the interest condemned shall be considered

Section 821 Partial Payment After the Governor approves the plan the secretary shall prior to taking possession of the property offer to pay to a claimant having clear title or pay into the court having jurisdiction thereof in the manner to be provided by the rules of court a sum equal to seventy-five percent of the amount estimated by the department as the damages which will result from such condemnation The court shall pay the money to the person entitled thereto upon petition and proof of such entitlement

Payments made pursuant to this section shall not prejudice the rights of the parties to have the true damages determined in appropriate proceedings Any payments made pursuant to this act shall be credited upon the award and final judgment provided such award and judgment is in a greater amount Any payments made in excess of the award and final judgment shall be refunded

Article IX
Control of Access

Section 901 Establishment of Limited Access Highway Consent of Cities Whenever the establishment of a limited access highway will faciliate the movement of traffic or contribute to the safety of the traveling public the secretary may construct new limited access highways convert existing highways into limited access highways or designate existing roads to be part of the State Highway System and convert them into limited access highways

Before the secretary may establish a limited access highway in a city he shall obtain the consent of the city as evidenced by ordinance The consent of a city shall not impose liability upon the city for property damages

In the establishment and construction of limited access State highways in urban areas if any portion of such highway is elevated the secretary or the municipality in which the highway is situate or both may provide for the installation maintenance and repair of equipment for adequate lighting under such elevated portions

The secretary shall permit parking under the elevated portion of any limited access highway where such parking does not require the construction of facilities therefor and he or the municipality wherein the highway is situate or both shall have authority to construct and maintain parking facilities under the elevated portion of any limited access State highway all such parking shall be subject to such rules and regulations as the Secretary of Highways or the municipality wherein the highway is situate or both may deem proper

Section 902 Service Roads The Secretary with the approval of the Governor may construct local service roads or alter or improve existing roads to serve as local service roads Local service roads shall be maintained by the city borough township or incorporated town in which they are located Service roads may not be abandoned or vacated without the consent of the secretary

Section 903 Prohibited Activities No commercial enterprise or activity may be located upon over or under any limited access highway The secretary may exclude public utility facilities from longitudinal occupation of a limited access highway whenever exclusion is necessary to prevent interference with traffic on such highway or to obtain federal aid for the construction or reconstruction of such highway

Section 904 Elimination of Grade Intersections In the establishment or construction of limited access highways the secretary may eliminate intersections at grade with other roads or highways by the construction of grade separation structures by closing the intersecting roads or highways at the right-of-way lines of the limited access highways or by relocating roads or highways as in his opinion will best service the public interest

Section 905 Intersecting Roads Prohibited After the establishment of a limited access highway no new road may intersect the limited access highway without the consent of the secretary

Section 906 Acquisition of Property The secretary may acquire property for the establishment of limited access highways and local service roads in the same manner as provided in Article VIII

When the designation of an existing highway as a limited access highway results in the abutting owner having no means of access from his property the owner shall be entitled to compensation

Section 907 Regulation of Ingress Egress Traffic and Parking On limited access highways the secretary may control the ingress and egress of vehicles thereto therefrom and across and may exclude any class or kind of traffic therefrom and may provide separate traffic lanes for any class of traffic or type of vehicle

Article X
Contracts

Section 1001 Secretary may Let Contracts The secretary may let contracts for the demolition or removal of structures within the highway for the construction reconstruction improvement maintenance or repair of highways and for engineering services to lay out design and estimate the cost of constructing altering or repairing highways

Section 1002 Advertisement for Bids Before any contract is let the secretary shall advertise for bids at least six weeks before the bids may be opened by public notices inserted at least twice in one or more newspapers of general circulation in the county where the work is to be done and where the work to be done is located in more than one county then in at least two newspapers in at least two of the counties The advertisements shall designate where the plans and specifications may be had and the time and place of the reception of bids and lettings of the contract The secretary may at his discretion insert the same advertisement in other newspapers or engineering periodicals This section does not apply to contracts for engineering services to lay out design and estimate the cost of constructing altering or repairing highways or to contracts for the demolition or removal of structures within the highway

Section 1003 Prequalifications of Bidders The department after consultation with and receiving the advices of the Secretaries of Pennsylvania Associations representing highway constructors and other parties in interest who have notified the Secretary of Highways in writing of such interest shall by regulations establish and may from time to time modify or supplement a system for the qualification of competent and responsible bidders on highway projects and furnish to such secretaries and others in interest copies of such regulations in determining the qualifications of bidders The department shall consider the following factors relating to the contractors

(1) Equipment
(2) Past record
(3) Experience
(4) Personnel of organization
(5) Financial condition

In determining the qualifications of newly organized bidders the department shall consider the following factors relating to newly organized contractors

(1) Equipment
(2) Personnel of organization and
(3) Financial condition

The Department shall not consider bids from any bidder who is not qualified

Section 1004 Bonds (a) Each proposal shall be accompanied by a proposal guaranty in the form of a bond in favor of any and payable to the Department of Highways Commonwealth of Pennsylvania in a sum equal to five per centum of the proposal price of the work conditioned that the contractor shall execute a contract for the work according to the terms of the proposal Each bond shall have as surety thereon one or more surety companies legally authorized to transact business in the Commonwealth and satisfactory to the secretary in lieu of a bond Such proposal guaranty may be the depositor's check certified to by the bank of deposit Proposal guaranties shall be returned within three (3) days after bids are opened excepting those which the secretary elects to hold

until the award is made and the successful bidder qualifies Thereafter proposal guaranties other than that of the qualified low bidder shall be returned at once The proposal guaranty of the bidder to whom the award is made shall be held until the contract is signed by both parties thereto and approved by the Attorney General

(B) Every person before being awarded any contract under the provisions of this article shall furnish a bond with sufficient surety or sureties in a sum equal to fifty percent of the contract price of the work conditioned that the contractor shall well and truly and in a manner satisfactory to the department complete the work contracted for and shall save harmless the Commonwealth of Pennsylvania from any expense incurred through the failure of the contractor to complete the work as specified or from any damages growing out of the carelessness of the contractor or his or its servants Where the amount of the contract is in excess of five hundred dollars ($500) the department shall require every person entering into the contract before commencing work thereunder to execute and deliver to the Commonwealth on behalf of himself and all approved subcontractors on the project an additional bond for the use of all persons interested in a sum equal to fifty percent of the contract price of the work which bond shall be conditioned for the prompt payment of all material furnished and labor supplied or performed rental of equipment used and services by public utilities or in connection of work whether or not the material equipment rental or labor entered into and became component parts of the work or improvement contemplated The additional bond shall be deposited with and held by the department for the use of any party interested therein and shall provide that every person who whether as subcontractor or otherwise has furnished material or equipment on rental or supplied or performed labor or services on or in connection with the prosecution of the work and who has not been paid therefor may sue in assumpsit on the additional bond and prosecute the action to final judgment for the sum or sums as may be justly due him and have execution thereon The Commonwealth shall not be liable for the payment of any costs or expense of the action Both surety bonds shall have as surety thereon one or more surety companies legally authorized to transact business in this Commonwealth and satisfactory to the secretary Provided That the additional bond shall be conditioned only for the prompt payment of actual equipment rentals and shall not be conditioned upon or guarantee payment of equipment rentals all or any part of which directly or indirectly apply on the purchase price of the equipment under the terms of a bailment lease or conditional sales contract or by any other arrangement by which title to the equipment will be transferred to the contractor and the rentals form any part of the consideration

Section 1005 Awarding Contracts The contract shall be awarded to the lowest responsible bidder The department may cancel the awarding of any contract at any time before its execution

Section 1006 Approval and Execution of Contracts Every contract made by the department under the provisions of this act shall be made in the name of the Commonwealth of Pennsylvania and shall be signed by the secretary and approved as to form and legality by the Department of Justice.

Section 1007 Emergencies If in the opinion of the secretary there exists an emergency requiring immediate attention to save any highway from damage or to protect the public safety the secretary may contract for repairs to prevent the damage or to protect the public safety without advertising for bids

Article XI
Construction and Maintenance

Section 1101 Duty to Construct and Maintain Highways The department shall construct new highways when authorized to do so by an act of Assembly establishing State highways and authorizing their construction maintenance and improvement and shall reconstruct improve maintain and repair existing highways forming the State Highway System

Section 1102 Materials for Construction All highways shall be constructed of such materials or combination of materials in such a manner that they will with reasonable repairs at all seasons of the year be firm smooth and convenient of travel The kind of materials to be used on any particular highway shall be determined by the secretary

Section 1103 Construction and Maintenance to be Done by Department Employes or by Contract All construction reconstruction improvement maintenance and repair of highways may be done either by the agents servants and employes of the department or by contract and shall be performed according to plans and specifications prepared by the department or at its direction

Section 1104 Agreements with Municipalities Persons or Public Bodies The secretary may enter into agreements with municipalities public interstate commissions or persons for the sharing with the Commonwealth of the cost of construction reconstruction improvement maintenance and repair of any highway and for the sharing of the costs of acquiring any property necessary therefor

Section 1105 Lighting Highways The department may construct improve and thereafter maintain and repair equipment for the lighting of highways and may contract for the energizing of this equipment at the expense of the Commonwealth The department may enter into agreements with municipalities for the energizing and maintenance of lighting equipment at the expense of the municipalities

Section 1106 Changing or Protecting Stream Channels The department may enter upon any property adjacent to or in the vicinity of a highway and change or protect stream channels in order to protect the highway from damage Any permanent change to a stream channel shall first be approved by the Department of Forests and Waters

Section 1107 Drains and Ditches Over Lands The department may enter upon any property and cut open maintain and repair such drains or ditches inlets or outlets through the lands as are necessary to divert or carry waters from highways

Section 1108 Snow Fences Entry on Private Lands to Place The department may enter upon any property adjacent to any highway and place thereon snow fences at any point deemed necessary in order to eliminate snow drifting on the traveled portion of the highway The snow fence shall not be placed more than one hundred feet from the right-of-way line of the highway

No snow fence authorized under this act shall be placed prior to November first nor shall it remain in place after April first of the succeeding year unless the written consent of the owner or person in possession is obtained

Section 1109 Live Snow Breaks The department may establish and maintain live snow breaks along or adjacent to highways for the purpose of preventing snow from drifting on the highways

Section 1110 Damages Caused by Entry or Construction The department shall be liable for any actual damage resulting to property caused by any entries or activities authorized by sections 1106 through 1109

If any of these entries or activities results in a taking of property for highway purposes the compensation therefor shall be ascertained in the manner provided for in Article VIII

Section 1111 Pedestrain and Cattle Crossings The Department may construct and maintain pedestrian and cattle crossings or passes over or under highways

Section 1112 Sidewalks Along Highways Whenever the secretary is of the opinion that danger to the traveling public would be materially reduced by the construction of a sidewalk along any part of a highway he may construct or allow municipalities to construct or aid municipalities ties in the construction of a sidewalk The sidewalks may be constructed in such a manner and of such materials as the secretary deems advisable

Section 1113 Curbing Footways Street Cleaning and Snow Removal Excepted The department shall not be responsible for or obligated to repair and maintain the curbing and sidewalks of any highway whether or not constructed by the department unless the secretary agrees to do so Nor shall the department be responsible for or obligated to remove snow from or to keep clean high-

ways other than limited access highways within the limits of any city

Section 1114 Permits for Opening Surface of Highway No opening shall be made in the surface of any highway without a permit first having been obtained from the department The provisions of this section shall not apply in the case of openings made for the purpose of servicing sewers water mains or other underground facilities owned and maintained by cities of the first class

Section 1115 Lettering Naming or Numbering Highways The secretary shall identify highways or combinations or parts of highways by letter name or number in such manner as will best accommodate and inform the traveling public The department shall mark all highways with signs indicating that they are State highways and shall erect at appropriate cross or intersecting roads or highways signs indicating the distance and direction to municipalities

Section 1116 Entry on Lands to Make Surveys and Appraisals The department or its agents or contractors may enter upon any property to make surveys to determine whether any highway should be constructed relocated widened or improved to make all surveys in connection with the actual construction relocation widening or improvement of any highway and to make appraisals of property Any actual damages sustained by the owner of land entered upon by the department for these purposes shall be paid by the department

Section 1117 Changing or Altering Roads at their Intersections with Highways The department may change alter relocate improve or widen roads when they intersect with highways

Section 1118 Limitation on Department's Duty to Maintain and Repair The department is not obligated to reconstruct maintain or repair that portion of a highway in a municipality used or occupied by the structures or surface facilities of any public utility unless the department consents to do so If the public utility person or municipality responsible for the reconstruction maintenance or repair of that portion of the highway fails to keep it in good repair the department may reconstruct maintain or repair it and may recover the cost thereof from the public utility person or municipality responsible

Section 1119 Moving and Establishing Buildings Whenever acquisition costs will be reduced by moving and establishing on other land buildings and structures located on land required for the highway the department may move and establish on the other land the buildings and structures

Article XII
Equipment and Materials

Section 1201 Obtaining Materials and Equipment The secretary may purchase lease or obtain all materials machinery tools equipment and supplies necessary for the construction reconstruction improvement maintenance repair and protection of highways and may employ all necessary labor All purchases shall be made through the Department of Property and Supplies in accordance with the act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929"

Section 1202 Quarrying Preparing and Manufacturing Materials The secretary may quarry and prepare stone gravel or other materials for use in the construction and maintenance of highways and may manufacture any other material used in the construction or maintenance thereof and may use the stone gravel and materials so quarried prepared and manufactured for construction and maintenance

The secretary may in accordance with the provisions of the act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929" erect such buildings and purchase such machinery as may be necessary for the proper prosecution of the work of quarrying and preparing stone gravel or other materials and manufacturing materials for use in the construction and maintenance of highways and may employ all labor for the operation thereof

Article XIII
Bridges

Section 1301 Prior Agreements or Orders not Affected Nothing in this act shall be construed to relieve any person from any obligation for the construction or maintenance of any bridge under any agreement or order of court or under any order of the Pennsylvania Public Utility Commission made before the effective date of this act

Section 1302 Tolls All tolls being collected on the effective date of this act may continue to be collected until the source of the funds out of which the bridge was constructed has been reimbursed

Article XIV
Detours

Section 1401 Closing Highways to Vehicular Traffic Except in the case of emergencies wherein the safety of the public would be endangered no highway may be closed to vehicular traffic except upon order of the secretary nor for a longer period than is necessary for the purpose for which the order is issued

Except in the case of emergencies wherein the safety of the public would be endangered no road may be closed to vehicular traffc when it has been designated as a detour by the secretary unless the written consent of the secretary has first been obtained or unless the authorities having jurisdiction over it shall by resolution duly recorded on their minutes declare such closing necessary for the protection of the public safety

In case of any closing under the provisions of this section without the consent of the secretary notice of the closing and subsequent reopening shall be given to the department immediately

Section 1402 Detours When any highway is closed the secretary shall immediately designate or lay out a detour on which the department shall erect and maintin while the detour is in use signs at each road intersection throughout its entire length indicating the direction to the highway Such detours shall be designated or laid out over the most practical route and wherever possible over the shortest available route on existing highways and roads During the period when the detour is in use the department shall maintain it in safe and passable condition The department shall remove all detour signs immediately upon the opening for traffic of the highway originally closed The department shall as soon as possible repair the road designated as a detour and place it in a condition at least equal to its condition when designated as a detour Whenever necessary in the creation of a detour the secretary may acquire right-of-way privileges over any property for the period during which the highway shall be closed to traffic In case no agreement satisfactory to the parties can be reached the department may proceed with the construction of the detour and either the department or the owner of the property occupied may petition the court for the appointment of viewers to ascertain the damages if any in the same manner as provided by Article VIII

Section 1403 Use of Closed Highway Persons who have no outlet due to the closing of a highway may drive on over or across the highway with the consent in writing and subject to such conditions as may be prescribed by the department or its agents or contractors without being subject to the penalties imposed by this act on persons who without written consent drive on over or across any highway which has been closed by the department

Article XV
Public Utilities

Section 1501 Standards of Construction and Maintenance of Public Utility Facilities The secretary shall have power and it shall be his duty to promulgate regulations establishing reasonable minimum standards for the construction and maintenance of public utility facilities in on or over highways including quality of materials used frequency of inspection and such other matters as are related to highway safety The secretary may for such purpose adopt by reference in whole or in part the standards established and published by the Federal Bureau of Standards or any other agency of the Federal or State government or by the National Safety Council or by a nationally recognized society of engineers or other experts on the subject The purpose of all such regulations shall

be to provide an adequate factor of safety against the breaking falling or other failure of such utility facilities

Section 1502 Permits for Utility Facilities (a) The consent of the secretary evidenced by a permit shall be required in advance of any of the following except as to crossings subject to the jurisdiction of the Pennsylvania Public Utility Commission

(1) Construction or removal of utility facilities longitudinal to and transverse with in on or over a highway other than overhead crossings of electric telephone and telegraph wires and cables provided however that the construction or removal of such wires or cables does not necessitate the placing or alteration of poles or other structures within the limits of the right-of-way of the highway

(2) Construction maintenance or removal of utility facilities in which any part of the surface of a highway right-of-way is opened or the support of such surface is in any way disturbed

(3) Construction or removal of utility facilities in or on a bridge overpass tunnel underpass or other special structures constructed maintained or under the jurisdiction of the Department

(b) The secretary may impose conditions for appropriate measures to safeguard highway traffic while the work is under way and to ensure that after this completion the utility facilities will conform to such policy The secretary may establish a schedule of fees for issuing permits acaled to several classes of size and type of work for which permits are issued which fees shall not exceed the cost of issuing the permit

Section 1503 Relocation or Removal of Utility Facilities by Order of Secretary except as to crossings subject to jurisdiction of the Pennsylvania Public Utility Commission (a) Whenever the reconstruction relocation or repair of a highway necessitates the temporary or permanent relocation of utility facilities located in on or over the highway the owner of such facilities shall so relocate them at its own cost and expense upon written order from the secretary to do so stating the necessity therefor and fixing a reasonable time for compliance

(b) Whenever any utility facilities shall be or become in violation of the standards established as provided in section 1502 the owner thereof shall alter repair or remove them at its own cost and expense upon written order from the secretary to do so stating the nature of the violation and fixing a reasonable time for compliance

(c) If the owner of utility facilities shall not relocate them as required by subsection (a) or remove them as required by subsection (b) within the reasonable time fixed for compliance in the secretary's order the department may perform such relocation or removal as the case may be and recover the cost thereof plus ten percent of such cost plus all costs of suit from the owner Such recovery shall be in addition to any penalties otherwise prescribed by this act

Section 1504 Occupancy of Right-of-Way of Public Utilities Whenever in the construction widening or relocation of any highway it is necessary in the opinion of the secretary to occupy the whole or any part of the right-of-way of any public utility the department may acquire and enter upon the whole or any part of the right-of-way for the purpose of the highway. Whenever the right-of-way is acquired the secetary shall at the expense of the Commonwealth provide a substitute right-of-way on another and equally favorable location. The public utility shall thereupon provide for the transfer to or reconstruction upon in under or over the substitute right-of-way of any structures and facilities of the pubilc utility located in under or over the orignal right-of-way at the time it is acquired. The secretary may enter into agreements with the public utility to reimburse it for the expense of the transfer or reconstruction less salvage or scrap value in the event that the secretary and the public utility are unable to agree on the amount of reimbursement the Pennsylvania Public Utility Commission upon petition of either party shall have jurisdiction to hear the issue and determine such amount In case of the failure of the public utility within a reasonable time after notice so to do to remove its facilities to the substitute right-of-way the Pennsylvania Public Utility Commission may appeal to the Superior Court from the ruling of the commission The substitute right-of-way shall be equal in estate to the right-of-way taken and occupied for highway purposes and upon approval by the Governor of any plan providing for the acquisition of the right-of-way of any public utility and providing a substitute right-of-way therefor the secretary shall make execute acknowledge and deliver to the public utility a deed conveying to it an estate in the substitute right-of-way at least equal to that owned and enjoyed by it for the right-of-way to be occupied for highway purposes or if the substitute right-of-way is to be acquired other than by condemnation the secretary shall procure and deliver to the public utility a deed conveying a requisite estate to it from the owner of the land on which the substitute right-of-way is located the right-of-way of a railroad company shall not be acquired or occupied without the consent of the company owning or operating or in possession of such railroad

Section 1505 Public Utility Structures on Bridges The secretary may enter into a contract with any public utility company for the construction as a part of any bridge or such structure or equipment as may be necessary to accommodate the facilities of the company but the company shall pay in full the cost of the structure or equipment No public utility shall occupy any bridge or structure erected by the Department until and unless an agreement has been entered into with the Department of Highways provided that such agreement shall not be required if the bridge or structure shall have been erected pursuant to an order of Pennsylvania Public Commission and such order prescribes such occupancy

Section 1506 Rental for Occupancy of Bridges by Public Utilities The secretary may charge public utilities reasonable rental for the occupancy by the facilities of the companies of any bridge The public utility may appeal to the Court of Common Pleas of Dauphin County as to the reasonableness of the rental

Section 1507 Adjustment of Municipality or Municipality Authority Owned Public Utility Facilities Whenever in the construction reconstruction improvement maintenance or repair of any highway it is necessary in the opinion of the secretary to change alter adjust or relocate any water lines sanitary and storm water sewers gas mains fire police and communication systems and facilities owned and/or operated as a public utility by a municipality or municipality authority and located upon under across or over a highway the secretary may enter into agreements with the municipality or municipality authority for the sharing in the cost of the change alteration reconstruction adjustment or relocation of such structures where in the opinion of the secretary the costs should be shared by the department and a municipality or municipality authority and the secretary is unable to agree with the municipality or municipality authority to a division of the costs the department may petition the Pennsylvania Public Utility Commission for a determination of the costs to be borne by each party Appeal may be taken to the Superior Court from the determination of the Pennsylvania Public Utility Commission

Section 1508 Occupancy of Bridges Department Succeeds to Municipality's Rights If any contract has been made or entered into between any municipality and any public utility for the occupancy of any bridge taken over by the department the contract shall remain in force and the Commonwealth shall take over and succeed to all the rights of the municipality under the contract Where the contract provides for the payment of a certain amount for the occupancy payment shall be made by the public utility to the Commonwealth and if payment has already been made to the municipality for a specified length of time extending beyond the date the bridge is taken over the proportionate amount of the payment represented thereby shall be paid by the municipality to the Commonwealth

Section 1509 Restrictions upon Rights and Duties of the Department Except as provided in section 1508 the designation of an existing road as a part of the State Highway System shall not place upon the department any duty under any franchise granted by a municipality to any public utility before the designation of the road

as a part of the State Highway System nor to transfer to the department from the municipality any rights under the franchise

Article XVI
Traffic Engineering

Section 1601 Power to Regulate Use of Highways The secretary may make regulations governing the use of all highways and by curbs divisor strips traffic islands traffic circles traffic channelizations painted lines signs signals or markings may control the direction of the flow of traffic thereon These regulations shall not be inconsistent with the provisions of the act of April 29, 1959 (P. L. 58), known as "The Vehicle Code"

Section 1602 Regulating Classes of Traffic The secretary may exclude any class of traffic from any highway and by the erection of signs or the construction of curbs painted lines or other physical separations provide separate traffic lanes for any class of traffic or type of vehicle The secretary shall not exercise the power conferred by this section in a manner inconsistent with the provisions of the act of April 29, 1959 (P. L. 58), known as "The Vehicle Code"

Section 1603 Regulations and Specifications The Secretary may make reasonable regulations and specifications covering standard entrance or exit driveways to serve commercial industrial and roadside service establishments and similar uses of property abutting upon highways

Section 1604 Permit Required to Construct Driveway No person may construct an entrance or exit driveway to serve commerical industrial or roadside service establishments or similar uses of property abutting upon any highway without first obtaining a permit from the secretary All applications for a permit shall be accompanied by drawings of and specifications for the proposed construction No entrance or exit driveway may be constructed which does not conform to the permit issued by the secretary

Section 1605 Permit for Nonconforming Driveways No permit shall be issued by the secretary for the construction of any entrance or exit driveway which does not conform to the regulations and specifications prescribed by the secretary without a showing of reasonable need for departure from the applicable standard type of driveway prescribed by the secretary and unless it is shown that the proposed construction and the use thereof will be consistent with public safety use and the proper construction and maintenance of the highway and its drainage and other facilities

Section 1606 Permits Subject to Certain Conditions All permits issued by the secretary to construct an entrance or exit driveway shall designate the location and design of the construction All permits shall be subject to the right of the secretary to relocate at the department's expense any entrance or exit driveway when reasonably required for public safety or because of highway reconstruction or changed traffic conditions

Section 1607 Department may Conform Existing Driveways Any entrance or exit driveway in place on the effective date of this act which does not conform to the regulations and specifications made by the secretary may be made to conform to the regulations and specifications by the department at its expense

Article XVII
Abandonment and Vacation

Section 1701 Power to Abandon Highways The secretary may abandon highways where in his judgment a new highway replaces one highway to be abandoned If the highway or part thereof goes through lands owned by the Commonwealth or under the direct control or supervision of a State administrative department board or commission the secretary may abandon it with the approval of the Governor

Section 1702 Method of Abandoment Notice to Municipalities Recording The secretary shall give written notice of intention to abandon highways pursuant to section 1701 to the municipality or municipalities in which the highway is located and by recording a plan showing the part of the highway to be abandoned in the office of the recorder of deeds of the proper county or counties at the expense of the department Before a highway or part of a highway is abandoned the department if requested by the proper municipality shall improve and repair the highway so that it is in good condtion when it is abandoned

Section 1703 Effective Date of Abandoment When Plan may be Recorded The abandonment is effective when the plan is recorded If within sixty days after notice to it the municipality fails to request that the highway to be abandoned be placed in good condition the plan may then be recorded but if within sixty days after notice by registered mail to it the municipality requests that the highway to be abandoned be placed in good condition the plan shall be recorded after the highway is improved so that it is in good condition

Section 1704 Maintenance of Abandoned Highways When a highway is abandoned it shall be maintained by and at the expense of the city borough township or incorporated town in which it is located except that if the abandoned highway was a county road at the time it became a highway it shall be maintained by and at the expense of the county in which it is located When a highway or part of a highway which goes through land owned by the Commonwealth or under the direct control or supervision of any State administrative department board or commission is abandoned it shall be maintained by the department at the expense of State administrative department board or commission unless the administrative department board or commission agrees to maintain it

Section 1705 Bridges on Abandoned Highways If a highway is abandoned pursuant to section 1701 any bridge located thereon shall revert to the county if they were county bridges when taken over by the department or to the municipality in which located in all other cases and subsquent maintenance and reconstruction shall be the obligation of the county or the other municipality as the case may be

Section 1706 Title to Land under Abandoned Highway where Commonwealth Holds Fee Simple Absolute Where the Commonwealth owns in fee simple absolute the land on which the abandoned highway is located title to the land shall vest in the municipality obligated to maintain the abandoned highway

Section 1707 Vacation The secretary may vacate any highway when in his judgment it is no longer needed nor required for public use When the highway or part of a highway goes through lands owned by the Commonwealth or under the direct control or supervision of a State administrative department board or commission the secretary may vacate it with the approval of the Governor

Section 1708 Method of Vacation The secretary shall vacate a highway by recording a plan showing the highway or part of the highway vacated in the office of the recorder of deeds in the proper county or counties as the expense of the department The plan shall show the names of the owners or reputed owners of the land abutting the highway vacated The vacation is effective when the plan is recorded

Section 1709 Bridges on Vacated Highways The secretary may remove or dispose of any bridge except privately owned bridges located on highways which are vacated

Article XVIII
Finance

Section 1801 Highway Funds where Payable Highway funds shall be derived from such State revenues as may be provided by law All funds received by the Commonwealth under any provision of this act shall be paid into the Motor Fund in the State Treasury

Section 1802 Expenditures from Motor License Fund The department may expend highway funds to accomplish any object authorized by this act

Section 1803 Highway Appropriations All moneys appropriated for the use of the department for highway purposes shall remain for the use of the department until they are entirely used and applied to the purpose or purposes for which the appropriation was made All moneys appropriated for the use of the department by prior acts of Assembly and not expended before the

effective date of this act shall remain for the use of the department

Section 1804 Funds from Other State Agencies Whenever the department constructs reconstructs improves maintains or repairs highways through any lands owned by the Commonwealth or under the direct control or supervision of any State administrative department board or commission and the department board or commission for which the work is performed has funds available for payment of all or part of the cost of the work the funds shall be transfered to the Motor License Fund by proper requisition and warrant as provided by law

Article XIX
Federal Aid

Section 1901 Assent to Federal Aid The Commonwealth of Pennsylvania hereby assents to the act of Congress of July 11 1916 entitled "An act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes" and all of its amendments and supplements The Commonwealth also assents to any other act of Congress passed before the effective date of this act providing Federal aid for highway purposes

Section 1902 Aid Under Federal Highway Acts The secretary shall enter into all necessary contracts and agreements with the proper agencies of the government of the United States and shall do all other things necessary to obtain the benefits afforded under the provisions of the act of Congress of July 11 1916 entitled "An act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes" and its supplements and amendments or any other act of Congress passed before the effective date of this act providing Federal aid for highway and road purposes

Section 1903 Federal Agreements to Permit Payments to Municipality Where any municipality agrees to pay all or part of the property damages resulting from the construction or improvement of a highway and Federal funds are available for the payment of all or part of the property damages the secretary may enter into the necessary agreements with the officials of the municipality and the Federal government to permit payment to the municipality of that proportion of the Federal funds equal to the proportion of the property damages that the municipality has paid

Section 1904 Acceptance of Federal Funds The department may accept grants of funds from the President of the United States or any Federal agency for the construction of highways and roads and related projects These funds shall be held by the State Treasurer as custodian for the department and shall be paid out on requisition of the department without further appropriation If required by the Federal government the Department of Property and Supplies shall provide the necessary bonds for the State Treasurer in his capacity as custodian

Section 1905 Federal Funds for Roads Where any road or bridge which is not a part of the State Highway System is designated to be improved with funds from the Federal government the department shall have all of the powers and authority in the relocation widening or construction of the road or bridge which are conferred upon it with respect to highways Any damages sustained by reason of the condemnation of property in the relocation widening or construction of the road or bridge shall be ascertained in accordance with the provisions of Article VIII The damages when ascertained shall be paid by the municipality or municipalties as may be agreed upon by them No work shall be undertaken until the municipality or municipalties affected by the liability for damages shall have agreed thereto

Section 1906 Advertising Where any road or bridge is to be constructed under contract and to be paid for wholly or in part from Federal funds and the project involves additional work to be contracted and paid for by a municipality the advertisement by the department in compliance with the regulations of the proper Federal authorities shall be the only advertising necessary any other acts or requirements to the contrary notwithstanding

Section 1907 Secretary Authorized to do Necessary Acts The secretary shall make and carry out contracts and do every other act necessary to carry out any project undertaken before or after the effective date of this act which is to be paid for in whole or in part from Federal funds and in every way to conform to the requirements and rules and regulations of the proper Federal authorities with respect to these projects

Section 1908 Relocating Highways Because of Federal Flood Control Project Where the construction of a dam or flood control project by the Federal government or any agency thereof makes it necessary to relocate a highway and Federal funds are available therefor the secretary may enter into contracts with the Federal government or the agency thereof relating to the relocation of the highway and may do all other things necessary to obtain the benefits of Federal aid for the relocation of the highway

Article XX
Intergovermental Relationships

Section 2001 State and Municipal Agreements The various municipalities may enter into agreements through or with the secretary to enable them to participate in all the benefits to be secured from Federal aid

Section 2002 Increase of Indebtness Municipalities may to the extent that they contribute funds to the department increase their indebtedness by the issue and sale of obligations in the manner and subject to the limitations provided by law and may assess and collect any moneys contributed by them from abutting property owners as provided by law

Section 2003 Advertising and Bids for Construction when Municipality Agrees to Share Cost When a municipality agrees to pay all or part of the cost of constructing reconstructing improving maintaining or repairing a highway the advertising shall be done by the department and shall be the only advertising necessary

Section 2004 Advertising and Bids for Construction in Conjunction with Work by Department of Highways The secretary and municipalities may provide by agreement that the department shall advertise and receive bids for the construction of any part of a road or any structure on it whenever in the judgment of the secretary the construction may be done in conjunction with construction by the department The advertising when done by the department shall be the only advertising necessary

Section 2005 Supervision of Work When a municipality contributes funds for construction reconstruction improvement maintenance or repair of a highway the department shall supervise the work

Section 2006 Assisstance and Information to Municipal Officials County Highway Maps The secretary may investigate and determine the methods of road construction best adapted to the various sections of the Commonwealth and establish standards for the construction and maintenance of roads in the various sections The municipal officers having authority over roads and bridges may at reasonable times consult the secretary who when requested shall advise and give information to the officers relative to the construction and maintenance of roads and bridges The secretary shall lend his aid in promoting road improvements throughout the Commonwealth and may prepare models and pictures for exhibition and exhibit them at such times and at such places as in his judgement is advisable The secretary may compile useful information relative to road construction and maintenance which he may disseminate by printed bulletins issued at such times and in such numbers as he deems best The secretary may publish maps showing highway and road surveys of each county and may sell them at cost of publication

Section 2007 Certifications of Reports of Viewers Ordinances Petitions Agreements and Resolutions Laying Out or Vacating Public Roads Upon the confirmation by the court of quarter sessions of the report of any jury of view laying out or vacating a road the clerk of the court shall immediately certify a copy of the report with the accompanying draft and the action of the court on the report of the viewers to the secretary For this service the clerk of the court shall receive from the secretary the sum of three dollars and fifty cents ($3.50) for each certification

Upon the approval of any petition or upon the filing with the clerk of the court of quarter sessions of any ordinance agreement or resolution laying out or vacating a road the proper officers of the municipalities shall immediately submit a copy of the petition ordinance agreement or resolution with the accompanying draft and the final action on each matter to the secretary

Section 2008 Material Equipment and Supplies from Municipalities Any municipality may sell lease donate or otherwise transfer to the department any material equipment or supplies appropriate for use in the construction or maintenance of highways

Section 2009 Rental of Highway Building Equipment The secretary may sell or lease highway building equipment or materials for which the department has no immediate need to a municipality or a department board commission or agency of the Commonwealth or the Federal government upon such terms as shall be established by regulations of the secretary

Article XXI
Miscellaneous
Part 1
Trees Grasses Shrubs and Vines

Section 2101 Power to Trim Cut and Remove Encroaching Foilage The secretary may trim cut and remove any trees grasses shrubs or vines growing within a highway and may trim and cut away trees grasses shrubs or vines growing on adjacent property in so far as they overhang or encroach upon any highway

Section 2102 Planting of Trees Grasses Shrubs and Vines Along Highways The department may plant and maintain trees grasses shrubs and vines within a highway The secretary may enter into agreements with the Department of Forests and Waters regarding the planting and maintenance of trees grasses shrubs and vines

Part 2
Roadside Rests

Section 2111 Regulations The secretary may adopt and promulgate regulations governing the use of roadside rests by the public

Part 3
Documents and Maps

Section 2121 Fee for Certified Copy of Record or Document The secretary may charge a certification fee of two dollars ($2) and in addition thereto the costs of material and preparation for each certified copy of records books papers documents and rulings requested No charge shall be made for certified copies furnished to any department board or commission of the Commonwealth or any municipality or to any agency bureau or department of the Federal government

Section 2122 Maps Plans and Data The department may prepare and keep among its records such maps plans data and information as the secretary deems necessary Copies thereof may be furnished to the public in such manner and for such cost not exceeding the cost of preparation as the secretary determines but may be furnished free to any department board or commission of the Commonwealth or any municipality or to any agency bureau or department of the Federal government

Part 4
Use of Unobstructed View or Slope

Section 2131 Use of Land Acquired for Unobstructed View or Slope Whenever the secretary acquires property in an estate less than a fee simple absolute for an unobstructed view or for a slope the land may not be used in any manner that may interfere with or obstruct the vision of any person traveling on the highway or that may be inconsistant with the necessary support or protection of the highway

Part 5
Support of Highways

Section 2141 Support of Highways Whenever a highway subsides by reason of the failure of vertical or lateral support the person then owning the subjacent or adjacent strata shall provide for the restoration of the vertical and lateral support and the replacement of the surface of the highway upon receiving from the department notice to proceed with the restoration and replacement In the event that the owner of the subjacent or adjacent strata does not proceed immediately after notice with the restoration and replacement of the highway and does not dilgently complete the restoration and replacement within a reasonable time the subsidence is constituted and declared a public nuisance which may be abated by the department with or without notice to the owner If the owner fails or refuses to provide for the restoration and replacement of the highway the department may proceed with the restoration and replacement and the owners of the subjacent or adjacent strata at the time the vertical or lateral support was removed or at the time the subsidence occurred and their respective assignees lessees or grantees shall be jointly and severally liable for the cost of restoration The provisions of this section shall not be construed to restrict any other remedy available to the Commonwealth nor shall it be so construed as to nullify or modify any existing assignment or agreement transferring the obligation to furnish vertical and lateral support of the surface as between the parties thereto

Section 2142 Definitions The term "subjacent or adjacent strata" as used in this article means any land or estate or right therein from which materials have been extracted by mining or quarrying operations causing the subsidence

Section 2143 Inspection of Maps Any person operating quarries or mines under or adjacent to highways shall permit inspection by the department of any maps drawings or blueprints of the quarry or mine working and furnish a copy of the maps drawings or blueprints to the department which maps drawings or blueprints shall indicate the location of highways with reference to their quarrying or mining operations

Section 2144 Notice of Mining Operations Any person mining or quarrying or about to mine or quarry under any highway or within three hundred feet horizontally from the center line of any highway projected downward vertically shall notify the department and furnish copies of maps drawings or blueprints and such other information as may be reasonably required by the secretary

Section 2145 Inspection of Working The department may enter upon and into any quarry or mine workings under or adjacent to any highway and inspect the actual conditions of the workings and any person operating the quarry or mine shall permit the inspection and give information and assistance in the making of the inspection as may be reasonably required by the secretary

Part 6
Abatement of Highway Encroachments or Dangerous Conditions on Abutting Lands

Section 2151 Highway Encroachment Public Nuisance Abatement No encroachment structure or thing may be placed constructed or erected upon over or under a highway without the written consent of the secretary Any encroachment structure or thing placed constructed or erected upon over or under a highway without the written consent of the secretary is declared to be a public nuisance and when in the opinion of the secretary such encroachment constitutes an immediate hazard to traffic may be abated by the department with or without notice to the person responsible for the placing constructing or erecting when the encroachment does not constitute an immediate hazard to traffic written notice shall be given to the owner of the encroaching property to remove the same

Section 2152 Power to Enter Lands to Abate Dangerous Conditions The department or its agents or contractors may enter upon any public or private lands to correct or abate any natural or artificial condition which threatens to endanger the safety of travelers or to damage the highway if the owner or person responsible for the condition fails or refuses to correct or abate the dangerous condition within five days after receiving notice from the department to do so

Section 2153 Possessor of Abutting Lands may not Permit Things to Fall Upon Highway The owner or possessor of lands abutting a highway may not permit any dirt stones trees logs or similar things to fall upon the highway

Part 7
Recording of Plans and Fees

Section 2161 Recorders of Deeds to Provide Necessary Books Fee for Recording The recorder of deeds of each county shall provide books for the recording of plans made and required to be filed under this act and shall maintain an adequate index of the owners or reputed owners of property affected by the highway plans The recording fee for filing a plan shall be fifty dollars ($50)

Article XXII
Penalties

Part 1
Summary Offenses

Section 2201 Summary Conviction Any person violating any section of Part 1 of this article shall upon summary conviction before a magistrate alderman or justice of the peace be subject to the penalties imposed by the section together with the costs of prosecution and in default of the payment of any fine and costs shall undergo imprisonment for not less than five nor more than thirty days All fines shall be paid to the Commonwealth

Section 2202 Violating Regulations Damaging Highways It is unlawful for any person to violate any regulation promulgated by the secretary governing the use of highways or wilfully or maliciously to destroy injure or damage any highway

The penalty for violating this section shall be a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100)

Section 2203 Public Utility Facilities It is unlawful for any owner of utility facilities to construct maintain or remove them without a permit when such permit is required by section 1502 of this act

The penalty for violating this section shall be a fine not exceeding five hundred dollars ($500) together with the costs of restoring the highway

Section 2204 Opening It is unlawful for any person other than an owner of public utility facilities to make any opening in the surface of any highway without a permit from the secretary

The penalty for violating this section shall be a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100) together with the costs of restoring the highway

Section 2205 Sewage Drainage It is unlawful for any person to discharge sewage or drainage except a reasonable amount of surface drainage in view of the character of the abutting land in its natural condition on or within any highway

The penalty for violating this section shall be a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100) together with the amount which may be necessary to reimburse the department for any expense for enlarging existing or constructing additional drains or ditches to carry off the excess surface waters

Section 2206 Drains Ditches It is unlawful for any person without the written consent of the secretary to stop fill up injure divert or change the course of any drain or ditch constructed or maintained by the department

The penalty for violating this section shall be a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100)

Section 2207 Driveways It is unlawful for any person to construct an entrance or exit driveway to serve commercial industrial roadside service establishments or similar uses of property along a highway without first obtaining a permit from the secretary or to construct an entrance or exit driveway in violation of the conditions of the permit

The penalty for violating this section shall be a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100)

Section 2208 Surveys or Appraisals It is unlawful for any person to interfere with or obstruct the department's right to enter upon property for the purpose of making surveys or appraisals in accordance with section 1116 of this act

The penalty for violating this section shall be a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100)

Section 2209 Unobstructed View Slope It is unlawful for any person to use land subject to an easement of unobstructed view or slope in any manner that many interfere with or obstruct the vision of any person traveling on the highway or that may be inconsistent with the necessary support of protection of the highway

The penalty for violating this section shall be a fine of not less than fifty dollars ($50) nor more than one hundred dollars($100)

Section 2210 Barricades Driving on Closed Highways It is unlawful for any person wilfully to remove deface destroy or disregard any barricade light danger sign detour sign or warning of any other character erected or placed under authority of this act It is also unlawful for any person without the written consent of the department or its agents or contractors to drive on over or across any highway which has been closed by the secretary

The penalty for violating this section shall be a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100) together with the amount which may be necessary to reimburse the department for the expense of repairing any damage to the highway

Section 2211 Trees Grasses Shrubs or Vines It is unlawful for any person without the written consent of the secretary to damage any trees grasses shrubs or vines planted by or maintained by the Department of Highways and which are located within the right-of-way of any highway

The provisions of this section shall not apply to any person acting on behalf of the Fairmount Park Commission or any Shade Tree Commission pursuant to the provisions of the act of April 14, 1868 (P. L. 1083), entitled "A supplement to an act entitled 'An Act appropriating ground for public purposes in the city of Philadelphia' approved the twenty-sixth day of March Anno Domini one thousand eight hundred and sixty-seven" or the act of May 31, 1907 (P. L. 349), entitled "An act to provide for the planting and care of shade-trees on highways of townships of the first class boroughs and cities of the Commonwealth of Pennsylvania and providing for the cost thereof"

The penalty for violating this section shall be a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100) for each act of trimming cutting removing or damaging

Section 2212 Roadside Rests It is unlawful for any person to violate any regulation promulgated by the secretary relating to roadside rests

The penalty for violating this section shall be a fine of not less than five dollars ($5) nor more than two hundred fifty dollars ($250) together with the amount which may be necessary to reimburse the department for the expense of repairing any damage to the roadside rest or its equipment

Section 2213 Encroachment on Highway It is unlawful for any person to place construct or erect any encroachment structure or thing upon over or under a highway without the written consent of the secretary

The penalty for violating this section shall be a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100)

Section 2214 Permitting Things to Fall Upon Highways It is unlawful for any owner or possessor of lands adjacent to a highway to permit any dirt stones trees logs or similar things to fall upon the highway

The penalty for violating this section shall be a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100) together with the amount which may be necessary to reimburse the department for the expense of removing the dirt stones trees logs or similar things

Part 2
Misdemeanors

Section 2251 Misdemeanors Any person violating any

section of Part 2 of this article shall upon conviction be guilty of a misdemeanor and subject to the penalties imposed by the section together with the costs of prosecution All fines shall be paid to the Commonwealth

Section 2252 Collusive Bidding It is unlawful for any person acting for himself or as agent for another person to do or permit any act which interferes with or prevents fair competition among bidders or to submit collusive bid or to collude in the making submitting or obtaining of bids for any contract entered into or sought to be entered into with the department

The penalty for violating this section shall be a fine not exceeding one thousand dollars ($1000) or imprisonment for not more than two years or both at the discretion of the court

Section 2253 Support of Highways Inspection of Maps Notice of Mining Operations Inspection of Working It is unlawful for any person to fail to comply with any of the provisions of section 2141 of this act Support of Highways section 2143 of this act Inspection of Maps section 2144 of this act Notice of Mining Operations and section 2145 of this act Inspection of Working

The penalty for violating this section shall be a fine not exceeding five hundred dollars ($500) or imprisonment for not more than six months or both at the discretion of the court

Article XXII
Repealer

Section 2301 Acts Repealed Absolutely The following acts and parts of acts and all amendments thereof are repealed absolutely

(1) Sections 20 65 70 71 72 and 73 act of June 13, 1836 (P. L. 551), entitled "An act relating to roads highways and bridges"

(2) The act of March 18, 1864 (P. L. 68), entitled "A supplement to an act relating to roads highways and bridges approved June thirteenth one thousand eight hundred and thirty-six"

(3) The act of April 10, 1905 (P. L. 129), entitled "An act relating to the management care and maintenance of the National or Cumberland road and freeing the same from tolls and making an appropriation therefor"

(4) The act of April 17, 1905 (P. L. 192), entitled "An act authorizing the Commonwealth of Pennsylvania to rebuild uncompleted county bridges over any river not less than one thousand feet in width whenever the portions of said bridges already erected have been destroyed by floods before the final completion thereof and where it appears that over fifty per centum of the contract price had already been expended before such destruction"

(5) The act of June 13, 1907 (P. L. 739), entitled "An act extending the provisions of an act approved the tenth day of April Anno Domini one thousand nine hundred and five entitled 'An act relating to the management care and maintenance of the National or Cumberland Road and freeing the same from tolls and making an appropriation therefor' to the portion of said road lying within Somerset county directing the State Highway Commissioner to divide the said road into four divisions and to employ a superintendent for each division fixing the salaries thereof making an appropriation for the purposes of this act and repealing all acts or parts of acts inconsistent herewith or supplied hereby"

(6) The act of May 5, 1911 (P. L. 177), entitled "An act authorizing the Commonwealth of Pennsylvania to build bridges over any river not more than one thousand feet and not less than five hundred feet in width at localities not less than ten miles distant from the nearest public bridge over the same river in counties whose indebtedness increased by the cost of such proposed bridge would exceed the constitutional limitation of two per centum of their assessed valuation"

(7) Sections 3 5 6 29 33 40 and 41 act of May 31, 1911 (P. L. 468), entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as to the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement therof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways any kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act"

(8) The act of July 22, 1913 (P. L. 948), entitled "An act establishing certain public roads as State Highways and providing for their construction and maintenance at the expense of the Commonwealth"

(9) The act of June 4, 1915 (P. L. 808), entitled "An act to establish as a State Highway a certain section of public road in Adams County"

(10) The act of April 5, 1917 (P. L. 37), entitled "An act concerning the construction or rural post-roads and giving the assent of the Commonwealth of Pennsylvania to the provisions of an act of Congress approved July eleventh one thousand nine hundred sixteen entitled 'An act to provide that the United States shall aid the States in the construction of rural post-roads and for other purposes' and conferring certain powers upon the State Highway Department"

(11) The act of July 5, 1917 (P. L. 681), entitled "An act authorizing the State Highway Commissioner to adopt and procure a seal for the State Highway Department and providing that certified copies of all records books papers documents and rulings of the department shall be received in evidence"

(12) The act of May 16, 1919 (P. L. 196), entitled "An Act authorizing the Commonwealth to rebuild county bridges over eight hundred feet in length located on State highways where such bridges have been heretofore destroyed by fire providing for the appointment of viewers and inspectors and for the payment of the costs of rebuilding such bridges and imposing certain charges upon counties"

(13) Section 1 of the act of June 7, 1919 (P. L. 428), entitled "An act to amend sections three and thirteen of an act approved the thirty-first day of May Anno Domini one thousand nine hundred and eleven (Phamphlet Laws four hundred sixty-eight) entitled 'An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two

Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of townships or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act' so as to empower the State Highway Commissioner to acquire lands and the necessary equipment and to quarry stone and manufacture material used in the construction and maintenance of State Highways and State-aid Highways and to supply such stone and material to contractors and so as to authorize the State Highway Commissioner in his discretion to construct build or rebuild any highways by the employes of the State Highway Department"

(14) The act of May 11, 1921 (P. L. 519), entitled "An act providing for the reimbursement of counties by boroughs and townships when the county has contracted with the State Highway Department for the payment of both the county's and the boroughs or township's share of the cost of constructing or improving a State or State-aid highway authorizing counties to so contract empowering boroughs and townships to incur indebtedness therefor and authorizing an assessment of the borough's share on the abutting property"

(15) The act of May 17, 1921 (P. L. 899), entitled "An act establishing a State highway in the county of Lebanon providing for its location construction improvement and maintenance by the Commonwealth"

(16) The act of May 18, 1923 (P. L. 259), entitled "An act authorizing the State Highway Commissioner to empower certain other employes of his department to perform such official acts as he may designate"

(17) The act of June 14, 1923 (P. L. 754), entitled "An act providing for the survey construction reconstruction improvement and maintenance of an Industrial State Highway between the cities of Chester and Philadelphia and making the same a part of the system of State Highways providing for the taking of certain roads and of certain private property therefor under the power of eminent domain and the payment of damages by certain counties and imposing certain powers and duties upon the Highway Commissioner and county commissioners" .

(18) The act of July 11, 1923 (P. L. 1070), entitled "An act empowing the State Highway Department to rebuild certain inter-county bridges located on the routes of State Highways which bridges cross rivers and have been heretofore destroyed by fire and making an appropriation"

(19) The act of July 12, 1923 (P. L. 1077), entitled "An act establishing a State Highway in the counties of Clarion Forest Elk and MsKean providing for its location construction improvement and maintenance by the Commonwealth and vacating certain sections of State road in the counties of Clarion Forest McKean and Elk"

(20) The act of April 8, 1925 (P. L. 191), entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth"

(21) The act of April 14, 1925 (P. L. 233), entitled "An act establishing a State highway in the County of Elk providing for its location construction improvement and maintenance by the Commonwealth and vacating a certain section of State road in the said County of Elk"

(22) Section 2 act of May 7, 1925 (P. L. 554), entitled "An act providing for the widening altering or vacating of roads heretofore laid out within the Commonwealth under the provisions of special acts of Assembly prior to one thousand eight hundred and seventy-three and known as State roads"

(23) The act of May 12, 1925 (P. L. 624), entitled "An act to establish as State highways certain sections of public road in the county of Mercer"

(24) The act of May 14, 1925 (P. L. 735), entitled "An act to establish as a State highway a certain section of public road in the counties of Allegheny and Washington"

(25) The act of May 14, 1925 (P. L. 748), entitled "An act establishing as a State highway a certain section of public road in the county of Delaware"

(26) The act of April 22, 1927 (P. L. 352), entitled "An act providing for the appointment of a commission to act as a point commission with a similar commission appointed or to be appointed by the proper authorities of the Federal Government or as an independent commission for the purpose of investigating the necessity of a bridge across the Susquehanna River at Bainbridge Lancaster County to a point in York County and making an appropriation"

(27) The act of April 27, 1927 (P. L. 450), entitled "An act authorizing the Department of Highways to cause grasses shrubs and vines to be planted and maintained along State highways and providing penalties for the unauthorized trimming removing or damaging the same"

(28) The act of May 5, 1927 (P. L. 787), entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth"

(29) Sections 2001 2002 2003 2004 2005 2006 2007 2008 and 2009 act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929"

(30) The act of May 1, 1929 (P. L. 1052), entitled "An act adopting program for the completion of the improvement of the State highways of the Commonwealth authorizing counties boroughs towns and townships to expend moneys and to incur indebtedness and requiring certain moneys of the Motor License Fund to be expended as herein provided"

(31) The act of May 1, 1929 (P. L. 1054), entitled "An act providing for assistance by the Commonwealth in the improvement construction reconstruction and/or maintenance of certain streets and highways in cities of the second class second class A and and third class and for the assessment of benefits against owners of real estate abutting on the line of the improvement and making an appropriation"

(32) Section 3 act of May 20, 1931 (P. L. 140), entitled "An act to amend sections one and two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand fiive hundred twenty-eight) entitled 'An act authorizing the Secretary of Highways with the approval of the Governor to establish construct and maintain roads parallel to existing

State highways in order to relieve traffic congestion providing certain conditions and restrictions for the assessment and payment of damages for property taken thereby and providing that such highways when constructed shall become a part of the system of State highways of the Commonwealth' by including borough streets within the provisions thereof and providing for the reimbursement of boroughs for cost of constructing streets over under the provisions thereof"

(33) The act of June 22, 1931 (P. L. 836), entitled "An act to establish as a State highway a certain section of public road in the county of Bradford and providing for its construction and maintenance at the expense of the Commonwealth"

(34) The act of March 16, 1933 (P. L. 12), entitled "An act authorizing the Department of Highways to arrange with the Reconstruction Finance Corporation for advancement of funds to finance the construction of toll bridges authorizing the construction and maintenance of such bridges approaches and connecting roads to State highways by the Department of Highways providing for the condemnation of property necessary for the construction thereof and the assessment and payment of damages therefore providing for the collection of tolls upon certain terms and conditions and the deposit thereof in the State Treasury in a special fund providing for the payment of tool collection costs maintenance charges and repayments to the Reconstruction Finance Corporation from said fund providing for the cessation of tolls and payment of subsequent maintenance costs from the Motor License Fund and appropriating certain money in the Motor License Fund to carry out the provisions of said act"

(35) The act of June 1, 1933 (P. L. 1172), entitled "An act to establish as a State highway a certain section of public road in the county of Lackawanna and providing for its construction and maintenance at the expense of the Commonwealth"

(36) The act of June 1, 1933 (P. L. 1401), entitled "An act establishing certain public roads and streets as State highways and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions"

(37) The act of June 1, 1933 (P. L. 1406), entitled "An act authorizing the Attorney General under certain conditions to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment and to compound certain judgments"

(38) The act of June 3, 1933 (P. L. 1492), entitled "An act establishing certain public roads and streets in the city of Pittsburgh and county of Allegheny as a State highway and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions"

(39) The act of June 11, 1935 (P. L. 319), entitled "An act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth"

(40) The act of June 11, 1935 (P. L. 321), entitled "An act establishing certain public roads and streets in the city of Harrisburg and county of Dauphin as a State highway and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions"

(41) The act of July 15, 1935 (P. L. 1014), entitled "An act to establish as a State highway a certain section of public road in the county of Crawford and providing for its construction and maintenance at the expense of the Commonwealth"

(42) The act of June 21, 1937 (P. L. 1956), entitled "An act to establish as a State highway a certain section of public road in the counties of Franklin and Adams and providing for its construction and maintenance at the expense of the Commonwealth"

(43) The act of June 21, 1937 (P. L. 1956), entitled "An act to establish as a State highway a certain section of public road in the county of Allegheny and providing for its construction and maintenance at the expense of the Commonwealth"

(44) The act of May 19, 1941 (P. L. 44), entitled "An act establishing certain public roads and streets as a State highway and providing for their construction reconstruction and maintenance by the Department of Highways subject to certain terms and conditions"

(45) The act of July 2, 1941 (P. L. 223), entitled "A supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Phamphlet Laws seven hundred twenty) entitled 'An act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the second class, second class A and third class as state highways and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities, persons, associations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purpose of this act' by establishing additional routes in the City of Erie."

(46) The act of July 2, 1941 (P. L. 244), entitled "An act establishing certain public roads in Porter Township Clarion County and Mahoning Township Armstrong County as a State highway providing for their construction and maintenance by the Department of Highways."

(47) The act of July 3, 1941 (P. L. 274), entitled "An act establishing certain public roads and streets and certain roads and streets not yet in existence in the City of Harrisburg and the County of Dauphin as a State highway and providing for their laying out opening construction and maintenance by the Department of Highways subject to certain terms and conditions."

(48) The act of July 10, 1941 (P. L. 345), entitled "An act to amend the title and the act approved the seventh day of May one thousand nine hundred thirty-seven (Pamphlet Laws five hundred eighty-nine) entitled 'An act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the first class as State highways and for the improvement, construction, resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of the act' by adding new sections making certain changes in the designation of certain streets taken over as State highways and adding thereto certain additional streets providing for the taking, opening, relocation, widening or change of grade of such State highways by the Commonwealth at the expense of the Commonwealth and the city or either of them designating the city as agent for the Commonwealth in such taking, opening, relocation, widening or change of grade and the determination of damages arising therefrom authorizing agreements for the taking, opening, relocation, widening, change of grade, construction, repair and maintenance of such State highways appropriating money in the Motor License Fund for the purposes of the act as amended."

(49) The act of July 18, 1941 (P. L. 410), entitled "A supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred ninety-four) entitled 'An act

establishing certain township roads as State highways authorizing their construction, maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act' establishing additional routes to be used as a part of the national defense program in the County of Cambria."

(50) The act of July 28, 1941 (P. L. 566), entitled "An act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth."

(51) The act of July 31, 1941 (P. L. 604), entitled "A supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred ninety-four) entitled 'An act establishing certain township roads as State highways authorizing their construction, maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act establishing an additional route in the County of Lebanon."

(52) The act of August 6, 1941 (P. L. 876), entitled "A supplement to the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred seventy-two) entitled 'An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth' establishing an additional route in the boroughs of South Langhorne Manor and Langhorne Bucks County."

(53) The act of August 6, 1941 (P. L. 876), entitled "A supplement to the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one hundred seventy-two) entitled 'An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth' establishing an additional route in the borough of Sellersville Bucks County."

(54) The act of August 6, 1941 (P. L. 877), entitled "A supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred ninety-four) entitled 'An act establishing certain township roads as State highways authorizing their construction, maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing an additional route in the county of Warren."

(55) The act of August 11, 1941 (P. L. 897), entitled "An act establishing certain public roads in the counties of Union and Northumberland as a State highway and providing for their construction and maintenance by the Commonwealth subject to certain terms and conditions."

(56) The act of May 21, 1943 (P. L. 328), entitled "An act authorizing the Secretary of Highways at the request of and under agreement with the Public Roads Administration of the United States to lay out, establish, construct and maintain flight strips and roads to the sites of war activities or to replace roads or streets which have been closed by defense or military activities and to condemn property for such purposes authorizing a width of two hundred feet for such roads in certain cases and making an appropriation."

(57) The act of May 28, 1943 (P. L. 796), entitled "An act establishing as state highways certain county highways and requiring their construction, repair and maintenance as such."

(58) The act of June 4, 1943 (P. L. 883), entitled "An act authorizing and directing the Department of Highways to erect and maintain as a post war construction project a toll bridge over the Allegheny River between a point in or near the Borough of Tarentum Allegheny County and a point in Westmoreland County and to provide the necessary approaches and connections with State highways providing for the acceptance of Federal aid empowering counties to pay certain damages providing for the collection of tolls on such bridge and making an appropriation."

(59) The act of March 29, 1945 (P. L. 95), entitled "An act authorizing agreements between the Secretary of Highways and officials of political subdivisions of the Commonwealth or the Federal Government whereby Federal funds appropriated for the payment of property damages on State highways may be made available to the political subdivisions."

(60) The act of May 18, 1945 (P. L. 801), entitled "A supplement to the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred twenty) entitled 'An act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the second class, second class A and third class as State highways and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act' establishing an additional route in the city of Altoona."

(61) The act of May 29, 1945 (P. L. 1107), entitled "An act providing for the construction, erection and maintenance of roadside rests adjacent to State highway routes providing for the acquisition of interests in land by gift purchase or condemnation granting powers to and imposing duties upon the Department of Highways the Secretary of Highways the Governor and the Department of Property and Supplies authorizing rules and regulations and providing penalties for violations thereof and making an appropriation."

(62) The act of June 1, 1945 (P. L. 1242), known as the "State Highway Law."

(63) The act of May 31, 1947 (P. L. 376), entitled "An act authorizing the Secretary of Highways with the approval of the Governor to take over as State highways public roads which connect existing State highway routes with free interstate bridges and providing for construction, reconstruction and maintenance at the expense of the Commonwealth."

(64) The act of June 20, 1947 (P. L. 697), entitled "An act establishing certain sections of road over State-owned lands as State Highways and providing for the construction and maintenance at the expense of the Commonwealth."

(65) The act of June 25, 1947 (P. L. 948), entitled "An act authorizing the laying out and taking over by the Secretary of Highways with the approval of the Governor of new State highway routes in certain cases providing for their laying out, opening, construction, reconstruction and maintenance at the expense of the Commonwealth and making an appropriation."

(66) The act of April 25, 1949 (P. L. 751), entitled "An act authorizing and directing the Department of High-

ways with the approval of the Governor to erect and maintain a bridge over the Susquehanna River connecting the State highway system in Cumberland County with the system of State highways in Dauphin County and to provide the necessary approaches and connections with such State highways empowering counties to pay certain damages and making an appropriation."

(67) The act of May 11, 1949 (P. L. 1182), entitled "An act establishing a certain section of road over State-owned lands as a State Highway and providing for the construction and maintenance at the expense of the Commonwealth."

(68) The act of May 29, 1951 (P. L. 502), entitled "An act authorizing the Secretary of Highways to lay out, open, construct and maintain a road to be a part of the system of State Highways in Bucks County."

(69) The act of August 24, 1951 (P. L. 1414), entitled "An act authorizing the Department of Highways to erect and construct a bridge on Race Street between Sixth and Broad Avenues over certain railroad tracks in the City of Altoona empowering the Public Utility Commission to fix and determine the proportionate shares of the cost and maintenance thereof including compensation for damages to adjacent land owners and making an appropriation."

(70) The act of October 11, 1951 (P. L. 1697), entitled "An act to establish certain roads or sections of road as State highways."

(71) The act of January 14, 1952 (P. L. 2046), entitled "An act authorizing the Department of Highways to erect and maintain toll bridges over the Susquehanna River at certain points and to provide the necessary approaches and connections with State highways empowering counties to pay certain damages providing for the collection of tolls and making an appropriation."

(72) The act of June 3, 1955 (P. L. 139), entitled "An act establishing a section of public road in Elk County as a State highway and providing for the construction, reconstruction and maintenance thereof at the expense of the Commonwealth."

(73) The act of June 1, 1956 (P. L. 1987), entitled "An act authorizing the Department of Highways with the approval of the Governor to erect and construct a toll bridge over the Monongahela River connecting the State highway system in Washington County with the system of State highways in Fayette County and to provide the necessary approaches and connections with such State highways empowering counties to pay certain damages providing for the collection of tolls and making an appropriation."

(74) The act of May 6, 1957 (P. L. 103), entitled "An act authorizing the Department of Highways with the approval of the Governor to erect and maintain a high level bridge over the Clarion River in Clarion County at a point in the general area of the Borough of Clarion and to provide the necessary approaches and connections with State highways empowering counties to pay certain damages."

(75) The act of May 9, 1957 (P. L. 128), entitled "An act authorizing the Department of Highways with the approval of the Governor to construct a highway and to erect and maintain a bridge over the Chester River in Delaware County between Twenty-second Street and Upland Avenue in the Borough of Upland to a point on Chester Expressway in the City of Chester and to provide the necessary approaches and connections with State highways empowering counties to pay certain damages and making an appropriation therefor."

(76) The act of May 27, 1957 (P. L. 203), entitled as amended "An act authorizing the Department of Highways with the approval of the Governor to erect and maintain a high level bridge over the Allegheny River near Freeport Armstrong County and to provide the necessary approaches and connections with State highways empowering counties to pay certain damages."

Provided however that this section is not intended and shall not be construed to remove any road or street or highway from the State Highway System This section shall absolutely not effect any road street or highway now on the State Highway System. All such roads, streets and highways shall remain on the State Highway System.

Section 2302. Acts Repealed In So Far as They Apply to State Highways or the Department of Highways. The following acts and parts of acts and all amendments thereof are repealed only in so far as they apply to State highways or the Department of Highways.

(1) Section 5 act of June 13, 1836 (P. L. 551), entitled "An act relating to roads highways and bridges."

(2) Section 8. Act of May 8, 1850 (P. L. 713), entitled "An act authorizing the First German Reformed congregation of Lancaster to sell certain real estate relative to the common schools in the city of Lancaster to a certain tavern license in Lancaster County to Girard avenue in the district of Penn to authorize the school directors of North-west ward Reading to borrow money relative to the sale of the real estate of George Flowers of Philadelphia deceased to powers of courts of quarter sessions to justices of the peace and their sureties to opening and grading streets &c in the borough of Pottsville to the sureties of Jacob Sallada late surveyor general and to Marsh and Penn streets in the district of Kensington and relative to actions of ejectment."

(3) The act of April 6, 1868 (P. L. 67), entitled "An act for the protection of side-walks upon public roads and unincorporated towns and villages."

(4) The act of March 18, 1875 (P. L. 34), entitled "An act to provide for the temporary closing of any public street or public highway when the same may be needed for the use of any agricultural fair or any exhibition of the products of the soil or mine or of manufactures machinery or works of art."

(5) Sections 1 and 2 act of May 7, 1889 (P. L. 110), entitled "An act to permit persons to build sidewalks along public highways and to prohibit riding and driving on the same and providing penalties for the violation thereof."

(6) The act of May 8, 1889 (P. L. 129), entitled "An act fixing the number of road and bridge viewers."

(7) The act of April 1, 1909 (P. L. 97), entitled "An act to protect trees growing by the roadsides and within the road limits and providing a penalty for the unlawful killing, removal of or injury to the same.

(8) The act of June 9, 1939 (P. L. 318), entitled "An act to provide that under certain conditions roads, highways, bridges and other highway structures may be constructed to such width as may be determined by the authorities responsible for such highways and providing for condemnation of land and payment of damages therefor."

(9) The act of June 21, 1939 (P. L. 651), entitled "An act authorizing the courts of common pleas to make orders relative to the payment of costs in road cases.

(10) The act of May 21, 1943 (P. L. 279), entitled "An act authorizing the Department of Highways and counties, cities, boroughs, towns and townships to adopt and take over as public roads and highways certain highways taken over, located, extended or constructed by the Federal Government or any agency thereof in the exercise of the war power and providing the procedure therefor."

(11) The act of May 29, 1945 (P. L. 1108), entitled "An act authorizing the establishment, construction and maintenance of limited access highways and local service highways and providing for closing certain highways providing for the taking of private property and for the payment of damages therefor providing for sharing the costs involved and for the control of traffic thereover providing penalties and making an appropriation."

Provided however that this section is not intended and shall not be construed to remove any road or street or highway from the State Highway System. This section shall absolutely not effect any road street or highway now on the State Highway System. All such roads, streets and highways shall remain on the State Highway System.

Section 2303 General Repeal. All other acts and parts of acts are repealed in so far as they are inconsistent herewith provided that nothing contained in this act shall be construed to repeal or supersede any of the provisions of the act of May 28, 1937 (P. L. 1053), known as the "Public Utility Law."

On the question,

Will the House adopt the report of the Committee of Conference?

Mr. ADAMS. Mr. Speaker, very briefly I want to point out here that there is a very dangerous situation in this bill as regards the farmers.

This provision here reads thusly, on page 33 of the bill, line 6, "Acquisition of remainder of properties and land-locked parcels in excess of that needed for the highway" and it goes on to say, "to reduce severance damage." Now this gives the highway department the right to seize a whole farm if they only need a part of it. They apparently are the judges to determine whether they need it or whether they do not; whether they want to take it or whether they do not. There are 1,541 miles of national highways in the national system and 5,698 miles in the Federal Aid primary highway system, which is a lot of mileage and that can be added to. So, unless this provision could be removed from it, it is a very bad bill and should be defeated.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—142

Anderson, S. A.,	Frascella,	Lippincott,	Prendergast,
Arlene,	Galley,	Long, Wm. Jas.,	Price,
Bachman,	Gallagher,	Long, Wm. Jos.,	Reibman,
Backenstoe,	Gelfand,	Lutty,	Reidenbach,
Blair,	Gibbons,	Markley,	Renwick,
Boles,	Goldstein, M. H.,	Maxwell,	Riley,
Bonner,	Gray,	McCann,	Rovansek,
Bossert,	Greenlee,	McCormack,	Rubin,
Bower,	Gremminger,	McDevitt,	Rudisill,
Bowman,	Guesman,	McDonald,	Sakulsky,
Branca,	Hamilton,	McKeever,	Schaaf,
Breth,	Hankins,	McLaughlin,	Schuster,
Capano,	Hartley,	McNally,	Shelton,
Capitolo,	Heavey,	Meholchick,	Sherman,
Cauley,	Heffner,	Mihm,	Shupnik,
Cianfrani,	Holman,	Miller,	Simmons,
Cioffi,	Irvis,	Mills,	Slack,
Clarke,	Isaacs,	Monroe,	Stank,
Comer,	Jenkins,	Morley,	Steckel,
Cooley,	Jim,	Mullen,	Stimmel,
Crossin,	Johnson, A. W.,	Munley,	Stone,
Curwood,	Jones,	Murphy,	Sullivan, J. A.,
Dengler,	Kamyk,	Murray,	Sullivan, T. F.,
Dennison,	Kelly,	Musto,	Taylor,
Donaldson,	Kernaghan,	Needham,	Thompson,
Dougherty,	Kessler,	O'Dell,	Tomascik,
Doughten,	Klein,	O'Donnell, J. A.,	Trusio,
Eilberg,	Knecht,	O'Donnell, J. P.,	Ujobai,
Elvey,	Kooker,	Ogilvie,	Verona,
Eshback,	Kornick,	Parlante,	Wargo,
Ewing,	Kramer,	Pashley,	Welsh,
Farabaugh,	Lamb,	Perry,	Williams, A. D.,
Filo,	Lawson,	Petrosky,	Zember,
Fineman,	Lee, A. M.,	Polaski,	Zimmerman,
Flynn,	Leonard,	Polen,	Andrews,
Forester,	Limper,		Speaker

NAYS—52

Adams,	Goldstein, J. H.,	King,	Snare,
Anderson, J. H.,	Goodrich,	Kistler,	Stiteler,
Auker,	Gramlich,	Korns,	Tompkins,
Buchanan,	Gross,	Lee, K. B.,	Varner,
Bush,	Guthrie,	Manbeck,	Wall,
Davis,	Helm,	Marsh,	Wescott,
Edwards,	Henzel,	May,	Whittaker,
Eshleman,	Hocker,	McCandless,	Willaredt,
Fetterolf,	Holl,	Merry.	Williams, E. S.,
Foor,	Holliday,	Piper,	Wilt,
Fox,	Horst,	Pursley,	Wood,
Fulmer,	Johnson, R. P.,	Royer,	Worley,
George,	Keiser,	Seltzer,	Wynd,

NOT VOTING—16

Ashton,	Gibb,	Odorisio,	Walsh,
Down,	Haudenshield,	Rutherford,	Weidner,
Esler,	Magee,	Scarcelli,	Willard,
Fry,	McInroy,	Strausser,	Yetter,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the clerk inform the Senate accordingly.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 791, entitled:

An Act relating to and regulating the solicitation of moneys and property.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. PIPER. Mr. Speaker, may I interrogate the majority leader?

The SPEAKER pro tempore. Will the majority leader permit himself to be interrogated?

Mr. McCANN. Mr. Speaker, I yield to the gentleman from Westmoreland, Mr. Petrosky.

The SPEAKER pro tempore. Will the gentleman from Westmoreland, Mr. Petrosky, permit himself to be interrogated?

Mr. PETROSKY. I shall, Mr. Speaker.

Mr. PIPER. Mr. Speaker, I am a charitable institution and I go to a public relations company or an advertising concern to have the necessary advertising and plans drawn up to raise money for this charitable institution. Are they covered in this act?

Mr. PETROSKY. If they have professional fund raisers, certainly they will come under the act. This is one of the main purposes of the act.

Mr. PIPER. Do you consider these people professional fund raisers?

Mr. PETROSKY. Mr. Speaker, if they are conducting the campaign for the solicitation for charitable purposes, certainly they would be.

Mr. PIPER. They are not conducting the campaign, they do not collect any money, they do not solicit, they just merely write letters for the institution, United Fund, Heart Association, or whatever it might be, and furnish this material so that the fund raising institution can raise the money.

Mr. PETROSKY. May I ask the gentleman whether he is referring to the fact that they write letters in endeavoring to procure funds by solicitation.

Mr. PIPER. They only form the letters for these associations.

Mr. PETROSKY. Mr. Speaker, I would say that if the people were really working in an advisory capacity, then as I understand it, they would not receive a percentage as a commission for the solicitations obtained, is that true?

Mr. PIPER. They would receive remuneration for what services they rendered.

Mr. PETROSKY. Then they would have to register.

Mr. PIPER. Why, Mr. Speaker?

Mr. PETROSKY. The reason for this is that it is a known factor that in too many instances solicitations are made where any percentage or figure up to and even in some instances over 80 percent of the money solicited is used to

defray the so-called expenses by one means or another and by that I mean salaries, commissions, and so on.

Mr. PIPER. Mr. Speaker, I pointed out to the gentleman that these people do not get a commission, they do not solicit. They merely form advertising papers or letters that the association which is soliciting these funds is sending out. According to the bill, professional fund raiser means for compensation or other considerations, plans, conducts, manages, carries on or advises concerning any drive or campaign in this State for the purpose of raising funds for or on behalf of any charitable institution.

Mr. PETROSKY. I agree with the gentleman that is one of the purposes of the bill—the amount of solicitations, the percentage of the amount taken for advertising and conducting the campaign by salary or otherwise can consume 80 or 90 percent. This is the ruse that some of the professional fund raisers have been using.

Mr. PIPER. This is not professional fund raising. These people are advertisers, public relations people, and you or I or anyone in another type of business may go to them and say, "What advertising can we use to further our business?" Why would you want to include these people? They do not want to be known as professional fund raisers; they are not and they do not want to be classed that way. They are merely advertisers or public relations people.

Mr. PETROSKY. They do not have to be classed that way, but in order to prevent the fraud that is going on in this field they would have to register in that respect inasmuch as they were going to be remunerated from those funds that are being solicited.

Mr. ADAMS. Thank you, Mr. Speaker.

I would oppose this bill for the reason that Mr. Piper just stated. He has taken into this category people who do not wish to be known as professional fund raisers. They are not professional fund raisers. They are advertisers. They merely write these letters or they write advertising to help the charitable institution for which they are paid, the same as any newspaper would be paid. Now if these people are brought under this bill, then our newspapers would probably be brought under it. For this reason I urge everybody in this House to vote this bill down as being a bad bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, this bill and this legislation is on a par with so many other bills and other legislation which we have dealt with this session, and that is in this respect, they have put a tag on this bill as the "Charitable Solicitations Act." They have gone out and sold a program to the public, and it is in many ways like a life insurance policy, where you think you have a life policy or an accident or a health insurance policy until you need it, and when you read the fine print you find out you do not have anything, but you have paid your premium. By that I mean, that in one section of this bill—I am just going to cite one instance and I am not going to deal any further with it—in some of the fine print in this bill they exempt community organizations made up of firemen, policemen, veterans, veterans' auxiliaries, mothers of persons who died in the armed forces of the United States, or civic or fraternal or neighborhood groups, schools or similar organizations that they will raise funds by solicitations not in excess of $1,000 in any one year. That "any one year" is important in that. But I said to you that there is many a volunteer fire company in this State that goes out and solicits funds in excess of $1,000 a year and I say to you that there are other organizations, and I will cite you one. In my home town there is the "Band Boosters Association," that helps out our high school and our community band. They go out and solicit funds for uniforms for these people, and they solicit in excess of $1,000. I want to just prove that with another citation: We have civic clubs such as our Kiwanis, Lions, and Rotary Clubs that are out soliciting funds, and they solicit in excess of $1,000 a year, for the benefit of projects which they are handling in the community. Under this bill when they do that they become subject to the provisions of this bill. That fine print I do not like in the bill and I am not going to vote for a slogan of "solicitations by charitable organizations." I am going to vote for the contents of the bill that is before me. That is the way we should all vote on it, not by what the slogan says, but what the bill says.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—116

Anderson, S. A.,	Frascella,	Limper,	Polen,
Arlene,	Gailey,	Long, Wm. Jas.,	Reibman,
Auker,	Gallagher,	Long, Wm. Jos.,	Reidenbach,
Bachman,	Gelfand,	Lutty,	Renwick,
Backenstoe,	Goldstein, M. H.,	Markley,	Riley,
Boles,	Gray,	Maxwell,	Rovansek,
Bossert,	Greenlee,	McCann,	Rubin,
Bower,	Gremminger,	McCormack,	Rudisill,
Branca,	Guesman,	McKeever,	Sakulsky,
Breth,	Hamilton,	McLaughlin,	Scarcelli,
Capano,	Hankins,	McNally,	Schaaf,
Capitolo,	Hartley,	Meholchick,	Schuster,
Cauley,	Heavey,	Merry,	Shelton,
Cianfrani,	Heffner,	Mihm,	Sherman,
Cioffi,	Henzel,	Mills,	Shupnik,
Clarke,	Irvis,	Monroe,	Stank,
Comer,	Jenkins,	Morley,	Stone,
Cooley,	Jim,	Munley,	Sullivan, J. A.,
Crossin,	Jones,	Murphy,	Sullivan, T. F.,
Curwood,	Kamyk,	Murray,	Taylor,
Donaldson,	Kelly,	Musto,	Tomascik,
Dougherty,	Klein,	Needham,	Trusio,
Doughten,	Kornick,	O'Donnell, J. A.,	Verona,
Eilberg,	Kramer,	O'Donnell, J. P.,	Walsh,
Farabaugh,	Lamb,	Parlante,	Wargo,
Filo,	Lawson,	Pashley,	Welsh,
Fineman,	Lee, A. M.,	Perry,	Williams, E. S.,
Flynn,	Lee, K. B.,	Petrosky,	Wilt,
Forester,	Leonard,	Polaski,	Yetter,

NAYS—78

Adams,	Gibbons,	Korns,	Snare,
Anderson, J. H.,	Goldstein, J. H.,	Lippincott,	Steckel,
Blair,	Goodrich,	Manbeck,	Stimmel,
Bonner,	Gramlich,	Marsh,	Stiteler,
Bowman,	Gross,	May,	Thompson,
Buchanan,	Guthrie,	McCandless,	Tompkins,
Bush,	Helm,	McDevitt,	Ujobai,
Davis,	Hocker,	McDonald,	Varner,
Dengler,	Holl,	Miller,	Wall,
Dennison,	Holliday,	O'Dell,	Wescott,
Edwards,	Holman,	Ogilvie,	Whittaker,
Elvey,	Horst,	Piper,	Willaredt,
Eshback,	Johnson, A. W.,	Prendergast,	Williams, A. D.,
Eshleman,	Johnson, R. P.,	Price,	Wood,
Ewing,	Keiser,	Pursley,	Worley,
Fetterolf,	Kernaghan,	Royer,	Wynd,
Foor,	Kessler,	Seltzer,	Zember,
Fox,	Kistler,	Simmons,	Zimmerman,
Fulmer,	Knecht,	Slack,	Andrews,
George,	Kooker,		Speaker

NOT VOTING—16

Ashton,	Gibb,	Magee,	Rutherford,
Down,	Haudenshield,	McInroy,	Strausser,
Esler,	Isaacs,	Mullen,	Weidner,
Fry,	King,	Odorisio,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 758, entitled:

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code" prohibiting certain business activities on Sunday.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Fineman.

Mr. FINEMAN. Mr. Speaker, with the unanimous consent of the House, I would like to make a brief statement prior to getting into the question of Senate bill 758.

The SPEAKER pro tempore. The Chair hears no objection, the gentleman will proceed.

Mr. FINEMAN. Mr. Speaker, during my four sessions in the House, it has been my happy lot, my good fortune to have earned the good will of many of the members of the House. I most assuredly do not want, at this late hour of this session, to do anything that will disturb that good will, but I will say to the House what I said in the Democratic caucus earlier today. Although I know that we are all tired, we have had a backbreaking session and we all want to get to our homes, nevertheless, because this is the waning hour of the present session, my responsibilities as a legislator do not in fact diminish, nor are they less in scope than they were at any time during the session. I am therefore constrained to do what I am about to do, even though it may take the time of this House I ask the members of this House to bear with me.

As a matter of fact, it is because my responsibilities at this moment are greater than perhaps they would have been earlier in the session that I am going to make my first motion.

MOTION TO RECOMMIT

Mr. FINEMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government.

On the question,

Will the House agree to the motion?

Mr. FINEMAN. Mr. Speaker, I moved that this bill be recommitted because I think it was manifestly unfair at this very late date in the current session to bring before the members of this House a bill of such scope as Senate bill 758.

The members of this House will remeber full well that in the 1959 session the then Sunday Blue Law bill that was passed, which was known as Senate bill 405, had received public hearings, there was an extensive debate of one entire day in this House, and a great deal of study and time was given to that bill. We have now been presented, at the last moment, with a bill that extends the scope of Senate bill 405, that is the Senate number of the 1959 session. I think this is wrong to give to the members of this House, without an opportunity to study and inquire into what effect the Blue Laws have had on the economy of this State. Has business, in fact, been harmed because they have had to close on Sundays? Have we chased any industry out of the Commonwealth of Pennsylvania? These are pertinent questions that we should inquire into to see if there has been any traumatic effect on our economy by Senate bill 405 before we are asked to vote on such a bill as Senate bill 758.

It is for these reasons that I ask this motion be favorably received by the members of this House.

The SPEAKER pro tempore. Does the gentleman from Erie, Mr. O'Dell, desire to be recognized on the motion to recommit?

Mr. O'DELL. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. O'DELL. I am not the silver-tongued orator as is my opponent, but I ask everyone to vote against the motion to recommit.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, I also rise in opposition to the motion to recommit. In 1959 we debated this bill on the ramifications of this legislation for over five hours here on the floor of the House. I feel that each and every member of this House is well qualified to know what this bill does and that it should not be recommitted for further study or other delaying tactics. We ask for a roll call on the recommittal motion.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. O'DELL and MURPHY and were as follows:

YEAS—23

Anderson, J. H.	Gailey,	Marsh,	Reibman,
Blair,	Gelfand,	McDonald	Riley,
Cianfrani,	Helm,	O'Donnell, J. A.,	Rudisill,
Dengler,	Isaacs,	Perry,	Stank,
Doughten,	Kernaghan,	Piper,	Verona,
Fineman,	Lippincott,	Prendergast,	

NAYS—168

Adams,	Fulmer,	Lee, A. M.,	Royer,
Anderson, S. A.,	Gallagher,	Lee, K. B.,	Rubin,
Arlene,	George,	Leonard,	Sakulsky,
Auker,	Gibbons,	Limper,	Scarcelli,
Bachman	Goldstein, J. H.,	Long, Wm. Jas.,	Schaaf,
Backenstoe,	Gramlich,	Long, Wm. Jos.,	Schuster,
Boles,	Gray,	Lutty,	Shelton,
Bonner,	Greenlee,	Manbeck,	Sherman,
Bossert,	Gremminger,	Markley,	Shupnik,
Bower,	Gross,	Maxwell,	Simmons,
Bowman,	Guesman,	May,	Slack,
Branca,	Guthrie,	McCandless,	Snare,
Breth,	Hamilton,	McCann,	Steckel,
Buchanan,	Hankins,	McCormack,	Stimmel,
Bush,	Hartley,	McDevitt,	Stiteler,
Capano,	Heavey,	McKeever,	Stone,
Capitolo,	Heffner,	McLaughlin,	Sullivan, J. A.,
Cauley,	Henzel,	McNally,	Sullivan, T. F.,
Cioffi,	Hocker,	Meholchick,	Taylor,
Clarke,	Holl,	Merry,	Thompson,
Comer,	Holliday,	Mihm,	Tomascik,
Cooley,	Holman,	Miller,	Tompkins,
Crossin,	Horst,	Mills,	Trusio,
Curwood,	Irvis,	Monroe,	Ujobai,
Davis,	Jenkins,	Morley,	Varner,
Dennison,	Jim,	Mullen,	Wall,
Donaldson,	Johnson, A. W.,	Murphy,	Walsh,
Dougherty,	Johnson, R. P.,	Murray,	Wargo,
Edwards,	Jones,	Musto,	Welsh,

Eilberg,	Kamyk,	Needham,	Wescott,
Elvey,	Keiser,	O'Dell,	Whittaker,
Eshback,	Kelly,	Ogilvie,	Willaredt,
Eshleman,	Kessler,	Parlante,	Williams, A. D.,
Ewing,	King,	Pashley,	Williams, E. S.,
Farabaugh,	Kistler,	Petrosky,	Wilt,
Fetterolf,	Knecht,	Polaski,	Wood,
Filo,	Kooker,	Polen,	Worley,
Flynn,	Kornick,	Price,	Wynd,
Foerster,	Korns,	Pursley,	Yetter,
Foor,	Kramer,	Reidenbach,	Zember,
Fox,	Lamb,	Renwick,	Zimmerman,
Frascella,	Lawson,	Rovansek,	Andrews, Speaker

NOT VOTING—19

Ashton,	Goldstein, M. H.,	McInroy,	Seltzer,
Down,	Goodrich,	Munley,	Strausser,
Esler,	Haudenshield,	O'Donnell, J. P.,	Weidner,
Fry,	Klein,	Odorisio,	Willard,
Gibb,	Magee,	Rutherford,	

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

The SPEAKER pro tempore. For what purpose does the gentleman from Bucks, Mr. Williams, rise?

Mr. A. D. WILLIAMS, Jr. First of all, to offer amendments to this bill.

The SPEAKER pro tempore. The gentleman is not in order for that purpose. He should have offered the amendments before the bill was agreed to on third reading.

The Chair recognizes the gentleman from Philadelphia, Mr. Fineman.

Mr. FINEMAN. Mr. Speaker, am I to understand that at this time I am precluded from offering amendments?

The SPEAKER pro tempore. You certainly are. We will have to reconsider the vote by which the bill was agreed to on third reading. That is the reason the Chair asked the gentleman if he wished to be recognized before the bill was agreed to on third reading. The gentleman said he did not desire that recognition.

Mr. FINEMAN. Mr. Speaker, perhaps I did not understand the significance of the question that was put to me, but I think the whole membership knows full well that it was my intention, the majority and minority leaders both know, that I was about to offer seven amendments and I ask the courtesy of this House in supporting my motion for reconsideration of the vote by which it was agreed to on third reading.

RECONSIDERATION OF VOTE

Mr. FINEMAN. Mr. Speaker, I move that the vote by which this bill was agreed to on third reading be reconsidered.

Mr. A. D. WILLIAMS, Jr. Mr. Speaker, I second the motion .

On the question,

Will the House agree to the motion?

Mr. MURPHY. Mr. Speaker, I ask for a roll call on the motion to reconsider.

Mr. JIM. Mr. Speaker, I second the request for a roll call.

Mr. MURPHY. Mr. Speaker, I withdraw my request for a roll call.

The SPEAKER pro tempore. The gentleman from Washington, Mr. Murphy, withdraws his request for a roll call.

Mr. McCANN. Mr. Speaker, so the members will know what we were talking about, up to the present hour of this session there has never been denied a right of any member, Republican or Democratic, to reconsider any vote and this was just a slip, because in our caucus he said he had amendments and Mr. Williams had amendments. I have asked my members to withdraw the motion. I want this session to end without ever breaking that rule, which we have honored to this hour.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

The SPEAKER pro tempore. The Chair will now recognize the gentleman from Philadelphia, Mr. Fineman.

Mr. FINEMAN. Mr. Speaker, I yield to the gentleman from Bucks, Mr. Williams.

Mr. A. D. WILLIAMS, Jr. asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Title, page 1, last line of Title, by inserting after 'Sunday": and excluding antiques from the personal property, the sale of which is prohibited on Sunday

Amend Bill, page 1, by inserting between the enacting clause and line 1:

Section 1. Section 699.10, act of June 24, 1939 (P. L. 872), known as "The Penal Code," added August 10, 1959 (P. L. 660), is amended to read:

Section 699.10. Selling Certain Personal Property on Sunday.—Whoever engages on Sunday in the business of selling, or sells or offers for sale, on such day, at retail, clothing and wearing apparel, clothing accessories, furniture, except antiques, housewares, home, business or office furnishings, household, business or office appliances, hardware, tools, paints, building and lumber supply materials, jewelry, silverware, and recordings, or toys, excluding novelties and souvenirs, shall, upon conviction thereof in a summary proceeding for the first offense, be sentenced to pay a fine of not exceeding one hundred dollars ($100), and for the second or any subsequent offense committed within one year after conviction for the first offense, be sentenced to pay a fine of not exceeding two hundred dollars ($200) or undergo imprisonment not exceeding thirty days in default thereof.

Each separate sale or offer to sell shall constitute a separate offense.

Information charging violations of this section shall be brought within seventy-two hours after the commission of the alleged offense and not thereafter.

Amend Sec. 1, page 1, line 1, by striking out all of line 1, "Code" in line 2, and inserting:

Section 2. The act

Amend Sec. 2, page 2, line 19, by striking out "2" and inserting: 3

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Williams, and asks the attention of the House while the gentleman explains his amendments.

Mr. A. D. WILLIAMS, Jr. Mr. Speaker, the purpose of these amendments is not to in any way affect the desire and intent of the bill presently before us. I think the bill before us is going to permit "mom and pop" meat stores to stay open in Pennsylvania. My amendments are

for one purpose and for one purpose only—to permit "mom and pop" antique shops throughout Pennsylvania to sell antiques on Sunday.

Through, I think, inadvertence, in 1959, we did not exclude antiques in the definition of prohibited items, one of which was furniture. There are only two words in this entire amendment and they are that after the word "furniture" in the act would appear the words "except antiques." Pennsylvania wants tourists. Governor Lawrence wants tourists to tour Pennsylvania. We have just appropriated $200,000 for the promotion of the tourist business in Pennsylvania. Many of these tourists are people who come in on weekends to look at and shop for antiques. This particularly affects the town of New Hope in Bucks County and I am sure it affects many other areas of Pennsylvania.

I have no desire to defeat this bill. I think it is a fine bill, but I would appreciate support of these amendments. People today can buy liquor in Philadelphia on Sunday. As soon as the Governor signs the recent bill we are going to be able to buy liquor until 2 o'clock in the morning, and all we say is that these shops owned by husbands and wives, very small family enterprises, should be able to, not only show their antiques on Sunday, but be able to consummate sales. I do not think it in any way hurts our Blue Laws and I would certainly appreciate support for these amendments.

Mr. O'DELL. Mr. Speaker, I do not think a long speech is going to mean very much today with the temper of the House. These amendments were turned down two years ago in Senate bill 405, practically the same amendments, and I ask all members to vote "no" on the amendments. I ask for a roll call.

Mr. MURPHY. Mr. Speaker, we also ask for a roll call and ask the members to vote "no." This matter should be a separate amendment to the act and not be incorporated in these amendments.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. MURPHY and O'DELL and were as follows:

YEAS—39

Backenstoe,	Hamilton,	McDonald,	Stimmel,
Dengler,	Holman,	Merry,	Tomascik,
Doughten,	Horst,	O'Donnell, J. A.,	Verona,
Eshback,	Isaacs,	Perry,	Wescott,
Fineman,	Johnson, R. P.,	Polen,	Williams, A. D.,
Fulmer,	Kernaghan,	Prendergast,	Williams, E. S.,
Gailey,	Kooker,	Pursley,	Worley,
Gallagher,	Lee, K. B.,	Reibman,	Wynd,
Gibbons,	Lippincott,	Rudisill,	Yetter,
Goldstein, M. H.,	Marsh,	Stank,	

NAYS—143

Adams,	Foor,	Lee, A. M.,	Price,
Anderson, J. H.,	Fox,	Leonard,	Reidenbach,
Anderson, S. A.,	Frascella,	Limper,	Renwick,
Arlene,	George,	Long, Wm. Jas.,	Riley,
Auker,	Goldstein, J. H.,	Long, Wm. Jos.,	Rovansek,
Bachman,	Gramlich,	Lutty,	Royer,
Blair,	Gray,	Manbeck,	Rubin,
Boles,	Greenlee,	Markley,	Sakulsky,
Bonner,	Gremminger,	Maxwell,	Scarcelli,
Bossert,	Gross,	May,	Schaaf,
Bowman,	Guesman,	McCandless,	Schuster,
Branca,	Guthrie,	McCann,	Seltzer,
Breth,	Hankins,	McCormack,	Shelton,
Buchanan,	Hartley,	McDevitt,	Sherman,
Capano,	Heavey,	McKeever,	Shupnik,
Capitolo,	Helm,	McLaughlin,	Simmons,
Cauley,	Henzel,	McNally,	Slack,
Cianfrani,	Hocker,	Meholchick,	Snare,
Cioffi,	Holl,	Mihm,	Stone,
Clarke,	Holliday,	Miller,	Sullivan, J. A.,
Comer,	Irvis,	Mills,	Sullivan, T. F.,
Cooley,	Jenkins,	Monroe,	Taylor,
Crossin,	Jim,	Morley,	Trusio,
Curwood,	Johnson, A. W.,	Mullen,	Ujobai,
Davis,	Jones,	Munley,	Varner,
Dennison,	Kamyk,	Murphy,	Wall,
Donaldson,	Keiser,	Murray,	Walsh,
Dougherty,	Kelly,	Musto,	Wargo,
Edwards,	Kistler,	Needham,	Welsh,
Eilberg,	Klein,	O'Dell,	Willaredt,
Elvey,	Knecht,	Ogilive,	Wilt,
Eshleman,	Kornick,	Parlante,	Wood,
Ewing,	Korns,	Pashley,	Zember,
Filo,	Kramer,	Petrosky,	Zimmerman,
Flynn,	Lamb,	Piper,	Andrews,
Foerster,	Lawson,	Polaski,	Speaker

NOT VOTING—28

Ashton,	Fry,	King,	Stiteler,
Bower,	Gelfand,	Magee,	Strausser,
Bush,	Gibb,	McInroy,	Thompson,
Down,	Goodrich,	O'Donnell, J. P.,	Tompkins,
Esler,	Haudenshield,	Odorisio,	Weidner,
Farabaugh,	Heffner,	Rutherford,	Whittaker,
Fetterolf,	Kessler,	Steckel,	Willard,

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. A. D. WILLIAMS, Jr. asked unanimous consent to offer additional amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Title, page 1, last line of Title by insering after "Sunday": and excluding sales of certain personal property in resort communities from the prohibition against Sunday sales.

Amend Bill, page 1, by inserting between enacting clause and line 1

Section 1. Section 699.10, act of June 24, 1939 (P. L. 872), known as "The Penal Code," added August 10, 1959 (P. L. 660) is amended to read:

Section 699.10. Selling Certain Personal Property on Sunday.—Whoever engages on Sunday in the business of selling, or sells or offers for sale, on such day, at retail, clothing and wearing apparel, clothing accessories, furniture, housewares, home, business or office furnishings, household, business or office appliances, hardware, tools, paints, building and lumber supply materials, jewelry, silverware, watches, clocks, luggage, musical instruments and recordings, or toys, excluding novelties and souvenirs, and sales or offers for sale of gifts, paintings, works of art, souvenirs and novelties in resort communities shall, upon conviction thereof in a summary proceeding for the first offense, be sentenced to pay a fine of not exceeding one hundred dollars ($100), and for the second or any subsequent offense committed within one year after conviction for the first offense, be sentenced to pay a fine of not exceeding two hundred dollars ($200) or undergo imprisonment not exceeding thirty days in default thereof.

Each separate sale or offer to sell shall constitute a separate offense.

Information charging violations of this section shall be brought within seventy-two hours after the commission of the alleged offense and not thereafter.

Amend Sec. 1, page 1, lines 1 and 2 by striking out all of line 1 and "Code" in line 2 and inserting:

Section 2. The act Amend Sec. 2, page 2, line 19 by striking out "2" and inserting: 3

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Williams.

Mr. A. D. WILLIAMS, Jr. Mr. Speaker, I will be brief. This amendment again is not aimed at the intent of this bill, but at the act that this bill covers. It would allow resort communities to sell or offer for sale, gifts, paintings or works of art, souvenirs or novelties. That is all it would do. My speech is the same; my reasons are the same; I assume that the roll call will be the same and I am willing to accept the last roll call.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. O'Dell.

Mr. O'DELL. I request that the House does not accept the amendments.

The SPEAKER pro tempore. The gentleman states that he is willing to accept a voice vote.

Mr. A. D. WILLIAMS, Jr. I am willing to accept the last roll call.

The SPEAKER pro tempore. The Chair believes that it would be just as simple and probably just as speedy to take another roll because there may be changes on the roll.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. MURPHY and O'DELL and were as follows:

YEAS—38

Backenstoe,	Goldstein, M. H.,	Merry,	Stimmel,
Dengler,	Isaacs,	O'Donnell, J. A.,	Thompson,
Doughten,	Johnson, R. P.,	Perry,	Tomascik,
Eshback,	Kernaghan,	Polaski,	Verona,
Fineman,	Kessler,	Prendergast,	Williams, A. D.,
Fulmer,	Kooker,	Reibman,	Williams, E. S.,
Gailey,	Lee, K. B.,	Rudisill,	Worley,
Gallagher,	Lippincott,	Seltzer,	Wynd,
George,	Marsh,	Stank,	Yetter,
Gibbons,	McDonald,		

NAYS—153

Adams,	Foerster,	Lawson,	Pursley,
Anderson, J. H.,	Foor,	Lee, A. M.,	Reidenbach,
Anderson, S. A.,	Fox,	Leonard,	Renwick,
Arlene,	Frascella,	Limper,	Riley,
Auker,	Goldstein, J. H.,	Long, Wm. Jas.,	Rovansek,
Bachman,	Gramlich,	Long, Wm. Jos.,	Royer,
Blair,	Gray,	Lutty,	Rubin,
Boies,	Greenlee,	Manbeck,	Sakulsky,
Bonner,	Gremminger,	Markley,	Scarcelli,
Bossert,	Gross,	Maxwell,	Schaaf,
Bower,	Guesman,	May,	Schuster,
Bowman,	Guthrie,	McCandless,	Shelton,
Branca,	Hamilton,	McCann,	Sherman,
Breth,	Hankins,	McCormack,	Shupnik,
Buchanan,	Hartley,	McDevitt,	Simmons,
Bush,	Heavey,	McKeever,	Slack,
Capano,	Helm,	McLaughlin,	Snare,
Capitolo,	Henzel,	McNally,	Steckel,
Cauley,	Hocker,	Meholchick,	Stone,
Cianfrani,	Holl,	Mihm,	Sullivan, J. A.,
Cioffi,	Holliday,	Miller,	Sullivan, T. F.,
Clarke,	Holman,	Mills,	Taylor,
Comer,	Horst,	Monroe,	Tompkins,
Cooley,	Irvis,	Morley,	Trusio,
Crossin,	Jenkins,	Mullen,	Ujobai,
Curwood,	Jim,	Munley,	Varner,
Davis,	Johnson, A. W.,	Murphy,	Wall,
Dennison,	Jones,	Murray,	Walsh,
Donaldson,	Kamyk,	Musto,	Wargo,
Dougherty,	Keiser,	Needham,	Welsh,
Edwards,	Kelly,	O'Dell,	Wescott,
Eilberg,	Kistler,	Ogilvie,	Whittaker,
Elvey,	Klein,	Parlante,	Willaredt,
Eshleman,	Knecht,	Pashley,	Wilt,
Ewing,	Kornick,	Petrosky,	Wood,
Farabaugh,	Korns,	Piper,	Zember,
Fetterolf,	Kramer,	Polen,	Zimmerman,
Filo,	Lamb,	Price,	Andrews,
Flynn,			Speaker

NOT VOTING—19

Ashton,	Gibb,	Magee,	Stiteler,
Down,	Goodrich,	McInroy,	Strausser,
Esler,	Haudenshield,	O'Donnell, J. P.,	Weidner,
Fry,	Heffner,	Odorisio,	Willard,
Gelfand,	King,	Rutherford,	

So the question was detemined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. FINEMAN asked unanimous consent to offer an amendment at this time.

The SPEAKER pro tempore. The amendment will be read by the clerk for information.

Amend Sec. 1 (Sec. 699.14), page 2, line 9, by inserting after "offense": except that the sale or offer to sell more than one item to the same person on the same occasion shall constitute only one offense.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Fineman.

Mr. FINEMAN. May I ask the members of the House if they will be kind enough to give me their attention on this one amendment, because I feel that this amendment can be labeled nothing other than fairness in every sense of the word.

Mr. Speaker, Senate bill 758 provides that every separate sale or offer to sell shall constitute a separate offense. Now, on the first sale the fine is $100; on the second and every subsequent sale the fine is $200. Now, you know how the average consumer goes in to buy, particularly in the grocey store. She might go into the grocery and say to the proprietor, "Give me a can of beans, give me a half of pound of meat, and give me a dozen of some other commodities that comprise or constitute produce." Now this would be, under the terms of this act, three separate sales and three separate offenses, so that the person who made, in fact, that one sale, would be subject to fines totaling $500.00.

Now, all my amendments do, all they do, and I say this is eminently fair, is merely state that under such circumstances, such a transaction shall constitute one offense, not three separate offenses, which would carry a total maximum fine of $500, but one offense carrying the fine of $100. The amendments merely say that the sale or the offer to sell more than one item to the same person on the same occasion shall constitute only one offense. In every sense of the word, ladies and gentlemen, this is fair and should be built into this act if it is to become law. I ask your support of this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. O'Dell.

Mr. O'DELL. Again I say I have a lot of arguments here to quote the law of 212 of the last session on Senate bill 405, which has nothing to do with this, I am not going to take a lot of time; I do not think the temper of the House or the people is in any mood for a long argument. I simply ask all the members to vote "no" on this amendment, and I ask for a roll call vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Fineman.

Mr. FINEMAN. Mr. Speaker, I would like to interrogate the gentleman.

The SPEAKER pro tempore. Will the gentleman from Erie permit himself to be interrogated?

Mr. O'DELL. I shall, Mr. Speaker.

Don't get technical or I will refer you to my legal counsel over here.

Mr. FINEMAN. Now let's just stay logical and not technical.

Mr. O'DELL. Theological?

Mr. FINEMAN. Logical.

Mr. O'DELL. Oh, logical.

Mr. FINEMAN. Can you advance one valid reason, one good reason, why the members of this House should not accept this amendment, other than to merely take the mike and say "Let's not get into lengthy debate, "and" I ask the members to vote 'no.' "

Mr. O'DELL. Well, what kind of an answer do you want? There is nothing in this bill that prevents the small "mom and pop" stores from staying open.

Mr. FINEMAN. My question has nothing to do with "mom and pop" stores. My question goes to those people who make a sale of several articles in one transaction, and, yet, for purposes of the offense in question will be fined as if they were concurrent transactions and will suffer the maximum fine that the act describes.

Mr. McCORMACK. Would the gentleman yield?

The SPEAKER pro tempore. For what purpose does the gentleman from Philadelphia, Mr. McCormack, rise?

Mr. McCORMACK. I would like to supply an answer for the gentleman from Erie, Mr. O'Dell, if he would yield.

The SPEAKER pro tempore. Will the gentleman from Erie, Mr. O'Dell, yield to the gentleman from Philadelphia, Mr. McCormack?

Mr. O'DELL. He is my legal advisor.

Mr. McCORMACK. Mr. Speaker, the only legitimate answer that I can think of now, and I think it is a compelling one, is that if the amendments are accepted, the bill is killed. I think at this late hour all members, the majority of the members, want to vote on the merits of the bill. If the amendments get through at this hour, the bill is killed.

Mr. FINEMAN. May I interrogate the gentleman from Philadelphia?

The SPEAKER pro tempore. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. McCORMACK. I shall, Mr. Speaker.

Mr. FINEMAN. Will the gentleman tell me, since the sine die resolution is dated for ten o'clock tonight, if these amendments go in, is the bill killed?

Mr. McCORMACK. I told my wife that I would be home at six, for dinner, Mr. Fineman.

Mr. FINEMAN. Well, Mr. McCormack, there are 210 members in this House. We would discharge you and allow you to leave to have dinner with your wife and still leave 209 to vote. Now, since the tenor of these amendments are so reasonable that no one can conceive arguing against the merits of them, it does not become anybody to say, let us cast them aside because they are last-minute amendments.

Mr. McCORMACK. I will tell you what I will do. If you withdraw those amendments and this bill becomes a law, I might help you debate the merits of them next session.

Mr. FINEMAN. Thanks a heap.

Well, Mr. Speaker, it is obvious that I have not gotten a satisfactory reply to the question that I put to Mr. O'Dell, and in light of the absence of a satisfactory reply to that question and if he had the reasonableness of what I am asking, I think the members should be constrained to vote for these amendments. I ask for a roll call.

The SPEAKER pro tempore. A roll will be taken.

The Chair recognizes the gentleman from Washington, Mr. Capano.

Mr. CAPANO. Anyone who deliberately violates the law should be willing to accept the consequences which go with it. So if it constitutes three offenses, he should pay for three offenses.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Messrs. O'DELL and FINEMAN and were as follows:

YEAS—49

Auker,	Gibbons,	O'Donnell, J. A.,	Stiteler,
Backenstoe,	Goldstein, M. H.,	Perry,	Stone,
Capitolo,	Goodrich,	Polaski,	Tomascik,
Cianfrani,	Isaacs,	Polen,	Tompkins,
Crossin,	Jones,	Prendergast,	Verona,
Dengler,	Kernaghan,	Pursley,	Wescott,
Doughten,	Kessler,	Reibman,	Williams, A. D.,
Eshback,	Klein,	Rudisill,	Williams, E. S.,
Eshleman,	Lee, K. B.,	Sakulsky,	Wood,
Farabaugh,	Lippincott,	Schaaf,	Worley,
Fineman,	McDevitt,	Stank,	Wynd,
Gailey,	McDonald,	Stimmel,	Andrews, Speaker
Gelfand,			

NAYS—143

Adams,	George,	Lawson,	Petrosky,
Anderson, J. H.,	Goldstein, J. H.,	Lee, A. M.,	Piper,
Anderson, S. A.,	Gramlich,	Leonard,	Price,
Arlene,	Gray,	Limper,	Reidenbach,
Bachman,	Greenlee,	Long, Wm. Jas.,	Renwick,
Blair,	Gremminger,	Long, Wm. Jos.,	Rovansek,
Boies,	Gross,	Lutty,	Royer,
Bonner,	Guesman,	Manbeck,	Rubin,
Bossert,	Guthrie,	Markley,	Scarcelli,
Bower,	Hamilton,	Marsh,	Schuster,
Bowman,	Hankins,	Maxwell,	Seltzer,
Branca,	Hartley,	May,	Shelton,
Breth,	Heavey,	McCandless,	Sherman,
Buchanan,	Heffner,	McCann,	Shupnik,
Bush,	Helm,	McCormack,	Simmons,
Capano,	Henzel,	McKeever,	Slack,
Cauley,	Hocker,	McLaughlin,	Snare,
Cioffi,	Holl,	McNally,	Steckel,
Clarke,	Holliday,	Meholchick,	Sullivan, J. A.,
Comer,	Holman,	Merry,	Sullivan, T. F.,
Cooley,	Horst,	Mihm,	Taylor,
Curwood,	Irvis,	Miller,	Thompson,
Davis,	Jenkins,	Mills,	Trusio,
Dennison,	Jim,	Monroe,	Varner,
Donaldson,	Johnson, A. W.,	Morley,	Wall,
Ellberg,	Johnson, R. P.,	Mullen,	Walsh,
Elvey,	Kamyk,	Munley,	Wargo,
Ewing,	Keiser,	Murphy,	Welsh,
Fetterolf,	Kelly,	Murray,	Whittaker,
Filo,	Kistler,	Musto,	Willaredt,
Flynn,	Knecht,	Needham,	Wilt,
Foerster,	Kooker,	O'Dell,	Yetter,
Foor,	Kornick,	O'Donnell, J. P.,	Zember,
Fox,	Korns,	Ogilvie,	Ujobai,
Frascella,	Kramer,	Parlante,	Zimmerman,
Gallagher,	Lamb,	Pashley,	

NOT VOTING—18

Ashton,	Fry,	Magee,	Rutherford,
Dougherty,	Fulmer,	McInroy,	Strausser,
Down,	Gibb,	Odorisio,	Weidner,
Edwards,	Haudenshield,	Riley,	Willard,
Esler,	King,		

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. FINEMAN. Mr. Speaker, I am truly chagrined and deeply saddened that the members of this General Assembly could cast aside with such ease what is obviously a correction of a defect in this bill.

Frankly, I am opposed to this type of legislation. I think it is a detrimental step that will harm industry tremendously in this State, but I am practical enough to realize what the tenor in this chamber is. I knew what the outcome would be on the bill itself even before I offered any amendments today, and I reconciled myself to that outcome, but I have felt that if we were going to have this kind of law, at least, let us make it fair and equitable and reasonable.

I am distressed, truly distressed, that we have cast aside with such ease amendments with as much merit as these. Now, since I know what the tenor of the House is, I am not going to drag this out. I want to tell the members of the House what my plans had been. I have a total of seven amendments. I have three pages of interrogatories that I had prepared for someone to answer and I had prepared for debate on the bill itself. I fully intended to take three or four hours on this bill, but I know if I were to undertake such a course of conduct I would be losing many friends whose friendship I do not want to sever.

Therefore, Mr. Speaker, I am merely going to read briefly the nature of each of these amendments that I was going to offer for the purposes of the record, and I will be happy to take as the result for each of those amendments the roll call on the last one.

The SPEAKER pro tempore. Does the gentleman desire to offer his amendments?

Mr. FINEMAN. I do offer these amendments, Mr. Speaker.

Mr. Speaker, I might say it is a sad experience to have to leave this session on the last day with a batting average of zero, and, boy, I have had a zero today.

The SPEAKER pro tempore. Does the gentleman have any perference as to the order of the presentation of his amendments?

Mr. FINEMAN. They are marked on the envelope.

The SPEAKER pro tempore. Would the gentleman desire to have the amendments considered as one package?

Mr. FINEMAN. They may be considered as one package, and if I have the consent of the House, I would like to state briefly what each of the amendments does and cover it in that fashion.

Mr. FINEMAN asked unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the clerk for information.

Amend Title, page 1, last line of Title, by inserting after "Sunday": and further defining when the sale or offer to sell certain personal property on Sunday shall constitute a separate offense.

Amend Bill, page 1, by inserting between the enacting clause and line 1:

Section 1. Section 699.10, act of June 24, 1939 (P. L. 872), known as "The Penal Code," added August 10, 1959 (P. L. 660), is amended to read:

Section 699.10. Selling Certain Personal Property on Sunday.—Whoever engages on Sunday in the business of selling, or sells or offers for sale, on such day, at retail, clothing and wearing apparel, clothing accessories, furniture, housewares, home, business or office furnishings, household, business or office appliances, hardware, tools, paints, building and lumber supply materials, jewelry, silverware, watches, clocks, luggage, musical instruments and recordings, or toys, excluding novelties and souvenirs, shall, upon conviction thereof in a summary proceeding for the first offense, be sentenced to pay a fine of not exceeding one hundred dollars ($100), and for the second or any subsequent offense committed within one year after conviction for the first offense, be sentenced to pay a fine of not exceeding two hundred dollars ($200) or undergo imprisonment not exceeding thirty days in default thereof.

Each separate sale or offer to sell shall constitute a separate offense, except that the sale or offer to sell more than one item to the same person on the same occasion shall constitute only one offense.

Information charging violations of this section shall be brought within seventy-two hours after the commission of the alleged offense and not thereafter.

Amend Sec. 1, page 1, line 1, by striking out "1" and inserting: 2

Amend Sec. 1, page 1, lines 1 and 2, by striking out "of June 24, 1939 (P. L. 872), known as "The Penal Code."

Amend Sec. 2, page 2, line 19, by striking out "2" and inserting: 3

Amend Title, page 1, last line of Title, by inserting after "Sunday": and exempting certain retail establishments from the prohibition against the sale or offer to sell certain personal property on Sunday.

Amend Bill, page 1, by inserting between the enacting clause and line 1:

Section 1. Section 699.10, act of June 24, 1939 (P. L. 872), known as "The Penal Code," added August 10, 1959 (P. L. 660), is amended to read:

Section 699.10. Selling Certain Personal Property on Sunday.—Whoever engages on Sunday in the business of selling, or sells or offers for sale, on such day, at retail, clothing and wearing apparel, clothing accessories, furniture, housewares, home, business or office furnishings, household business or office appliances, hardware, tools, paints, building and lumber supply materials, jewelry, silverware, watches, clocks, luggage, musical instruments and recordings, or toys, excluding novelties and souvenirs, shall, upon conviction thereof in a summary proceeding for the first offense, be sentenced to pay a fine of not exceeding one hundred dollars ($100), and for the second or any subsequent offense committed within one year after conviction for the first offense, be sentenced to pay a fine of not exceeding two hundred dollars ($200) or undergo imprisonment not exceeding thirty days in default thereof.

Each separate sale or offer to sell shall constitute a separate offense.

This section shall not apply to any retail establishment employing less than ten persons.

Information charging violations of this section shall be brought within seventy-two hours after the commission of the alleged offense and not thereafter.

Amend Sec. 1, page 1, line 1, by striking out "1" and inserting: 2

Amend Sec. 1, page 1, lines 1 and 2, by striking out "of June 24, 1939 (P. L. 872) known as "The Penal Code"

Amend Sec. 2, line 19, by striking out "2" and inserting: 3

Amend Sec. 1 (Sec. 699.14), page 2, line 14, by inserting after "person": in any department thereof selling only fresh meats, produce and groceries

Amend Sec. 1 (Sec. 699.14), page 2, line 17, by inserting after "PERSONS": in any department thereof selling only fresh meats, produce and groceries

Amend Sec. 1 (Sec. 699.14), page 2, line 1, by striking

out "Whoever" and inserting Except as hereinafter provided, whoever

Amend Sec. 1 (Sec. 699.14), page 2, by inserting between lines 12 and 13

This section shall not apply to any person who because of religious convictions observes any day other than Sunday as a religious day.

Amend Sec. 1, (Sec. 699.14), page 2, line 14, by striking out "TEN" and inserting twenty

Amend Sec. 1, (Sec. 699.14), page 2, line 16, by striking out "TEN" and inserting twenty

Amend Sec. 2, page 2, line 19, by striking out "in thirty days" and inserting January 1, 1962

Amend Sec. 1 (Sec. 699.14), page 2, lines 16 and 17, by striking out "OR EMPLOYING LESS THAN TEN PERSONS"

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. For what purpose does the gentleman from Philadelphia, Mr. Heavey, rise?

Mr. HEAVEY. Mr. Speaker, I am going to stick my neck out. I am always in trouble. I am no lawyer, but it seems to me the gentleman here is trying to get, by interrogation, somebody to prove his point. It seems to me he ought to prove his point himself.

The SPEAKER pro tempore. The Chair is just trying to give the gentleman an opportunity to explain his amendments.

Mr. HEAVEY. Another thing, Mr. Speaker, I am just wondering whom he represents. Does he represent people in his own district or somebody else?

The SPEAKER pro tempore. We will find that out.

Mr. HEAVEY. Another thing, Mr. Speaker, it seems to me that sometime I heard there were Ten Commandments and one of them was, Thou shalt keep holy the Sabbath Day.

The SPEAKER pro tempore. We are not debating the bill; we are considering the amendments to the bill at this point.

The Chair will recognize the gentleman from Philadelphia, Mr. Fineman, for the purpose of explaining the amendments.

Mr. FINEMAN. Mr. Speaker, I just want to assure the gentleman that my motives spring from good sources. I think everyone in this House knows that I fight for what I consider convictions and principles and, if I chance the risk of losing the friendship of the members of this House by dragging this out as I had challenged the House to do, it would be nothing less than good principles that would move me to do it.

Finally, Mr. Speaker, on the question of the Ten Commandments, I just want to remind the gentleman that his day of Sabbath is not everyone's day of Sabbath.

Mr. Speaker, the second amendment I wanted to offer was the same as amendment No. 1, but I was making it applicable to what was known as Senate bill 405, passed in the 1959 session.

Amendment No. 3 was likewise an amendment to what was known as Senate bill 405 of the 1959 session, also excluding from the provisions of that act any person employing 10 or less people, just as such a provision is incorporated in Senate bill 758 of the current session.

Amendment No. 4 . . .

Mr. Speaker, by offering the amendments, do I understand that they will be spread upon the record?

The SPEAKER pro tempore. The amendments will be placed in the record in the order in which they are being presented.

Mr. FINEMAN. All right, then I will desist in any further explanation in the interest of saving the time of this House.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. O'DELL and FINEMAN and were as follows:

YEAS—49

Auker,	Gibbons,	O'Donnell, J. A.,	Stiteler,
Backenstoe,	Goldstein, M. H.,	Perry,	Stone,
Capitolo,	Goodrich,	Polaski,	Tomascik,
Cianfrani,	Isaacs,	Polen,	Tompkins,
Crossin,	Jones,	Prendergast,	Verona,
Dengler,	Kernaghan,	Pursley,	Wescott,
Doughten,	Kessler,	Reibman,	Williams, A. D.,
Eshback,	Klein,	Rudisill,	Williams, E. S.,
Eshleman,	Lee, K. B.,	Sakulsky,	Wood,
Farabaugh,	Lippincott,	Schaaf,	Worley,
Fineman,	McDevitt,	Stank,	Wynd,
Gailey,	McDonald,	Stimmel,	Andrews,
Gelfand,			Speaker

NAYS—143

Adams,	George,	Lawson,	Petrosky,
Anderson, J. H.,	Goldstein, J. H.,	Lee, A. M.,	Piper,
Anderson, S. A.,	Gramlich,	Leonard,	Price,
Arlene,	Gray,	Limper,	Reidenbach,
Bachman,	Greenlee,	Long, Wm. Jas.,	Renwick,
Blair,	Gremminger,	Long, Wm. Jos.,	Rovansek,
Boles,	Gross,	Lutty,	Royer,
Bonner,	Guesman,	Manbeck,	Rubin,
Bossert,	Guthrie,	Markley,	Scarcelli,
Bower,	Hamilton,	Marsh,	Schuster,
Bowman,	Hankins,	Maxwell,	Seltzer,
Branca,	Hartley,	May,	Shelton,
Breth,	Heavey,	McCandless,	Sherman,
Buchanan,	Heffner,	McCann,	Shupnik,
Bush,	Helm,	McCormack,	Simmons,
Capano,	Henzel,	McKeever,	Slack,
Cauley,	Hocker,	McLaughlin,	Snare,
Cioffi,	Holl,	McNally,	Steckel,
Clarke,	Holliday,	Meholchick,	Sullivan, J. A.,
Comer,	Holman,	Merry,	Sullivan, T. F.,
Cooley,	Horst,	Mihm,	Taylor,
Curwood,	Irvis,	Miller,	Thompson,
Davis,	Jenkins,	Mills,	Trusio,
Dennison,	Jim,	Monroe,	Ujobai,
Donaldson,	Johnson, A. W.,	Morley,	Varner,
Ellberg,	Johnson, R. P.,	Mullen,	Wall,
Elvey,	Kamyk,	Munley,	Walsh,
Ewing,	Keiser,	Murphy,	Wargo,
Fetterolf,	Kelly,	Murray,	Welsh,
Filo,	Kistler,	Musto,	Whittaker,
Flynn,	Knecht,	Needham,	Willaredt,
Foerster,	Kooker,	O'Dell,	Wilt,
Foor,	Kornick,	O'Donnell, J. P.,	Yetter,
Fox,	Korns,	Ogilvie,	Zember,
Frascella,	Kramer,	Parlante,	Zimmerman,
Gallagher,	Lamb,	Pashley,	

NOT VOTING—18

Ashton,	Fry,	Magee,	Rutherford,
Dougherty,	Fulmer,	McInroy,	Strausser,
Down,	Gibb,	Odorisio,	Weidner,
Edwards,	Haudenshield,	Riley,	Willard,
Esler,	King,		

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. McCANN. Mr. Speaker, is that a roll call on the amendments or the bill?

The SPEAKER pro tempore. This is a roll call on the bill.

Mr. SCHAAF. Mr. Speaker, I take exception to that. I intended to ask questions on this bill, and my understanding was that this was a roll call on the package of amendments.

The SPEAKER pro tempore. The Chair feels that the gentleman is entitled to be heard. The Chair clearly stated that we were taking a roll call and announcing the roll call on all the amendments. The Chair asked of the House, "Are there any other amendments?" and if the House would agree to the bill on third reading, and finally, on final passage.

Mr. SCHAAF. Mr. Speaker, unfortunately, I am human; I cannot be observant of every move and action on the part of the Chair, but I do take the greatest exception to this and I think this is hardly the way to handle the game on the last day.

The SPEAKER pro tempore. The Chair will be as fair as possible and, if the gentleman desires to be heard, we will clear the board and give the gentleman a chance to be heard on the bill.

The Chair recognizes the gentleman from Erie, Mr. Schaaf.

The Chair would like to inform the gentleman that there was certainly no attempt on the part of the present occupant of the Chair to—

Mr. SCHAAF. I understand that, Mr. Speaker. I apologize to the Chair for my remarks. I only suggest that I was unobservant, but I did intend to debate the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Schaaf.

Mr. SCHAAF. Mr. Speaker, I would like to interrogate one of the proponents of this bill.

The SPEAKER pro tempore. This is a Senate bill and there are no sponsors—

Mr. SCHAAF. I understand that, Mr. Speaker. I would like one of the proponents of the bill to permit himself to be interrogated.

The SPEAKER pro tempore. Will the gentleman from Erie, Mr. O'Dell, permit himself to be interrogated?

Mr. O'DELL. Mr. Speaker, if the questions have to do with retailing, I will permit myself to be interrogated. If it is a point of law, then I will refer to one of my illustrious colleagues—

The SPEAKER pro tempore. The gentleman will permit himself to be interrogated.

Mr. SCHAAF. Mr. Speaker, I would then ask what the purpose of this bill is?

Mr. O'DELL. The purpose of the bill is to give to the great majority of the people the privilege of staying home with their families on a Sunday and not being forced to work.

Mr. SCHAAF. Do I understand the gentleman correctly, then, that this bill has no moral overtones to it, that its purpose is an economic purpose?

Mr. O'DELL. No, I would say it is health and welfare. That covers a multitude of sins in Pennsylvania.

Mr. SCHAAF. Mr. Speaker, do I understand the gentleman then to mean, in answer to my previous question, that this bill has no moral overtones to it?

Mr. O'DELL. Has no what?

Mr. SCHAAF. Has no moral purpose?

Mr. O'DELL. Moral purpose?

Mr. SCHAAF. Yes, in other words, you are not advocating the protection of Sunday as the Sabbath, is that correct?

Mr. O'DELL. Well, I think it is protecting the Sabbath the same as Senate bill 405 did last year.

Mr. SCHAAF. Mr. Speaker, I am not going to interrogate the gentleman on what happened in 1959, but I want to be clear on this. Your first statement was that this was to enable people to stay home and rest on Sunday.

Mr. O'DELL. For their health and welfare.

Mr. SCHAAF. For the health and welfare of those people. Now what people are you speaking of?

Mr. O'DELL. The people who are forced to work on Sunday.

Mr. SCHAAF. Who are forced to work on Sunday. Now, Mr. Speaker, the gentleman comes from the same county. Does he know of any particular place, and I will not ask him the specific place, but does he know of any particular place having 10 or more employes which is involved in the distribution of fresh meats, produce and groceries that is open on Sundays?

Mr. O'DELL. No, I do not. Fortunately, we do not have that condition in Erie.

Mr. SCHAAF. Mr. Speaker, I would then ask the gentleman on whose behalf he proposes this legislation?

Mr. O'DELL. Mr. Speaker, I think that is a personal question and I refuse to answer on whose behalf particularly. I think if you travel around the country you will find that over in Ohio all the large markets are open; you get into New Jersey and I think all the large markets are open; I think some of them are open in New York State; in Pennsylvania, particularly on behalf of some of the people who have to work in these meat-cutting places and these groceries on Sunday, who want to stay home with their families. I do not want to see the great State of Pennsylvania become an open, seven-day-a-week State like a lot of the other States.

Mr. SCHAAF. Mr. Speaker, the gentleman has indicated previously that he is familiar with merchandising. Did I understand him correctly?

Mr. O'DELL. I beg the gentleman's pardon?

Mr. SCHAAF. Did the gentleman indicate, Mr. Speaker, that he is familiar with merchandising, retail merchandising?

Mr. O'DELL. I have been in it since 1919.

Mr. SCHAAF. On the basis of the gentleman's familiarity with retail merchandising, could he give us, as members of this House, some idea as to how large a merchandising operation could he engage in with nine people as employes?

Mr. O'DELL. How large a merchandising operation?

Mr. SCHAAF. That is correct.

Mr. O'DELL. Well, under the old-fashioned way of doing business or the modern way of doing business?

Mr. SCHAAF. The gentleman has indicated that he is familiar with merchandising, so I assume that he is modern.

Mr. O'DELL. What type of business?

Mr. SCHAAF. We are concerned about the sale of fresh meats, produce and groceries.

Mr. O'DELL. Well, you can conduct a rather large operation, if you care to.

Mr. SCHAAF. The gentleman agrees then, Mr. Speaker, that he can conduct a rather large operation with nine or less employes?

Mr. O'DELL. You could conduct a large enough operation to prevent the people in your vicinity from starving to death.

Mr. SCHAAF. Mr. Speaker, could the gentleman inform us why the line of demarkation between nine and ten? Why are ten or more employes a prohibited operation and nine or less a non-prohibited operation?

Mr. O'DELL. I do not know what the difference is. It was in the bill and I accepted it as being in the bill.

Mr. SCHAAF. Would the gentleman agree that the motive for this exception as the bill was written and drafted—Mr. Speaker, does the gentleman have a copy of the bill before him?

Mr. O'DELL. Yes, I do.

Mr. SCHAAF. Then the gentleman will note that it is amended so that the previously non-prohibited operation was three or less and then it was amended to ten or less. Could the gentleman inform us, as a proponent of this legislation, why this amendment was inserted in the bill?

Mr. O'DELL. So that it would pass the Senate.

Mr. SCHAAF. Thank you, Mr. Speaker. I thank the gentleman for his candid replies to my interrogation. I would like to make a brief statement on this piece of legislation.

The SPEAKER pro tempore. The gentleman is in order and will proceed.

Mr. SCHAAF. Mr. Speaker, I do suppose that I am advocating a popular cause, but I just want to say simply this, that we here in the legislature are being hoodwinked, I suspect, for the second time in a row. This legislation comes to us in the guise of being a moral step forward for Pennsylvanians. Mr. Speaker, be that as it may, the mere fact that you allow small supermarkets to operate and not big supermarkets to operate, to me, destroys entirely the moral overtones of this piece of legislation.

If you are going to protect the little corner grocery store, fine. I can see justification for omitting the little delicatessen, the "ma and pa" stores that are referred to, the little delicatessen, the little grocery, the little variety store, from the teeth of such a law as this. Out of the simple basis of expediency you are going to permit small supermarkets to operate and you are just trying to drive out large supermarkets. Let us stop kidding ourselves, you are talking economics.

I suggest, Mr. Speaker, that the proponents of this type of legislation, their motives—we talk in terms of health and welfare, but let us be brutally frank, we are talking collective bargaining, we are talking economics. I have long felt, although I admit that I do not practice it all the time, that collective bargaining is not a function of the legislature, although we do it. It is a function of the bargaining table.

Mr. Speaker, I am opposed to this legislation, I regret that I have to take a position in opposition to it, but to have this come over on the last day of this session and to ask us to pass this bill under the guise that this is going to uphold the moral principles of Pennsylvania, I disagree.

The SPEAKER pro tempore. Does the gentleman from Allegheny, Mr. Sullivan, desire recognition?

Mr. SULLIVAN. Mr. Speaker, I would first like to compliment the Chair on its handling of the delicate situation which we have just gone through. I realize tempers are short, and I can imagine that the Chair's temper is just as short as anybody else's.

I am not going to make a speech, because as the previous speakers have stated, it has been a long, hard day. However, I am going to ask the members on both sides of the House to vote for Senate bill 758. Thank you.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—161

Adams,	Gallagher,	Lee, K. B.,	Pursley,
Anderson, S. A.,	George,	Leonard,	Reidenbach,
Anderson, J. H.	Goldstein, J. H.,	Limper,	Renwick,
Arlene,	Gramlich,	Long, Wm. Jas.,	Rovansek,
Auker,	Gray,	Long, Wm. Jos.,	Royer,
Bachman	Greenlee,	Lutty,	Rubin,
Blair,	Gremminger,	Manbeck,	Sakulsky,
Boles,	Gross,	Marsh,	Scarcelli,
Bonner,	Guesman,	Maxwell,	Schuster,
Bossert,	Guthrie,	May,	Seltzer,
Bower,	Hamilton,	McCandless,	Shelton,
Bowman,	Hankins,	McCann,	Sherman,
Branca,	Hartley,	McCormack,	Simmons,
Breth,	Heavey,	McDevitt,	Slack,
Buchanan,	Heffner,	McKeever,	Snare,
Capano,	Helm,	McLaughlin,	Stank,
Capitolo,	Henzel,	McNally,	Steckel,
Cauley,	Hocker,	Meholchick,	Stimmel,
Cioffi,	Holl,	Merry,	Stone,
Clarke,	Holliday,	Mihm,	Sullivan, J. A.,
Comer,	Horst,	Miller,	Sullivan, T. F.,
Cooley,	Irvis,	Mills,	Taylor,
Crossin,	Jenkins,	Morley,	Thompson,
Curwood,	Jim,	Mullen,	Trusio,
Davis,	Johnson, A. W.,	Munley,	Ujobai,
Dengler,	Johnson, R. P.,	Murphy,	Varner,
Dennison,	Jones,	Murray,	Wall,
Donaldson,	Kamyk,	Musto,	Walsh,
Dougherty,	Keiser,	Needham,	Wargo,
Eilberg,	Kelly,	O'Dell,	Welsh,
Elvey,	Kessler,	O'Donnell, J. A.,	Wescott,
Eshback,	King,	O'Donnell, J. P.,	Willaredt,
Eshleman,	Kistler,	Ogilvie,	Williams, E. S.,
Ewing,	Knecht,	Parlante,	Wilt,
Fetterolf,	Kooker,	Pashley,	Wood,
Filo,	Kornick,	Petrosky,	Wynd,
Flynn,	Kramer,	Piper,	Yetter,
Foerster,	Lamb,	Polaski,	Zember,
Foor,	Lawson,	Polen,	Zimmerman,
Fox,	Lee, A. M.,	Price,	Andrews,
Frascella,			Speaker

NAYS—32

Backenstoe,	Gelfand,	Lippincott,	Schaaf,
Bush,	Gibbons,	Markley,	Stiteler,
Doughten,	Goldstein, M. H.,	McDonald	Tomascik,
Edwards,	Goodrich,	Monroe,	Tompkins,
Farabaugh,	Holman,	Perry,	Verona,
Fineman,	Isaacs,	Prendergast,	Whittaker,
Fulmer,	Klein,	Reibman,	Williams, A. D.,
Gailey,	Korns,	Rudisill,	Worley,

NOT VOTING—17

Ashton,	Gibb,	McInroy,	Shupnik,
Cianfrani,	Haudenshield,	Odorisio,	Strausser,
Down,	Kernaghan,	Riley,	Weidner,
Esler,	Magee,	Rutherford,	Willard,
Fry,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

The SPEAKER pro tempore. The Chair would like to compliment the House on its decorum during the debate on this very important bill and to express its compliments to the gentleman from Philadelphia, Mr. Fineman, for the fine cooperation that he gave on the offering of his amendments to the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. O'Dell.

Mr. O'DELL. May I also say that I feel the House owes a deep debt of gratitude to Mr. Fineman. He could have prolonged this discussion for several hours, and I feel that he conducted his presentation in a very fine manner. I think we owe him a deep debt of gratitude and he certainly has my hearfelt thanks.

The SPEAKER pro tempore. For what purpose does the gentleman from Philadelphia, Mr. Heavey, rise?

Mr. HEAVEY. Mr. Speaker, I second the remarks of the gentleman. I was hot. I think Mr. Fineman is a very fine man and I want to apologize.

QUESTION OF PERSONAL PRIVILEGE

Mr. BOIES. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BOIES. Mr. Speaker, just very briefly, since we are handing out so many compliments. In all my terms here I do not think I have seen better service through long hours and more attentive cooperation than we have gotten from the page boys. I think we owe them a vote of thanks.

The SPEAKER pro tempore. The Chair also feels that the boys have done a magnificent job this session and are to be complimented.

QUESTION OF PERSONAL PRIVILEGE

Mr. WALSH. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALSH. Mr. Speaker, I have been down here for five sessions. Each session becomes progressively worse. I feel in justice to good legislation—for instance, here we have voted on amendments offered by the gentleman from Philadelphia, Mr. Fineman and we did not even know what was in them. They were not read. I feel there should be something worked out along the lines expressed many times by the Speaker of the House, Mr. Andrews, whereby there would be a cut-off date on bills leaving this House and going to the Senate and on bills coming from the Senate over here, so that we would have time to read these bills and know exactly what is in them.

I feel we have had more legislation dumped on our desks this week than in the whole session combined. It is unfair. You do not give the legislation a chance. We are voting blindly on a lot of things. I feel that in the interim, since we are on annual sessions, a system should be worked out to eliminate this. It causes confusion. We have been here since 10 o'clock yesterday morning until 4:30. We have had two or three hours sleep, our nerves are shattered, we do not know half the time what we are doing.

I thank you.

QUESTION OF PERSONAL PRIVILEGE

Mr. BRETH. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BRETH. Mr. Speaker, I have long planned to make this remark, and I want to do it now and put it in the record at this time and get it over with.

I have been down here for eight terms and I want to personally thank and congratulate both of our leaders and the members for one particular thing. This is the first session in eight that I have been a member of this House in which we have not had one single quorum call. I think that is a great compliment to our leadership and to our membership. I want to put that officially on the record, that this is the first time I can remember that we never had a single quorum call. I wish to congratulate particularly the two leaders.

STATEMENT BY MINORITY LEADER

Mr. A. W. JOHNSON. Mr. Speaker, rather than offering discharge resolutions on four resolutions, for the purpose of the record, if the majority leader would like to call a meeting of the Committee on Rules we would like to have the following resolutions considered and reported to the House for action:

Resolution No. 56, Joint Committee to inquire into the administration of the State Harness Racing Commission.

Resolution No. 77, the Attorney General requested to intervene in the city of Philadelphia for the purpose of seeking impanelment of a special grand jury.

Resolution No. 100, Attorney General to make public all information involving corruption in the various State departments. This was put in on August 15, 1961, in connection with certain disclosures in the Welfare Department.

The final one is a request for a Joint Legislative Commission to investigate professional licensing bureaus in the Department of Public Instruction.

Those are four resolutions that we would have probably put in a discharge resolution for, but we are calling on the Committee on Rules to meet and report these resolutions to the floor for a vote.

The SPEAKER pro tempore. The Chair would like to inquire of the gentleman from McKean, Mr. Johnson, as to what his final statement or request was.

Mr. A. W. JOHNSON. In lieu of putting in a discharge resolution on those four resolutions, the request would be for the chairman of the Committee on Rules to call a meeting of the committee to consider those resolutions for the purpose of reporting them to the floor.

Mr. McCANN. Mr. Speaker, I understand his request to be that before we adjourn sine die a meeting of the Committee on Rules be called regarding these resolutions so that they may be discussed in the rules committee, is that right?

Mr. Speaker, I will grant that request rather than go through the discharge resolutions.

I ask permission to turn to page 6, bills on concurrence in Senate amendments, and I call up H. B. 1707, printer's No. 2721.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1707.

An Act establishing and taking over as State highways certain county highways or sections thereof tunnels bridges viaducts and approaches thereto in counties and certain streets and bridges in cities of the first class and in cities of the second class and certain streets in cities of the second class A and third class and certain township roads and certain streets in boroughs and incorporated towns authorizing under certain terms and conditions their construction maintenance repair reconstruction and improvement by the Commonwealth conferring certain powers upon Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and deleting certain State highways

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Article I, page 6, by inserting after line 6, the following:

Somerset County

Indianhead Bridge across Laurel Hill Creek on Township Route 545 in Middlecreek Township

Washington and Westmoreland Counties

Webster Donora Bridge

page 27, line 2, by inserting after the word "county" the following: except for any outstanding construction or reconstruction obligations and liabilities in effect at the time of such transfer

line 8, by inserting after the word "otherwise" the following: With respect to those highways bridges tunnels viaducts and approaches thereto designated in section 101 which are located in cities of the second class and third class this article is not intended and shall not be construed

(1) To place upon the Commonwealth any duty to regulate traffic upon or police such highways bridges tunnels viaducts and approaches

(2) To place upon the Commonwealth any obligation for maintenance construction reconstruction or resurfacing other than the base or surface courses the maintenance authorized by this article shall not include snow removal or street cleaning and shall be limited to the portions between existing curb lines available to vehicular traffic

(3) To place upon the Commonwealth any obligation under any franchise or franchises heretofore granted to any public utility company

(4) To place upon the Department of Highways any authority to regulate traffic parking or the general use by the traveling public of such highways bridges tunnels viaducts and approaches provided however that the Department of Highways shall be authorized to close to traffic all of such highways bridges tunnels viaducts and approaches during such time as improvements are being made thereon and in such case the political subdivision in which the same is located shall establish and maintain a suitable detour

The rights powers duties obligations and responsibilities set forth in this section which are not placed upon or transferred to the Commonwealth and which will or would be placed upon or transferred to cities of the second and third class by existing law shall become and/or remain the rights powers duties obligations and responsibilities of said cities provided however that said cities may contract with counties of the second class for an assumption by said counties of any or all said duties obligations and responsibilities

Amend Article II, page 46, by inserting after line 3, the following:

Route 67338 Beginning at a point on Frankford Avenue at the intersection of Knights Road thence northeasterly on Knights Road to the intersection of Knights Road and the Philadelphia-Bucks County line a distance of approximately 2.6 miles

Amend Article III, page 53, by inserting after line 16, the following:

Route 02333 Beginning at the intersection of Legislative Route 392 (Traffic Route 148) at the intersection of Fifth Avenue and Hartman Street going south on Hartman Street to the intersection of O'Neil Boulevard then extending south east on Eden Park Road and then going southwest on the same road to the intersection of Legislative Route 392 and Traffic Route 148 which is the intersection of Walnut Street and Eden Park Boulevard a distance of approximately 2.72 miles in the city of McKeesport Allegheny County

Route 02337 Beginning at the intersection of Fifth Avenue Extension and Penn Avenue Legislative Route 228 thence in a northeasterly direction over Fifth Avenue Extension approximately 2076′ to the intersection of Washington Boulevard over Washington Boulevard a distance of approximately 9500′ to the intersection of Washington Boulevard and Legislative Route 02260 and Allegheny River Boulevard thence over Allegheny River Boulevard to the city of Pittsburgh-Pennhills Township line Legislative Route 02247 a distance of approximately 6552′ a total distance of 18,128′ all in the city of Pittsburgh

page 56, line 18, by striking out after "northwardly" the following: "in the vicinity of 14th Street and" and inserting in lieu thereof the word "along"; page 57, line 4 by striking out after the word "feet" the words "in the vicinity of" and inserting in lieu thereof the word "along"; and by inserting after line 7, the following:

Route 35097 Beginning at the intersection of Luzerne Street and South Main Avenue thence in a westerly direction over Luzerne Street to the intersection with south Keyser Avenue in the city of Scranton Lackawanna County a distance of about 1.3 miles

Route 35098 Beginning at the intersection of Linden Street and Adams Avenue (Route 35072) thence in a westerly direction over Linden Street to the intersection with north Main Avenue in the city of Scranton Lackawanna County a distance of about 1.1 miles

Route 35100 Beginning at the intersection of Adams Avenue and Mulberry Street thence in a northerly direction over Adams Avenue to the intersection with Ash Street thence in a westerly direction over Ash Street to the intersection with Wyoming Avenue a distance of about one mile in the city of Scranton Lackawanna County

page 59, line 8, by striking out after the word "south" where it appears the second time, the word "city"; line 9, by striking out at the beginning of the line the word "line" and inserting in lieu thereof the words "Prince Street"; page 60, by inserting after line 14, the following:

Route 43130 Beginning at the intersection of Route 518 (New Castle Road) Sta 31+83.40 and Memorial Drive thence westerly over Memorial Drive to the intersection of Route 418 (Mercer Avenue Legislative Route 238 Spur A) Sta 0+00 and Memorial Drive a distance of approximately 3183.4 feet in the city of Farrell Mercer County

page 61, by striking out after line 10 all of lines 11 to 18, inclusive.

Article IV, page 66, by inserting after line 12, the following:

Route 03174 Beginning at Station 67+17 Laird's Crossing thence in a northerly direction approximately 2.4 miles to State Route 03017 Station 0 00 at Sugarcreek Township line being Route No 360 in West Franklin Township Armstrong County

Route 03175 Township Route 433 Beginning at intersection of Legislative Rural Route 03106 in West Franklin Township in an easterly direction approximately seven tenths of a mile to East Franklin West Franklin Township line and continuing in an easterly direction to intersection of Township Route 416 and Rural Route 03010 a distance of approximately one mile in East Franklin Township making a total distance of 1.7 miles in Armstrong County
page 68, by inserting after line 13, the following:

Route 07070 Beginning at the intersection of Polecat Road and Old Route 220 approximately a mile north of Claysburg thence over Polecat Road to its intersection with Johnstown Road thence over Polecat Road to Portage at a point beyond Long's Dairy a distance of about 5 miles in Greenfield and Freedom Townships Blair County
page 72, by inserting after line 3, the following:

Route 09185 Beginning at a point on Knights Road at the intersection of Knights Road and the Philadelphia-Bucks County line thence northeasterly on Knights Road to the intersection of Knights Road and Street Road Legislative Route 252 TR 132 a distance of 0.7 miles
page 73, by inserting after line 1, the following:

T332 Beginning at 10041 Legislative Route at a point 28 + 00 and running in an east to west direction to Legislative Route 10042 at a point 40 + 20 at a distance of 5440 ft Road T332 lies entirely in Jackson Township Butler County
page 76, by inserting lines 1 to 5, as follows:

Route 13089 Beginning at a point on the Shippen Township Emporium borough line at the South Broad Street Bridge thence in a general southwesterly direction through Shippen Township in Cameron County a distance of about 6.7 miles
and by inserting after line 17, the following:

Route 14063 Beginning at a point on Legislative Route 219 thence northerly over Township Road 412 to the intersection of Township Roads 403 and 412 thence westerly over Township Road 403 to the intersection with application 407 a distance of about 1.8 miles in Snow Shoe Township Centre County

Chester County

Route 15244 Route 531 Starting at Route 15130 extending southeast for 0.6 miles to Route 464 in South Coventry Township

Clarion County

Route 16108 Beginning at a point on State Highway Route 197 northwest of West Freedom in Perry Township Clarion County at intersection of Township Road 306 thence in a general northerly direction to the Clarion River and Perry-Richland Township line in Clarion County a distance of about 3.2 miles thence across Grassflat Bridge a span of 229 feet thence in a general southwesterly direction following Township Road 315 a distance of about 0.7 mile to a point and intersection 412 thence westerly over Township Road 403 to the intersection with application 407 a distance of about 1.8 miles in Snow Shoe Township Centre County

Chester County

Route 15244 Route 531 Starting at Route 15130 extending southeast for 0.6 miles to Route 464 in South Coventry Township

Clarion County

Route 16108 Beginning at a point on State Highway Route 197 northwest of West Freedom in Perry Township Clarion County at intersection of Township Road 306 thence in a general northerly direction to the Clarion River and Perry-Richland Township line in Clarion County a distance of about 3.2 miles thence across Grassflat Bridge a span of 229 feet thence in a general southwesterly direction following Township Road 315 a distance of about 0.7 mile to a point and intersection on State Highway Route 338 in Richland Township Clarion County
page 82, by inserting after line 14, the following:

Route 24042 Beginning at the intersection of State Route 337 and Township Route 390 thence over Township Route 390 in a northeasterly direction to the intersection of Township Route 390 and State Route 255 a distance of about 3 miles in Fox Township Elk County
page 84, by inserting after line 16, the following:

Route 26201 Beginning at the intersection of Legislative Route 26133 in Georges and Wharton Townships thence in a southerly direction over Township Road 704 a distance of 4.4 miles to the intersection with Township Road 345 thence continuing in a westerly direction over Township Road 345 a distance of 0.1 mile to an intersection with Township Road 704 thence continuing in a southerly direction over Township Road 704 a distance of 0.5 mile to an intersection with Township Road 331 thence continuing in a southeasterly direction over Township Road 694 a distance of 1.0 miles to an intersection with Township Road 307 thence continuing in a southerly direction over Township Road 694 a distance of 0.6 mile to the West Virginia State Line a total distance of approximately 8.20 miles in Georges and Wharton Townships Fayette County
page 87, by inserting after line 2, the following:

Route 28091 Beginning at a point on Old Route 30 0.5 mile east of the village of Ft Loudon thence north over Township Route 408 1.0 mile thence north by east 1.0 mile to St Thomas Township line thence north by east 4.5 miles to Letterkenny Township line thence north by east 4.3 mile to junction of Forest Road in Buchanan State Forest a distance of 10.8 miles in Peters St Thomas and Letter-Kenny Townships Franklin County

Route 28092 Beginning at the intersection of Traffic Route 75 and Fannett Township Road 580 thence in an easterly direction over Fannett Township Road 580 to the Perry County line a distance of about 2.55 miles in Fannett Township Franklin County

Route 28093 Beginning at a point on Route 45 and the intersection of Route 28013 in the village of Fannettsburg thence east to the south over Township Road 558 thence east to north and turning south over Township Road 558 to Letterkenny Township line a distance of about 4.0 miles in Metal Township Franklin County
page 88, by inserting after line 11, the following:

Route 29046 Beginning at a point on Legislative Route 193 in the village of Fort Littleton thence in a northerly direction to the Huntingdon County line and Legislative Route 31080 a distance of about 3.4 miles in Dublin Township Fulton County

Route 29047 Beginning at Station 1/62 plus 50 on Legislative Route 29019 thence in southerly direction and converging with Legislative Route 29039 Station 1/35 plus 30 a distance of about 2.4 miles in Brush Creek Township Fulton County
page 93, by inserting after line 13, the following:

Route 34075 Beginning at the intersection of Legislative Route 235 and Township Road 507 thence in a southeasterly direction over Township Road 507 for a distance of five-hundredths (0.05) of a mile to its intersection with Township Road 434 thence north over Township Road 434 about five-tenths (0.5) of a mile to its intersection with Legislative Route 35 a total distance of 0.55 mile in Fayette Township Juniata County
page 95, by inserting after line 7, the following:

Route 34076 Beginning at a point on State Highway Traffic Route 34 about 3 miles southwest of Newport Borough thence northwesterly in Centre Township on Township Route 422 to a point on State Highway Legislative Traffic Route 50002 in Juniata Township a distance of about 2.5 miles

Route 34077 Beginning at a point on State Highway Traffic Route 849 at Pine Grove thence southeasterly in Miller Township on Township Route 466 to a Point on State Highway Legislative Route 50027 at Roddy Station in Wheatfield Township a distance of about 1.8 miles.
page 102, by inserting after line 6, the following:

Route 40175 Beginning at the intersection of Route 309 (Legislative Route 170) and connecting with Route 29 (Legislative Route 184) now bearing Legislative Route No T3329 where it starts at Milnesville a distance of about 2.4 miles in Hazle Township Luzerne County

Route 40176 Beginning at the intersection of Township Road 329 and Legislative Route 170 in Hazle Township thence in a westerly direction over Township Roads 329 and 330 to the intersection of Legislative Route 184 a

distance of about 2.4 miles in Hazle and Sugar Loaf Townships Luzerne County
page 104, line 19, by striking out after the word "of" the words and figures "Township Road 438" and by striking out all of line 20; page 105, by striking out all of line 1, and by striking out on line 2, the following: "distance of 1:15 miles in Hamilton Township Monroe County" and inserting in lieu thereof the following:

Legislative Route 45021 and extending in a westerly direction over Township Road 431 to its intersection with Township Road 417 and continuing in a westerly direction over Township Road 417 to the Jackson-Chestnut Hill Township line a distance of approximately 1.2 miles in Jackson Township Monroe County
page 105, by inserting after line 18, the following:

Route 45098 Beginning at the Jackson-Chestnut Hill Township line and Township Road 417 and extending in a westerly direction over Township Road 417 to its intersection with Legislative Route 45041 a distance of approximately 2.10 miles in Chestnut Hill Township Monroe County
page 108, by inserting after line 16, the following:

Route 47042 Beginning at the Danville Borough line thence in an easterly direction over Township Road 416 approximately 1.06 miles to the intersection with Legislative Route 47010 beginning at the intersection with Legislative Route 47010 continuing in an easterly direction over Township Route 416 approximately 2.52 miles to the Columbia County line a distance of approximately 3.58 miles in Mahoning and Cooper Townships Montour County

Route 47043 Beginning at the Danville Borough Mahoning Township line located 1095 feet west of Route 47040 to the Mahoning Township-Cooper Township line a distance of approximately 2.14 miles beginning again at the Cooper Township Mahoning Township line eastwardly to the Montour County Columbia County line a distance of approximately 2 miles in Cooper and Mahoning Township Montour County

Route 47044 Beginning at the Northumberland County line going east to the intersection of Township Route 310 a distance of 1.6 miles Route 310 starting at a point southeastward part of Liberty Township at a dead end going north a distance of 1.6 miles to Route 47002 continuing east on Route 47002 600 feet thence northeast to Route 642 a distance of approximately .85 miles in Liberty Township Montour County
page 111, by inserting after line 15, the following:

Route 48121 Beginning at the intersection of Legislative Route 48008 and Township Road 421 thence in a northeasterly direction over Township Road 421 to its intersection with Legislative Route 156 a distance of 1.7 miles in Williams Township Northampton County

Route 48122 Beginning at the intersection of Legislative Route 48006 and Township Road 396 thence northeastwardly over Township Road 396 to its intersection with Legislative Route 48008 a distance of 2.6 miles in Williams Township Northampton County

Route 48123 Beginning at the intersection of Legislative Route 48021 and Township Route 519 thence in a westerly direction over Township Route 519 for a distance of 0.2 miles to the intersection of Township Route 519 and Township Route 746 thence in a southerly direction over Township Route 746 for a distance of 0.2 miles to the intersection of Township Route 746 and Township Route 519 thence in a westerly direction over Township Route 519 for a distance of about 0.3 miles to the intersection of Township Route 519 and the Seipsville-Tatamy Road a distance of about 0.8 miles in Forks and Palmer Township Northampton County
page 115, by inserting lines 1 to 8, as follows:

Route 49141 Beginning at a point on State Highway Route 336 at Hunter Station thence easterly along the Northern Bank of Mahanoy Creek through Little Mahanoy West Cameron and East Cameron Townships to the intersection with State Highway Route 459 about one mile northwest of Gowen City in Northumberland County a distance of about 12.5 miles
page 118, by inserting the following:

Route 55172 Beginning at the intersection of Township Township Road 545 in a westerly and northerly direction Road 545 and Legislative Route 55048 continuing on a distance of 2.3 miles to the intersection of Township Road 545 and Township Road 848 thence along Township Road 848 in a northerly direction a distance of 1.3 miles to the intersection of Township Road 848 and Legislative Road 55049 in Middlecreek Township Somerset County

Susquehanna County

Route 57159 Beginning at the intersection of Legislative Route 57012 and Township Route 386 thence in a northeasterly direction over Township Route 386 to its intersection with Legislative Route 57011 a distance of about 2 miles in Springville and Dimock Townships Susquehanna County

Route 57160 Beginning at the intersection of Legislative Route 57017 and Township Route 357 thence in a northeasterly direction over Township Routes 357 and 380 to an intersection with Legislative Route 57012 a distance of about 1.5 miles in Springville Township Susquehanna County

Route 57161 Beginning on Township Route 396 at the Susquehanna County Wyoming County line thence in a northerly direction over Township Route 396 to its intersection with Legislative Route 57010 a distance of about 0.6 miles in Lathrop Township Susquehanna County
page 120, by inserting after line 16, the following:

Route 61079 Beginning at a point on the Sugar Grove Borough Sugar Grove Township line said point being approximately 2700 feet northerly
page 122, by inserting after line 14, the following:

Route 63145 Beginning at its intersection with Legislative Route 63066 at hub thence over Township Road 327 in a southeasterly direction a distance of 1.0 mile to an intersection with Township Road 315 thence over Township Road 315 in a southerly direction a distance of approximately 1.8 miles to an intersection with State Highway Route 90 a total distance of approximately 2.8 miles in Salem and Sterling Townships Wayne County
page 124, by inserting after line 16, the following:

Route 64283 Beginning at the intersections of Legislative Route 64010 and Legislative Route 188 Township Road 56 thence in a northerly direction over Township Road No. 550 to the intersection of Township Road No. 999 for a distance of nine tenths (0.9) of a mile thence continuing in a northeasterly direction over Township Road No. 550 to the intersection of Township Road No. 676 for a distance of six tenths (0.6) of a mile thence continuing in a northerly direction over Township Road No. 376 for a distance of three (0.3) of a mile to the intersection of Legislative Route 64262 in Allegheny Township Westmoreland County

Route 64285 Road designated as Township Road 845 extending from Legislative Route 64236 in the village of Loyalhanna 3.5 miles in a northerly direction to Legislative Route 64039 in the village of New Derry Derry Township Westmoreland County
and by striking out immediately thereafter all of lines 16 to 19, inclusive; page 130, by inserting after line 17, the following:

Allegheny County

Route 02334 Huntingdon Avenue a 40 foot wide street in the Borough of Emsworth Allegheny County the center line of which begins at a point on the westerly side of Hazewood Avenue extended to the center of said Huntingdon Avenue in said borough said center line extending from said point north 44° 45′ west a distance of 276.93 feet to a point thence north 53° 15′ west a distance of 910.45 feet to a point thence north 58° 45′ west a distance of 196.35 feet to a point on the dividing line between the Borough of Emsworth and the Township of Kilbuck

Carnegie Borough

Route 02335 Beginning at a point at the intersection of Cubbage Street (Route 02037) and West Maint Street (Route 02037) in the Borough of Carnegie County of Allegheny and State of Pennsylvania thence from said point of beginning and along said West Main Street in a southwesterly direction for a distance of 1300 feet to the Carnegie Borough Collier Township line at Legislative Route No. 02246 in Carnegie Borough Allegheny County

Route 02336 Beginning at a point on Main Street Legislative Route No. 02037 thence from said point of beginning and in a northwesterly direction along Chartiers Avenue a distance of 3050 feet to a point on the Carnegie Borough Robinson Township boundary line in Carnegie Borough Allegheny County
page 135, by inserting after line 11, the following:

Blair County
Roaring Spring Borough

Route 07071 Beginning at the southerly Roaring Spring Borough-Taylor Township line thence northwesterly on South Main Street to intersection with Route 384 a distance of .24 miles in Roaring Spring Borough Blair County
page 139, by inserting after line 14, the following:

Route 24043 Beginning at the intersection of Osterhout Street and Front Street thence in a westerly direction over Osterhout Street to its intersection with North Broad Street a distance of about one thousand five hunderd and ten feet or 0.29 of a mile in the Borough of Ridgway Elk County
page 143, by inserting after line 11, the following:

Old Forge and Taylor Boroughs

Route 35099 Beginning at the intersection of Legislative Route 35049 and Sibley Avenue thence in a westerly direction over Sibley Avenue to the intersection of Legislative Route 35055 a distance of about 1.1 miles in Old Forge and Taylor Boroughs Lackawanna County
page 144, by inserting after line 8, the following:

Dallas Borough

Route 40177 Beginning at the intersection of Legislative Route 11 and Main Street in Dallas Borough thence in a northwesterly direction over Main Street to the intersection of Legislative Route 936 a distance of about 0.4 mile in Dallas Borough Luzerne County
page 149, by inserting line 1, as follows:

Coudersport Borough

page 150, by inserting after line 16, the following:

Warren Borough

Route 61080 Beginning at the intersection of Conewango Avenue (Legislative Route 61034) and East Fifth Avenue (Legislative Route 61035) said point of beginning being a point in Warren Borough thence over East Fifth Avenue and West Fifth Avenue in a westerly direction a distance of approximately 0.36 of a mile to the intersection of West Fifth Avenue and Market Street (Legislative Route 94) (FAP-94) in Warren Borough Warren County
page 153, by inserting after line 6, the following:

Route 66214 Beginning at a point on Legislative Route 2307 Traffic Route 116 at Station 115+96 in Penn Township thence in a northwestern direction over Township Road 330 to intersection of Ridge Avenue in Hanover Borough for a distance of 0.75 miles in Hanover Borough York County

Article VI, page 155, by inserting after line 14, the following:

Route 49013 Little Mahanoy West and East Cameron Townships Northumberland County

Route 49113 Little Mahanoy Township Northumberland County
page 159, line 12, by striking out after "1962" all of the remainder of the line, and by striking out all of line 13.

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—177

Adams,	Frascella,	Lawson,	Reibman,
Anderson, J. H.,	Gailey,	Lee, A. M.,	Reidenbach,
Arlene,	Gallagher,	Lee, K. B.,	Renwick,
Auker,	George,	Leonard,	Rovansek,
Bachman,	Gibb,	Limper,	Rubin,
Backenstoe,	Gibbons,	Long, Wm. Jas.,	Rudisill,
Blair,	Goldstein, M. H.,	Long, Wm. Jos.,	Sakulsky,
Boles,	Goodrich,	Lutty,	Scarcelli,
Bonner,	Gramlich,	Manbeck,	Schaaf,
Bossert,	Gray,	Markley,	Schuster,
Bower,	Greenlee,	Marsh,	Shelton,
Branca,	Gremminger,	Maxwell,	Sherman,
Breth,	Guesman,	May,	Shupnik,
Buchanan,	Guthrie,	McCandless,	Simmons,
Bush,	Hamilton,	McCann,	Slack,
Capano,	Hartley,	McCormack,	Snare,
Capitolo,	Haudenshield,	McDevitt,	Stank,
Cauley,	Heavey,	McDonald,	Steckel,
Cianfrani,	Heffner,	McLaughlin,	Stimmel,
Cioffi,	Helm,	McNally,	Stiteler,
Clarke,	Henzel,	Meholchick,	Stone,
Comer,	Holl,	Merry,	Sullivan, J. A.,
Cooley,	Holliday,	Mihm,	Sullivan, T. F.,
Crossin,	Holman,	Miller,	Taylor,
Curwood,	Horst,	Mills,	Thompson,
Davis,	Irvis,	Monroe,	Tomascik,
Dengler,	Isaacs,	Morley,	Tompkins,
Dennison,	Jenkins,	Mullen,	Trusio,
Donaldson,	Jim,	Munley,	Ujobai,
Dougherty,	Johnson, A. W.,	Murphy,	Varner,
Doughten,	Johnson, R. P.,	Murray,	Verona,
Edwards,	Jones,	Musto,	Wall,
Eilberg,	Kamyk,	Needham,	Walsh,
Elvey,	Kelly,	O'Dell,	Wargo,
Eshback,	Kernaghan,	O'Donnell, J. A.,	Welsh,
Esler,	Kessler,	O'Donnell, J. P.,	Wescott,
Ewing,	King,	Parlante,	Whittaker,
Farabaugh,	Kistler,	Pashley,	Willaredt,
Fetterolf,	Klein,	Perry,	Williams, E. S.,
Filo,	Knecht,	Piper,	Wilt,
Fineman,	Kooker,	Polaski,	Wynd,
Flynn,	Korns,	Polen,	Yetter,
Foerster,	Kramer,	Prendergast,	Zember,
Foor,	Lamb,	Pursley,	Andrews, Speaker
Fox,			

NAYS—13

Bowman,	Gross,	Ogilvie,	Seltzer,
Eshleman,	Hocker,	Price,	Williams, A. D.,
Fulmer,	Keiser,	Royer,	Wood,
			Worley,

NOT VOTING—20

Anderson, S. A.,	Goldstein, J. H.,	McInroy,	Rutherford,
Ashton,	Hankins,	McKeever,	Strausser,
Down,	Kornick,	Odorisio,	Weidner,
Fry,	Lippincott,	Petrosky,	Willard,
Gelfand,	Magee,	Riley,	Zimmerman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 216.

An Act to define, license and regulate resident and nonresident auctioneers and apprentice auctioneers in this Commonwealth and revising, consolidating and making the law uniform relative thereto conferring certain powers and duties on the Secretary of the Commonwealth and on certain departments and officers of the State and local governments providing for the keeping of records and the inspection thereof repealing certain inconsistent laws and providing penalties.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 1, line 3, by striking out after the word "thereto" the words "creating the State Auctioneers' Commission"; line 6, by striking out after the word "the" the word "commission" and inserting in lieu thereof the following: "Secretary of the Commonwealth"; Section 2, page 3, line 13, by striking out at the beginning of the line the word "commission" and inserting in lieu thereof lines 5, 6 and 7, and inserting in lieu thereof the following: the word "Department"; page 4, by striking out all of "(6) "Department" shall mean the Department of State who shall administer the provisions of this act"; Section 3, page 4, line 11, by striking out after the word "The" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; line 13, by striking out after the word "and" the word "apprentices" and inserting in lieu thereof the word "apprentice"; line 14, by striking out after the word "The" the word "commission" and inserting in lieu thereof the word "Department"; Section 4, page 4, line 18, by striking out after the second word "of" the words "Public Instruction" and inserting in lieu thereof the word "State"; line 19, by striking out after the word "the" the words "commission with the commission's" and inserting in lieu thereof the words "Secretary of the Commonwealth or his duly appointed representative with the secretary's"; page 5, line 3, by striking out after the second word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; Line 9, by striking out after the word "the" the words "Department of Public Instruction in any proceedings before the commission the Department of Public Instruction" and inserting in lieu thereof the words "Department in any proceedings before the Secretary of the Commonwealth the Department"; Section 5, page 5, line 16, by striking out after the word "the" the words "Superintendent of Public Instruction any member of the commission" and inserting in lieu thereof the words "Secretary of the Commonwealth"; line 19, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; page 6, line 6, by striking out after the word "the" the word "Commission" and inserting in lieu thereof the word "Department"; line 15, by striking out after the word "the" the word "Commission" and inserting in lieu thereof the word "Secretary of State"; line 19, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; Section 6, page 7, line 7, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; line 13, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; page 8, line 6, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "Department"; line 14, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; Section 7, page 8, line 20, by striking out after the word "of" the words "Public Instruction" and inserting in lieu thereof the word "State"; Section 8, page 9, line 6, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "Department"; line 8, by striking out at the beginning of the line the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; line 11, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "Department"; page 10, line 16, by striking out after the second word "the" the word "commission" and inserting in lieu thereof the word "Department"; page 11, line 4, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; line 7, by striking out at the beginning of the line the word "of" and inserting in lieu thereof the word "or"; line 7, by striking out after the word "or" the word "corporation" and inserting in lieu thereof the word "corporation", line 10, by striking out after the second word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; line 12, by striking out after the second word "commission" and inserting in lieu thereof the word "Department"; line 18, by striking out at the beginning of the line the word "commission" and inserting in lieu thereof the word "Department"; page 12, line 3, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; line 8, by inserting after the word "examination" the words "prepared and"; line 8 by striking out after the word "the" the words "commission and prepared by the commission The commission" and inserting in lieu thereof the words "Department the Department"; line 13, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "Department"; line 14, by striking out after the word "The" the word "commission" and inserting in lieu thereof the word "Department"; page 13, line 4, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "Department"; Section 9, page 13, line 9, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; Section 10, page 13, line 17, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; Section 12, page 15, line 1, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "Department"; line 6, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; line 9, by striking out after the word "to" the word "license" and inserting in lieu thereof the word "licensed"; line 16, by striking out after the second word "the" the words "chairman of the commission" and inserting in lieu thereof the words "Secretary of the Commonwealth"; line 19, by striking out after the word "the" the words "chairman of the commission" and inserting in lieu thereof the words "Secretary of the Commonwealth"; page 16, line 9, by striking out after the second word "the" the words "secretary of the commission" and inserting in lieu thereof the words "Secretary of the Commonwealth"; line 11, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; Section 13, page 16, line 16, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; page 17, line 8, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; line 13, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; Section 14, page 17, line 15, by striking out after the word "The" the word "commission" and inserting in lieu thereof the word "Department"; Section 15, page 18, line 2, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "Department"; line 9, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "Department"; Section 16, page 19, line 12, by striking out after the word "the" the words "commission or the Department of Public Instruction" and inserting in lieu thereof the word "Department"; line 14, by striking out after the word "the" the words "commission or"; Section 18, page 21, line 11, at the beginning of the line by striking out the words "commission or the Department of Public Instruction" and inserting in lieu thereof the word "Department"; Section 19, page 22, line 7, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; line 11, by striking out after the word "the" the word "Department of Public Instruction" and inserting in lieu thereof the word "Department"; line 15, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; line 18, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; page 23, line 3, by striking out after the second word "the" the word "commission" and

inserting in lieu thereof the word "Department"; Section 20, page 23, line 5, by striking out after the word "The" the word "commission" and inserting in lieu thereof the word "Department"; line 11, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; page 24, line 18, by striking out after the word "the" the words "commission Department" and inserting in lieu thereof the word "Department"; page 25, line 1, by striking out after the second word "the" the word "commission" and inserting in lieu thereof the ord "Department"; line 3, by striking out after the second word "the" the word "commission" and inserting in lieu thereof the word "Department"; line 8, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; line 15, by striking out after the second word "the" the word "commission" and inserting in lieu thereof the word "Department"; line 17, by striking out after the word "the" the word "commission" and inserting in lieu thereof the words "Secretary of State"; page 26, line 5, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; Section 21, page 26, line 9, by striking out after the word "the" the words "commission to authorize the Department of Public Instruction" and inserting in lieu thereof the words "Secretary of the Commonwealth or the Department"; line 17, by striking out after the second word "the" the word "commission" and inserting in lieu thereof the word "Department"; page 27, line 1, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "Department"; line 3, by striking out after the word "any" the word "it" and inserting in lieu thereof the word "if"; line 5, by striking out at the beginning of the line the word "commission" and inserting in lieu thereof the word "Department"; Section 22, page 27, line 9, by striking out after the figures "22" the word "commission" and inserting in lieu thereof the word "Secretary"; line 11, by striking out after the word "the" the word "commission" and inserting in lieu thereof the words "Secretary of the Commonwealth"; line 14, by striking out after the second word "of" the words "Public Instruction" and inserting in lieu thereof the word "State"; line 15 by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "Department"; line 17, by striking out after the word "by" the words "the commission" and inserting in lieu thereof the word "it"; page 28, line 1, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "Department"; line 3, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "Department"; Section 23, page 28, line 11, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "Department"; line 17, by striking out after the third word "the" the word "commission" and inserting in lieu thereof the word "Department"; page 29, line 5, by striking out after the second word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; line 6, by striking out after the word "the" the word "license" and inserting in lieu thereof the word "licensee"; line 11, by striking out after the word "the" the words "commission the commission" and inserting in lieu thereof the words "Department and the Department"; line 18, by striking out at the beginning of the line the word "commission" and inserting in lieu thereof the word "Department"; line 19, by striking out at the beginning of the line the word "commission" and inserting in lieu thereof the word "Department"; page 30, line 5, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "Department"; line 6, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "Department"; line 12, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "department"; line 14, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "department"; line 19, by striking out at the beginning of the line the word "commission" and inserting in lieu thereof the word "department"; Section 24, page 31, line 5, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "department"; line 6, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "department"; Section 26, line 20, page 32, by striking out after the word "of" the following: "Commission (a) The commission and each of its duly authorized representatives and any special representative appointed by it" and inserting in lieu thereof the following: "secretary and the department (a) the secretary and each of his duly authorized representatives and any special representative appointed by him"; Page 33, line 7, by striking out after the word "the" the word "commission" and inserting the word "department" in lieu thereof; line 10, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "department"; line 12, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "department"; line 16, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "department"; line 18, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "department"; page 34, line 4, by striking out after the word "the" at the end of the line the word "commission or its representative" and inserting in lieu thereof the word "department"; line 7, by striking out after the word "the" the words "Department of Public Instruction" and inserting in lieu thereof the word "Department"; line 9, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "department"; line 11, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "department"; page 35, line 2, by striking out after the word "the" the word "commission" and inserting in lieu thereof the words "Secretary of the Commonwealth"; line 4, by striking out after the word "the" the words "commission The Commission" and inserting in lieu thereof the words "Department The Department"; line 7, by striking out after the word "in" the words "the opinion of the commission" and inserting in lieu thereof the words "its opinion"; line 9, by striking out after the word "from" the word "commission" and inserting in lieu thereof the word "department"; Section 28, page 36, line 13, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "department"; Section 29, page 36, line 17, by inserting at the beginning of the line the words "for compensation for any act done or service rendered the doing or"; line 19, by striking out after the word "other" the words "for compensation for any act done or service rendered the doing or"; Section 30, page 37, by striking out after the word "The" line line 5, all of remainder of line 6, lines 6, 7, 8, 9 and 10, and inserting in lieu thereof the following: "Department of State is hereby authorized and empowered to adopt fix and establish all rules and regulations necessary for the proper administration of the provisions of this act"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Epeaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—133

Anderson, S. A.,	Gallagher,	Maxwell,	Rudisill,
Arlene,	Gibbons,	McCandless,	Sakulsky,
Bachman,	Goldstein, M. H.,	McCann,	Scarcelli,
Backenstoe,	Gray,	McCormack,	Schaaf,
Boles,	Greenlee,	McDevitt,	Schuster,
Bonner,	Gremminger,	McDonald,	Shelton,
Bower,	Guesman,	McKeever,	Sherman,
Branca,	Hamilton,	McLaughlin,	Shupnik,
Breth,	Hartley,	McNally,	Simmons,
Bush,	Heavey,	Meholchick,	Slack,
Capano,	Heffner,	Mihm,	Snare,
Capitolo,	Henzel,	Mills,	Stank,
Cauley,	Holl,	Monroe,	Steckel,
Cianfrani,	Holman,	Morley,	Stone,

Cioffi,	Irvis,	Mullen,	Sullivan, J. A.,
Clarke,	Jim,	Munley,	Sullivan, T. F.,
Comer,	Jones,	Murphy,	Taylor,
Cooley,	Kamyk,	Murray,	Thompson,
Crossin,	Kelly,	Musto,	Tomascik,
Curwood,	King,	Needham,	Trusio,
Donaldson,	Kistler,	O'Donnell, J. A.,	Ujobai,
Dougherty,	Klein,	O'Donnell, J. P.,	Verona,
Doughten,	Knecht,	Parlante,	Walsh,
Ellberg,	Kooker,	Pashley,	Wargo,
Eshback,	Kornick,	Perry,	Welsh,
Ewing,	Kramer,	Petrosky,	Willaredt,
Farabaugh,	Lamb,	Polaski,	Williams, A. D.,
Fetterolf,	Lawson,	Polen,	Williams, E. S.,
Filo,	Leonard,	Prendergast,	Wilt,
Fineman,	Limper,	Reibman,	Yetter,
Flynn,	Long, Wm. Jas.,	Reidenbach,	Andrews,
Foerster,	Long, Wm. Jos.,	Renwick,	Speaker
Frascella,	Lutty,	Rovansek,	
Gailey,	Markley,	Rubin,	

NAYS—57

Adams,	Fulmer,	Korns,	Seltzer,
Anderson, J. H.,	George,	Lee, A. M.,	Stimmel,
Auker,	Goodrich,	Lee, K. B.,	Stiteler,
Blair,	Gramlich,	Lippincott,	Tompkins,
Bossert,	Gross,	Manbeck,	Varner,
Bowman,	Guthrie,	Marsh,	Wall,
Buchanan,	Helm,	May,	Wescott,
Davis,	Hocker,	Merry,	Whittaker,
Dengler,	Horst,	Miller,	Wood,
Dennison,	Isaacs,	O'Dell,	Worley,
Edwards,	Johnson, A. W.,	Ogilvie,	Wynd,
Elvey,	Johnson, R. P.,	Piper,	Zember,
Eshleman,	Keiser,	Price,	
Foor,	Kernaghan,	Pursley,	
Fox,	Kessler,	Royer,	

NOT VOTING—20

Ashton,	Gibb,	Jenkins,	Rutherford,
Down,	Goldstein, J. H.,	Magee,	Strausser,
Esler,	Hankins,	McInroy,	Weidner,
Fry,	Haudenshield,	Odorisio,	Willard,
Gelfand,	Holliday,	Riley,	Zimmerman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 337.

An Act providing for the issuing administration enforcement and termination of marketing orders on apples imposing powers and duties on the Secretary of Agriculture providing for the creation and operation of an advisory board prescribing the contents of orders and providing for the imposition and collection of fees.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 2, page 3, line 1, by inserting after the word "State" the word "or any production area therein;" line 3, by striking out after the word "produced" the following: "for any market in Pennsylvania or any production area therein"

Page 11, by inserting after line 3, Section 8, as follows: Section 8 Marketing order review every three years the secretary of Agriculture shall call a referendum to determine whether or not a majority of the apple producers still desire a marketing order

page 11, line 9, by striking out after the word "Section" the numeral "8" and inserting in lieu thereof the number "9;" page 12, line 3, by striking out after the word "Section" the numeral "9" and inserting in lieu thereof the number "10;" page 13, line 11, by striking out after the word "Section" the number "10" and inserting in lieu thereof the number "11;" page 14, line 1, by striking out after the word "Section" the number "1" and inserting in lieu thereof the number "12;" line 10, by striking out after the word "Section" the number "12" and inserting in lieu thereof the number "13;" line 16, by striking out after the word "Section" the number "13" and inserting in lieu thereof the number "14"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

The SPEAKER pro tempore. Does the majority whip desire recognition before the Chair recognizes the gentleman from Adams?

Mr. TOMPKINS. Mr. Speaker, I yield to the gentleman from Adams, Mr. Worley.

The SPEAKER pro tempore. The gentleman from Cameron, Mr. Tompkins, yields to the gentleman from Adams, Mr. Worley. The Chair recognizes the gentleman from Adams, Mr. Worley.

MOTION TO RECOMMIT

Mr. WORLEY. Mr. Speaker, I move that this unjust apple tax bill, together with these amendments, be recommitted to the Committee on Agriculture and Dairy Industries, and I ask for a roll call.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. For what purpose does the gentleman from Berks, Mr. Piper, rise?

Mr. PIPER. Mr. Speaker, I rise to oppose this motion.

Mr. McCANN. Mr. Speaker, I rise to oppose the motion made by the gentleman from Adams, Mr. Worley, to recommit House bill 337 to the Committee on Agriculture and Dairy Industries, and ask that the members of the House vote "no" on the motion made to recommit.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. WORLEY and BACKENSTOE and were as follows:

YEAS—27

Bachman,	Johnson, A. W.,	Manbeck,	Wall,
Edwards,	Johnson, R. P.,	May,	Williams, A. D.,
Foor,	Kernaghan,	Murphy,	Williams, E. S.,
Goldstein, M. H.,	Kessler,	Price,	Wood,
Gross,	Knecht,	Thompson,	Worley,
Heffner,	Kooker,	Tomascik,	Wynd,
Isaacs,	Lee, K. B.,	Ujobai,	

NAYS—162

Adams,	Foerster,	Lee, A. M.,	Reidenbach,
Anderson, J. H.,	Fox,	Leonard,	Renwick,
Anderson, S. A.,	Frascella,	Limper,	Rovansek,
Arlene,	Fulmer,	Long, Wm. Jas.,	Royer,
Auker,	Gailey,	Long, Wm. Jos.,	Rubin,
Backenstoe,	Gallagher,	Lutty,	Rudisill,
Blair,	George,	Markley,	Sakulsky,
Boles,	Gibbons,	Marsh,	Scarcelli,
Bonner,	Goldstein, J. H.,	Maxwell,	Schaaf,

Bossert,	Goodrich,	McCandless,	Schuster,
Bower,	Gramlich,	McCann,	Seltzer,
Bowman,	Gray,	McCormack,	Shelton,
Branca,	Greenlee,	McDevitt,	Sherman,
Breth,	Gremminger,	McDonald,	Shupnik,
Buchanan,	Guesman,	McLaughlin,	Simmons,
Bush,	Guthrie,	McNally,	Slack,
Capano,	Hamilton,	Meholchick,	Snare,
Capitolo,	Hartley,	Merry,	Stank,
Cauley,	Heavey,	Miller,	Stimmel,
Cianfrani,	Helm,	Mills,	Stiteler,
Cioffi,	Henzel,	Monroe,	Stone,
Clarke,	Hocker,	Morley,	Sullivan, J. A.,
Comer,	Holl,	Mullen,	Sullivan, T. F.,
Cooley,	Holliday,	Munley,	Taylor,
Crossin,	Holman,	Murray,	Tompkins,
Curwood,	Horst,	Musto,	Trusio,
Davis,	Irvis,	Needham,	Varner,
Dengler,	Jenkins,	O'Dell,	Verona,
Dennison,	Jim,	O'Donnell, J. A.,	Walsh,
Donaldson,	Jones,	O'Donnell, J. P.,	Wargo,
Dougherty,	Kamyk,	Ogilive,	Welsh,
Doughten,	Keiser,	Parlante,	Wescott,
Ellberg,	Kelly,	Pashley,	Whittaker,
Elvey,	King,	Perry,	Willaredt,
Eshback,	Kistler,	Petrosky,	Wilt,
Eshleman,	Klein,	Piper,	Yetter,
Ewing,	Kornick,	Polaski,	Zember,
Farabaugh,	Korns,	Polen,	Zimmerman,
Fetterolf,	Kramer,	Prendergast,	Andrews,
Filo,	Lamb,	Pursley,	Speaker
Flynn,	Lawson,	Reibman,	

NOT VOTING—21

Ashton,	Gelfand,	Magee,	Riley,
Down,	Gibb,	McInroy,	Rutherford,
Esler,	Hankins,	McKeever,	Steckel,
Fineman,	Haudenshield,	Mihm,	Strausser,
Fry,	Lippincott,	Odorisio,	Weidner,
			Willard,

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Mr. WORLEY. Mr. Speaker, are we now voting on the concurrence?

The SPEAKER pro tempore. We are now voting on concurring or non-concurring in the Senate amendments.

Mr. WORLEY. Mr. Speaker, I do not want to waste the time of this House, but this is a very unjust tax and I request the members to vote it down.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—155

Adams,	Foerster,	Leonard,	Reibman,
Anderson, J. H.,	Fox,	Limper,	Reidenbach,
Anderson, S. A.,	Frascella,	Long, Wm. Jas.,	Renwick,
Arlene,	Gailey,	Long, Wm. Jos.,	Rovansek,
Auker,	Gallagher,	Lutty,	Royer,
Backenstoe,	George,	Markley,	Rubin,
Blair,	Gibbons,	Maxwell,	Rudisill,
Boles,	Goldstein, J. H.,	McCandless,	Rutherford,
Bonner,	Goodrich,	McCann,	Sakulsky,
Bossert,	Gramlich,	McCormack,	Scarcelli,
Bower,	Gray,	McDevitt,	Schaaf,
Bowman,	Greenlee,	McDonald,	Schuster,
Branca,	Gremminger,	McLaughlin,	Shelton,
Breth,	Guesman,	McNally,	Sherman,
Buchanan,	Guthrie,	Meholchick,	Shupnik,
Capano,	Hamilton,	Merry,	Simmons,
Capitolo,	Hartley,	Mihm,	Slack,
Cauley,	Heavey,	Miller,	Stank,
Cianfrani,	Helm,	Mills,	Steckel,
Cioffi,	Henzel,	Monroe,	Stimmel,
Clarke,	Hocker,	Morley,	Stiteler,
Comer,	Holl,	Mullen,	Stone,
Cooley,	Holliday,	Munley,	Sullivan, J. A.,
Curwood,	Horst,	Murphy,	Sullivan, T. F.,
Davis,	Irvis,	Murray,	Taylor,
Dengler,	Isaacs,	Musto,	Thompson,
Donaldson,	Jenkins,	Needham,	Trusio,
Dougherty,	Jim,	O'Dell,	Ujobai,
Doughten,	Johnson, R. P.,	O'Donnell, J. A.,	Verona,
Edwards,	Jones,	O'Donnell, J. P.,	Wall,
Ellberg,	Kamyk,	Parlante,	Walsh,
Elvey,	Kernaghan,	Perry,	Wargo,
Eshback,	King,	Pashley,	Wescott,
Eshleman,	Klein,	Petrosky,	Wilt,
Ewing,	Kornick,	Piper,	Yetter,
Farabaugh,	Korns,	Polaski,	Zember,
Fetterolf,	Kramer,	Polen,	Zimmerman,
Filo,	Lamb,	Prendergast,	Andrews,
Flynn,	Lawson,	Pursley,	Speaker

NAYS—35

Bachman,	Holman,	Manbeck,	Varner,
Bush,	Keiser,	Marsh,	Whittaker,
Crossin,	Kessler,	May,	Willaredt,
Dennison,	Kistler,	Ogilive,	Williams, A. D.,
Foor,	Knecht,	Price,	Williams, E. S.,
Fulmer,	Kooker,	Seltzer,	Wood,
Goldstein, M. H.,	Lee, A. M.,	Snare,	Worley,
Gross,	Lee, K. B.,	Tomascik,	Wynd,
Heffner,	Lippincott,	Tompkins,	

NOT VOTING—20

Ashton,	Gelfand,	Kelly,	Riley,
Down,	Gibb,	Magee,	Strausser,
Esler,	Hankins,	McInroy,	Weidner,
Fineman,	Haudenshield,	McKeever,	Welsh,
Fry,	Johnson, A. W.,	Odorisio,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

ANNOUNCEMENT

Mr. McCANN. Mr. Speaker, various members continue to ask regarding the two hotels in which members are registered at the present time, namely, the Penn Harris Hotel and the Harrisburger. Mr. Kyle of the Penn Harris and Mr. Smith of the Harrisburger have indicated that check-out time today for the legislative members is satisfactory up until 7 o'clock, without any additional charge whatsoever at either hotel.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 749.

An Act amending the act of July 8, 1957 (P. L. 569), entitled, "An act providing compensation to certain persons who served in the military naval or air forces of the United States or of any of her allies during the Korean Conflict providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and providing penalties" defining "veteran" so as to include career servicemen and placing limitations on the amount of compensation

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title by inserting after the last line of Title two new lines, as follows: "and placing limitations on the amount of compensation";

Page 3, line 17, by inserting after "Section 2" the following:

Section 3 of the act is amended to read

Section 3 Computation of Compensation Compensation shall be payable under this act to any Veteran a legal resident of this Commonwealth and shall be computed on the basis of fifteen dollars ($15) for every month or major fraction thereof of active foreign and/or sea service for those Veterans who were awarded or authorized the Korean Service Medal and ten dollars ($10) for every month and major fraction thereof of other active service in the military naval or air forces of the United States or of any of her allies as shown by the service or other record of the Veteran except that the compensation of a Veteran who died in active military naval or air service during the period set forth in Section 2 of this act shall be five hundred dollars ($500) No Veteran who served less than sixty days active service during the period specified in Section 2 shall be entitled to receive any compensation under this act Any eligible Veteran who was in active service during the period specified shall be allowed the per monthly compensation as designated until January 27 1954 but no Veteran shall be entitled to receive compensation under this act in a sum to exceed five hundred dollars ($500)

Nor shall any individual who was a member of the regular armed forces of the United States with continuous service for four years immediately prior to June 25 1950 except those who had been awarded the Korean Service Medal for active foreign and/or sea service and who have received compensation from the Commonwealth of Pennsylvania under the Act of June 11 1947 (P L 565) known as the "World War II Veterans' Compensation Act" receive compensation under this act in a sum that would cause his total compensation under the "World War II Veterans' Compensation Act" and this act to exceed a sum of five hundred dollars ($500) in the aggregate

Section 3

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—189

Adams,	Gailey,	Leonard,	Rovansek,
Anderson, J. H.,	Gallagher,	Limper,	Royer,
Anderson, S. A.,	George,	Long, Wm. Jas.,	Rubin,
Arlene,	Gibbons,	Long, Wm. Jos.,	Rudisill,
Auker,	Goldstein, J. H.,	Lutty,	Rutherford,
Bachman,	Goldstein, M. H.,	Manbeck,	Sakulsky,
Backenstoe,	Goodrich,	Markley,	Scarcelli,
Blair,	Gramlich,	Marsh,	Schaaf,
Boles,	Gray,	Maxwell,	Schuster,
Bonner,	Greenlee,	May,	Seltzer,
Bossert,	Gremminger,	McCandless,	Shelton,
Bower,	Gross,	McCann,	Sherman,
Bowman,	Guesman,	McCormack,	Shupnik,
Branca,	Guthrie,	McDevitt,	Simmons,
Breth,	Hamilton,	McDonald,	Slack,
Buchanan,	Hartley,	McKeever,	Snare,
Bush,	Heavey,	McLaughlin,	Stank,
Capano,	Heffner,	McNally,	Steckel,
Capitolo,	Helm,	Meholchick,	Stimmel,
Cauley,	Henzel,	Merry,	Stiteler,
Cianfrani,	Hocker,	Mihm,	Stone,
Cioffi,	Holl,	Miller,	Sullivan, J. A.,
Clarke,	Holliday,	Mills,	Sullivan, T. F.,
Comer,	Holman,	Monroe,	Taylor,
Cooley,	Horst,	Morley,	Thompson,
Crossin,	Irvis,	Mullen,	Tomascik,
Curwood,	Isaacs,	Munley,	Trusio,
Davis,	Jenkins,	Murphy,	Ujobai,
Dengler,	Jim,	Murray,	Varner,
Dennison,	Johnson, R. P.,	Musto,	Verona,
Donaldson,	Jones,	Needham,	Wall,
Dougherty,	Kamyk,	O'Dell,	Walsh,
Doughten,	Keiser,	O'Donnell, J. A.,	Wargo,
Edwards,	Kelly,	O'Donnell, J. P.,	Welsh,
Eilberg,	Kernaghan,	Ogilvie,	Wescott,
Elvey,	King,	Parlante,	Whittaker,
Eshback,	Kistler,	Pashley,	Willaredt,
Eshleman,	Klein,	Perry,	Williams, A. D.,
Ewing,	Knecht,	Petrosky,	Williams, E. S.,
Farabaugh,	Kooker,	Piper,	Wilt,
Fetterolf,	Kornick,	Polaski,	Wood,
Filo,	Korns,	Polen,	Worley,
Flynn,	Kramer,	Prendergast,	Wynd,
Foerster,	Lamb,	Price,	Yetter,
Foor,	Lawson,	Pursley,	Zember,
Fox,	Lee, A. M.,	Reibman,	Zimmerman,
Frascella,	Lee, K. B.,	Reidenbach,	Andrews,
		Renwick,	Speaker

NAYS—0

NOT VOTING—21

Ashton,	Fulmer,	Johnson, A. W.,	Odoriaio,
Down,	Gelfand,	Kessler,	Riley,
Esler,	Gibb,	Lippincott,	Strausser,
Fineman,	Hankins,	Magee,	Tompkins,
Fry,	Haudenshield,	McInroy,	Weidner,
			Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1030.

An Act authorizing additional pension and retirement payments to members of pension and retirement funds after termination of services and providing for appropriations by counties cities boroughs towns and townships.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, line 2 on page 1, by inserting after the word "services" the following: "and providing for appropriations by counties cities borough towns and townships"

Page 3, by inserting after line 8 a new section, as follows:

Section 2 Any increase of retirement allowances or pensions authorized pursuant to this act by the governing bodies of counties cities boroughs towns and townships are hereby made obligations of such political subdivisions The retirement or pension board of each such political subdivision shall submit to the governing body of the political subdivision on or before the first day of November of each year an itemized estimate of the amounts necessary to be appropriated by the governing body to complete the payment of the obligations of the political subdivision incurred in granting the increased retirement allowances or pensions authorized by this act and the governing body shall annually make such appropriation

Page 4, line 6, by striking out after the word "Section" the number "2" and inserting in lieu thereof the number "3"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—184

Adams,	Fulmer,	Lee, A. M.,	Rovansek,
Anderson, J. H.,	Gailey,	Lee, K. B.,	Royer,
Anderson, S. A.,	Gallagher,	Leonard,	Rubin,
Arlene,	Gelfand,	Limper,	Rudisill,
Bachman,	George,	Long, Wm. Jas.,	Sakulsky,
Backenstoe,	Goldstein, J. H.,	Lutty,	Scarcelli,
Blair,	Goldstein, M. H.,	Manbeck,	Schuster,
Boies,	Goodrich,	Markley,	Seltzer,
Bonner,	Gramlich,	Marsh,	Shelton,
Bossert,	Gray,	Maxwell,	Sherman,
Bower,	Greenlee,	May,	Shupnik,
Bowman,	Gremminger,	McCandless,	Simmons,
Branca,	Gross,	McCann,	Slack,
Breth,	Guesman,	McDevitt,	Snare,
Buchanan,	Guthrie,	McDonald,	Stank,
Bush,	Hamilton,	McKeever,	Steckel,
Capano,	Hartley,	McLaughlin,	Stimmel,
Capitolo,	Heavey,	McNally,	Stone,
Cauley,	Heffner,	Meholchick,	Sullivan, J. A.,
Cianfrani,	Helm,	Merry,	Sullivan, T. F.
Cioffi,	Henzel,	Mihm,	Taylor,
Clarke,	Hocker,	Miller,	Thompson,
Comer,	Holl,	Mills,	Tomascik,
Cooley,	Holliday,	Monroe,	Trusio,
Crossin,	Holman,	Morley,	Ujobai,
Curwood,	Horst,	Munley,	Varner,
Davis,	Irvis,	Murphy,	Verona,
Dengler,	Isaacs,	Murray,	Wall,
Dennison,	Jenkins,	Musto,	Walsh,
Donaldson,	Jim,	Needham,	Wargo,
Dougherty,	Johnson, A. W.,	O'Dell,	Welsh,
Doughten,	Johnson, R. P.,	O'Donnell, J. A.,	Wescott,
Edwards,	Jones,	Ogilvie,	Whittaker,
Eilberg,	Kamyk,	Parlante,	Willaredt,
Elvey,	Keiser,	Pashley,	Williams, A. D.,
Eshback,	Kelly,	Perry,	Williams, E. S.,
Eshleman,	Kernaghan,	Petrosky,	Wilt,
Ewing,	Kessler,	Piper,	Wood,
Farabaugh,	King,	Polaski,	Worley,
Fetterolf,	Kistler,	Polen,	Wynd,
Filo,	Klein,	Prendergast,	Yetter,
Fineman,	Knecht,	Price,	Zember,
Flynn,	Kooker,	Pursley,	Zimmerman,
Foerster,	Kornick,	Reibman,	Andrews,
Foor,	Kramer,	Reidenbach,	Speaker
Fox,	Lamb,	Renwick,	
Frascella,	Lawson,		

NAYS—4

Auker,	Korns,	Lippincott,	Stiteler,

NOT VOTING—22

Ashton,	Hankins,	Mullen,	Strausser,
Down,	Haudenshield,	O'Donnell, J. P.,	Tompkins,
Esler,	Long, Wm. Jos.,	Odorisio,	Weidner,
Fry,	Magee,	Riley,	Willard,
Gibb,	McCormack,	Rutherford,	
Gibbons,	McInroy,	Schaaf,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Jim.

Mr. JIM. Mr. Speaker, for the bill we just voted on, my button would not work. I would like to be recorded as voting "aye."

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record. We cannot change the roll call.

Mr. JIM. Mr. Speaker, I have a wonderful record. Up until this time I thought I would go out of this House today with a perfect record of five years of never having missed a roll call.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, Mr. Charles Jim in five years has never missed a roll call and I know that his request is on the record, but he is asking what can be done to be recorded as voting since his button did not register. He has never missed a roll call in this House, either voting "aye" or "nay."

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record of the House.

The SPEAKER pro tempore. For what purpose does the gentleman from Dauphin, Mr. Hocker, rise?

Mr. HOCKER. Mr. Speaker, I admire a man who went through five sessions without missing a roll call. I wish it were I. Is there any motion or anything that can be done to help this man? He was here; he voted but the machine evidently did not work, or something.

The SPEAKER pro tempore. The Chair will attempt to outline the procedure that we can follow. With unanimous consent of the House, the gentleman's name can be added to the roll.

Mr. HOCKER. I so move, Mr. Speaker.

The SPEAKER pro tempore. The Chair hears no objection. The gentleman's name will be added to the roll.

Mr. JIM. Mr. Speaker, I am grateful to the Speaker for the wonderful thing that he has done for me, and also to the members of the House. I want to be honest. I want to be sincere. I have been here five years straight at the opening of every session. Why that button did not register I do not know.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1340.

An Act amending the act of July 11, 1917 (P. L. 758), entitled, "An act for the protection of the public health by regulating the possession control dealing in giving away delivery dispensing administering prescribing and use of certain drugs and keeping records thereof by regulating the use of drugs in the treatment of the drug habit by providing for the revocation and suspension of licenses of physicians dentists veterinarians pharmacists druggist and registered nurses for certain causes and by providing for the enforcement of this act and penalties" giving trials for violation of the act precedence over other criminal trials and regulating postponements

With the information that the Senate has passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 2, line 2 o ftitle, by striking out after the word "over" the word "all"

Section 1, page 2, line 14, by striking out at the beginning of the line "take precedence over all other criminal trials" and inserting in lieu thereof "be held as soon after indictment as possible"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—189

Adams,	Fulmer,	Lee, K. B.,	Reidenbach,
Anderson, J. H.,	Gallagher,	Leonard,	Renwick,
Anderson, S. A.,	George,	Limper,	Rovansek,
Arlene,	Gibb,	Lippincott,	Royer,
Auker,	Gibbons,	Long, Wm. Jas.,	Rubin,
Bachman,	Goldstein, J. H.,	Long, Wm. Jos.,	Rudisill,
Backenstoe,	Goldstein, M. H.,	Lutty,	Sakulsky,
Blair,	Goodrich,	Manbeck,	Scarcelli,
Boies,	Gramlich,	Markley,	Schaaf,
Bonner,	Gray,	Marsh,	Schuster,
Bossert,	Greenlee,	Maxwell,	Seltzer,
Bower,	Gremminger,	May,	Shelton,
Bowman,	Gross,	McCandless,	Sherman,
Branca,	Guesman,	McCann,	Shupnik,
Breth,	Guthrie,	McCormack,	Simmons,
Buchanan,	Hamilton,	McDevitt,	Slack,
Bush,	Hartley,	McDonald,	Snare,
Capano,	Heavey,	McKeever,	Stank,
Capitolo,	Heffner,	McLaughlin,	Steckel,
Cauley,	Helm,	McNally,	Stimmel,
Cioffi,	Henzel,	Meholchick,	Stone,
Clarke,	Hocker,	Merry,	Sullivan, J. A.,
Comer,	Holl,	Mihm,	Sullivan, T. F.,
Cooley,	Holliday,	Miller,	Taylor,
Crossin,	Holman,	Mills,	Thompson,
Curwood,	Horst,	Monroe,	Tompkins,
Davis,	Irvis,	Morley,	Trusio,
Dengler,	Isaacs,	Mullen,	Ujobai,
Dennison,	Jenkins,	Munley,	Varner,
Donaldson,	Jim,	Murphy,	Verona,
Dougherty,	Johnson, A. W.,	Murray,	Wall,
Doughten,	Johnson, R. P.,	Musto,	Walsh,
Edwards,	Jones,	Needham,	Wargo,
Ellberg,	Kamyk,	O'Dell,	Welsh,
Elvey,	Keiser,	O'Donnell, J. A.,	Wescott,
Eshback,	Kelly,	O'Donnell, J. P.,	Whittaker,
Eshleman,	Kernaghan,	Ogilvie,	Willaredt,
Ewing,	Kessler,	Parlante,	Williams, A. D.,
Farabaugh,	King,	Pashley,	Williams, E. S.,
Fetterolf,	Klein,	Perry,	Wilt,
Filo,	Knecht,	Petrosky,	Wood,
Fineman,	Kornick,	Piper,	Worley,
Flynn,	Korns,	Polaski,	Wynd,
Foerster,	Kramer,	Polen,	Yetter,
Foor,	Lamb,	Prendergast,	Zember,
Fox,	Lawson,	Price,	Zimmerman,
Frascella,	Lee, A. M.,	Pursley,	Andrews,
		Reibman,	Speaker

NAYS—1

Kistler,

NOT VOTING—20

Ashton,	Gailey,	Magee,	Stiteler,
Cianfrani,	Gelfand,	McInroy,	Strausser,
Down,	Hankins,	Odorisio,	Tomascik,
Esler,	Haudenshield,	Riley,	Weidner,
Fry,	Kooker,	Rutherford,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1541.

An Act relating to the manufacture, sale and possession of drugs, devices and cosmetics, conferring powers on the courts and the Secretary and Department of Health and a newly created Pennsylvania Drug Device and Cosmetic Board, providing penalties requiring registration of persons engaged in the drug trade and for the revocation or suspension of certain licenses and registrations and repealing certain acts.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 1, line 2 of title, by inserting after the word "and" the following: "the Secretary and Department of Health and" and by striking out immediately thereafter the words "the Secretary" and by inserting immediately thereafter the following:

"a newly created Pennsylvania Drug Device and Cosmetic Board" and by striking out immediately thereafter "and Department of Health";

Section 2, page 2, line 8, by inserting at the beginning of of the line the word "the"; page 3, line 2, by inserting after "man" the following:" and provided further that the drug provisions as provided in this act shall not apply to such vitamins minerals and chemicals when used in the processing and manufacture of foods and non-alcoholic beverages specifically permitted under existing State and Federal statutes as food and color additives"; line 19, by striking out after the word "soap" the following: "for which any claim other than cleansing powder is made"; page 4, line 6, by striking out after the word "instructions" the following: "for use in on the package" and inserting in lieu thereof "in the labeling limiting their use to"; page 5, line 13, by striking out after the word "acid" the word "promal" and inserting in lieu thereof "bromal"; line 15, by striking out after the word "the" the word "secretary"; line 16, by striking out at the beginning of the line the word "Board" and inserting in lieu thereof the word "Secretary"; line 17, by striking out after the word "the" where it appears the second time the following: "drug advisory board secretary" and inserting in lieu thereof the word "Board"; page 6, line 1, by striking out after the word "thereof" the following: "which has a stimulating effect on the central nervous system"; line 4, by striking out after the word "the" the words "secretary board" and inserting in lieu thereof the word "secretary"; line 5, by striking out after the word "the" the following "drug advisory board secretary" and inserting in lieu thereof the word "board"; page 7, line 19, by striking out after the word "conditions" the words "in the" and by striking out all of line 20; page 8, by striking out all of lines 1 and 2; and by inserting after line 13, the following: "(r) "Board" means the Pennsylvania Drug Device and Cosmetic Board" and by striking out immediately thereafter the following: "The departmental administrative board created by this act"; line 17, by striking out at the beginning of the line the letter "(r)" and inserting in lieu thereof the letter "(s)"; line 18, by inserting after the word "but" the words "such term"; line 19, by striking out after the word "manufactures" the word "drug" and inserting in lieu thereof the word "drugs" and by striking out immediately thereafter the following: "for retail sale by himself" and inserting in lieu thereof the following: "dispensing therefrom nor shall it be construced to permit such a person to distribute non proprietary drugs to the ultimate consumer without a pharmacy license"; page 9, line 5, by striking out at the beginning of the line the letter "(s)" and inserting in lieu thereof the letter "(t)"; line 6, by inserting after the word "dealer" the word "repackager" and by inserting after the word "selling" the word "repackaging"; line 8, by striking out after the word "produced" the words "compounded or packaged" and inserting in lieu thereof "or compounded"; line 10, by striking out at the beginning of the line the letter "(t)" and

inserting in lieu thereof the letter "(u)"; page 10, by inserting lines 1 to 4 inclusive, as follows:

(V) "contraband" means any dangerous or narcotic drug possessed by a person not authorized by law to possess such drug or obtained or held in a manner contrary to the provisions of this act."

Section 3, page 10, line 5, by inserting after the "the" the following: "secretary after consultation and upon the recommendation of the board"; line 8, by striking out after the word "as" the words "he it" and inserting in lieu thereof the word "he"; line 10, by striking out after the word "the" the words "Secretary Board" and inserting in lieu thereof the word "secretary"; line 11, by striking out after the word "possess" the word "an" and inserting in lieu thereof the word "no"; line 15, by striking out after the figure "(2)" the words "Does not" and inserting in lieu thereof the words "Not to"; line 19, by striking out after the word "the" where it appears the second time the part word "Sec" and line 20, by striking out at the beginning of the line "retary Board" and inserting in lieu thereof "Secretary"; page 11, by striking out after the word "the" the words "Secretary Board" and inserting in lieu thereof the word "Secretary"; line 7, by striking out after the word "use" the words "he it" and inserting in lieu thereof the word "he";

Section 4, page 11, lines 13 and 14, by striking out after the word "possession" on line 13, the following: "with knowledge or reason to know of such adulteration or misbranding"; lines 18 and 19, by striking out after "misbranded" on line 18, the following: with knowledge or reason to know of such adulteration or misbranding"; page 12, lines 3 and 4, by striking out after the word "or" where it appears the second time on line 3, the word "knowingly" and inserting in lieu thereof the word "materially"; page 13, line 19, by striking out after the word "The" the word "using" and inserting in lieu thereof the word "use"; page 14, line 10, by inserting at the beginning of the line the letter "(p)"; lines 17 and 18, by inserting after "pharmacists" on line 17, the following: "in any licensed pharmacy"; page 15, line 6, by striking out after the word "drugs" the following: "(9) subject to such regulation as the Secretary may promul-" and by striking out all of lines 7 and 8, and by striking out at the beginning of line 9 "tuitions (10)" and inserting immediately thereafter the number "(9)"; line 9, by striking out after the word "physician" the number "(11)" and inserting in lieu thereof the number "(10)"; line 12, by striking out after the word "distribution" the number "(12)" and inserting in lieu thereof the number "(11)"; line 14, by striking out after the word "only" the number "(13)" and inserting in lieu thereof the number "(12)"; page 16, line 15, by striking out after the word "any" the words "dangerous or"; page 17, line 4, by striking out after "pharmacist" the word "or" and inserting in lieu thereof the words "in any"; line 5, by striking out after the word "to" the following: "(1) another registered pharmacist or bona fide owner of a pharmacy or drug store (2))" and inserting immediately thereafter the number "(1)"; line 7, by striking out after the word "drugs" the number "(3)" and inserting in lieu thereof the number "(2)"; line 9, by striking out at the beginning of the line the number "(4)" and inserting in lieu thereof the number "(3)"; line 13, by striking out after the word "same" the number "(5)" and inserting in lieu thereof the number "(4)"; line 15, by striking out after the word "distribution" the number "(6)" and inserting in lieu thereof the number "(5)"; line 17, by striking out after the word "only" the number "(7)" and inserting in lieu thereof the number "(6)"; page 18, line 8, by striking out at the beginning of the line the words "this act" and inserting in lieu thereof the following:

Section 6 When such drugs are sold dispensed distributed or given to an individual in pursuance of a prescription such prescription shall be regarded as the written order herein required and no further written order shall be necessary Such orders shall be kept and preserved for a period of two years"; page 20, line 19, by striking out after the word "practitioner" the word "licensed" and inserting in lieu thereof the word "authorized"; page 21, line 1, by inserting after the word "drugs" the words "to his own patients"; line 5, by striking out after the word "pharmacy" the word "and"; line 6, by inserting after the word "the" the following: "secretary after consultation with the" and by striking out immediately thereafter the word "secretary" and inserting in lieu thereof the word "board"; line 9, by inserting at the beginning of the line the letters "(cc)"; line 11, by inserting after the word "Health" the words "or to the board" and by inserting after line 17, the following:

"(dd) The purchase or receipt in commerce by any person of any drugs or devices from any person not authorized by law to sell distribute dispense or otherwise deal in such drugs or devices"; page 22, line 11, by inserting after the word "authorities" the following: "the practioner giving such oral prescription shall confirm it in writing within seventy-two hours of issuing it."

Section 6, page 22, line 17, by striking out after the word "the" the words "secretary board" and inserting in lieu thereof the word "secretary"; line 18, by striking out after the word "the" where it appears the first time, the words "drug advisory board secretary" and inserting in lieu thereof the word "board"; line 19, by striking out after the word "respective" the words "secretary of state" and inserting in lieu thereof the words "licensing boards and"; page 23, line 2, by striking out after the word "in" the words "his its" and inserting in lieu thereof the word "his"; line 13, by inserting after the word "authorities" the following: "the practitioner giving such oral prescription shall confirm it in writing within seventy-two hours"; page 24, line 6, by striking out after the word "the" the words "Secretary Board" and inserting in lieu thereof the word "secretary"; line 9, by striking out after the word "in" the words "his its" and inserting in lieu thereof the word "his"; line 10, by striking out after the word "procedure" the words "he it" and inserting in lieu thereof the word "he";

Section 7, page 25, line 11, by striking out after the word "to" where it appears the first time, the word "a" and inserting in lieu thereof the word "his";

Section 9, page 26, line 13, by inserting after the word "sells" the words "or otherwise" and by striking out after the word "distributes" the words "administers dispenses or prescribes"; line 15, by inserting after the word "regulation" the following: "except practitioners licensed by law to administer dispense or prescribe such drugs"; line 17, by inserting after the word "purchases" the following: "or other receipt"; line 18, by inserting after the word "sales" the words "or other distribution"; line 20, by inserting after the word "purchased" the words "or otherwise received"; page 27, line 1, by inserting after the word "sold" the words "or otherwise distributed"; line 2, by inserting after the word "purchase" the words "or receipt" and by inserting after the word "sale" the words "or distribution"; line 3, by striking out after the word "quantity" the words "purchased or sold" and inserting in lieu thereof the word "involved";

Section 10, page 27, line 16, by striking out after the word "the" the words "Secretary either on his own initiative or on petition of an interested party board" and inserting in lieu thereof "Secretary either on his own initiative or on petition of an interested party";

Section 11, page 28, line 7, by inserting after the word "act" the words "with the Secretary"; line 11, by striking out after the word "or" where it appears the second time, the following: "file in lieu of registration with the" and by striking out all of line 12, and inserting in lieu thereof "file in lieu of registration with the Secretary the names and address"; by striking out all of line 15 and by striking out on line 16, the following: "with the Department of Health" and inserting in lieu thereof "and shall promptly inform the Secretary of any changes in said list line 19, by inserting after the word "registration" the words "with the" and by striking out immediately thereafter "Department of Health" and by inserting immediately thereafter "Secretary"; page 29, line 2, by striking out after the word "Commonwealth" the following: "except in the case or registered salesmen or detailmen"; line 13, by striking out after the word "section" the following: "or sales representatives or detailmen of manufacturers or" and by striking out all of line 14, and by striking out on line 15, the following: "whose names and

addresses are on file with the Secretary" and inserting immediately thereafter the following: "or of sales representatives or detailmen of manufacturers or wholesalers not operating an establishment within this commonwealth whose names and addresses are on file with the secretary" page 30, line 8, by striking out after the word "the" the words "Secretary Board" and inserting in lieu thereof the word "Secretary"; line 12, by striking out after the word "manufacturer" the word "including"; line 13, by striking out at the beginning of the line the word "repackagers"; line 18, by striking out at the beginning of the line the words "and approved by the Board"; page 31, by striking out all of lines 1 to 8, inclusive; line 9, by striking out at the beginning of the line the letters "(d) (e)" and inserting in lieu thereof the letter "(d)"; line 11, by striking out after the word "the" the words "sixtieth" and inserting in lieu thereof the word "sixtieth"; line 14, by striking out after the word "subsection" the following: "(e) and (f)" and inserting in lieu thereof the letter "(e)"; line 15, by striking out after the word "such" the words "sixty day forty day" and inserting in lieu thereof the words "sixty day"; line 17, by striking out at the beginning of the line the letters "(e) (f)" and inserting in lieu thereof the letter "(e)"; page 32, by striking out on line 8, after the word "supplies" the following: "Any action by the Secretary deny-" and by striking out all of lines 9 and 10, and inserting in lieu thereof the following: "and (2) in addition to the foregoing of any manufacturer or wholesaler"; line 13, by striking out at the bginning of the line the letter "(f)" and inserting in lieu thereof the letter "(f)", and by striking out immediately thereafter the words "any person"; line 15, by striking out after the word "drugs" the words "may be refused registration as a manu-" and by striking out all of lines 16 and 17; line 18, by striking out after the word "refusal" the words "or revocation", line 19, by striking out after the word "safety" the word "and" and inserting in lieu thereof the word "or" and by striking out immediately thereafter the following: "Nor shall (II) any person registered under this act" and inserting in lieu thereof the word "who"; line 20, by striking out after the word "knowingly" the word "employs"; page 33, by inserting after line 4, the following: "(f) in addition to all other penalties provided for violations of this act the secretary may after notice and hearing pursuant to the administrative agency law as amended (1) in the case of a manufacturer registered hereunder prohibit the sale in Pennsylvania or any drugs or devices involved in any violation of this act which he commits with knowledge or reason to know of said violation (2) suspend or revoke the registration of any manufacturer if said registrant (I) makes any sale in Pennsylvania of any drug or device whose sale has been prohibited under the preceding clause or (II) is convicted of a violation of any law of this commonwealth or of the United States relating to the sale use or possession or narcotic drugs is such suspension or revocation shall be necessary for the protection of the public health and safety (III) knowingly employs in any capacity connected with the preparation handling or sale of narcotic drugs any person convicted of a violation of the laws of this commonwealth or of the United States relating to the sale use or possession of narcotics unless prior consent shall have been obtained from the secretary (3) in the case of a wholesaler registered hereunder suspend or revoke his registration for any violation of this act which he commits with knowledge or reason to know of said violation if such suspension or revocation shall be necessary for the protection of the public health and safety

(g) if the secretary takes any action refusing registration or disciplining any registrant under subsections and (f) the aggrieved party may within fifteen days after the date upon which a copy of the order is delivered to the address indicated on the application or the registration certificate whichever is applicable petition the board for review the board shall within thirty days grant a hearing and as soon thereafter as practicable adopt modify or reject the action of the secretary any action by the board shall be deemed an adjudication to which the provisions of the administrative agency law as amended shall be applicable; page 35, line 17, by striking out at the beginning of the line the letters "(g) (i)" and inserting in lieu thereof the letter "(h);

Section 12, page 36, line 1, by striking out after the word "or" where it appears the second time, the following: "so misbranded as to be dangerous or fraudulent within the meaning of this act" and inserting in liew thereof the following: "misbranded or contraband the same shall be deemed subject to embargo and" line 6, by striking out after the word "adulterated" the words "or misbranded" and inserting in liew thereof the words "misbranded or contraband"; line 10, by striking out after the word "articles" the words "is not adulterated or misbranded" and inserting in lieu thereof the words "are not adulterated misbranded or contraband"; line 14, by striking out after the word "forth" the words "generally the nature of the suspected adulteration or misbranding" and inserting in lieu thereof "both the basis for the embargo and supporting facts"; page 37, line 1, by striking out after the word "forth" the words "generally the nature of the adulteration or misbranding alleged" and inserting in lieu thereof "both the basis for the embargo and supporting facts"; line 5, by inserting after the word "examiner" the following: "appointed under the authority of section 18", line 6, by striking out after the word "alleged" the following: "adulteration or misbranding of such article or articles" and inserting in lieu thereof the word "offense"; lines 11 and 12, by striking out after "adulterated" on line 11, "or misbranded" and inserting in lieu thereof the words "misbranded or contraband"; line 15, by inserting after the word "the" where it appears the second time "embargo is based on an" line 16, by inserting after "misbranding" the word "which";

Section 13, page 38, line 19, by inserting after the word "if" the letter "(a)"; page 39, line 1, by inserting after the word "or" the letter "(b)"; line 10, by striking our after the word "compendium" the following: "except that whenever tests or methods" and by striking out all of lines 11 to 19, inclusive; page 40, by striking out all of lines 1 to 6, inclusive, and by striking out on line 7, the following: "quality or purity shall be made" and by inserting immediately thereafter the following: "or in the absence of or inadequacy of such tests or methods of assay those prescribed under the authority of the federal act"; and by striking out immediately thereafter "or in the absence of or inadequacy of such tests or" and by striking out all of line 11;

Section 14, page 42, line 17, by striking out after the word "or" where it appears the second time, the word "the" and by striking out all of lines 18 and 19; page 43, by striking out all of lines 1 to 7, inclusive, and by striking out on line 8, "rivative and 'warning may be habit forming'"; and by inserting after line 9, the following: "secretary after his investigation and consultation with the" and by striking out immediately thereafter on line 11, the word "secretary" and inserting in lieu there of "board" and by striking out immediately thereafter the words "after investigation found to be and"; page 45, line 1, by striking out after the word "the" the words "Secretary Board" and inserting in lieu thereof "Secretary"; line 9, by striking out after the word "the" the words "Secretary Board" and inserting in lieu thereof the word "Secretary"; line 11, by striking out after the word "statement" the words "of such precautions as shall by" and line 12, by striking out at the beginning of the line the words "regulations be required" and inserting in lieu thereof the following: "specifying such precautions against deterioration as the secretary shall by regulation require"; line 16, by striking out after the word "compendium" the remained of the line and by striking out all of lines 17 to 20, inclusive; page 46, line 1, by striking out at the beginning of the line "time to prescribe such requirements" and inserting in lieu thereof the following: "or for any drug which regulations specifying precautions against deterioration have been promulgated by the secretary of health education and welfare under the federal act"; and by striking out immediately thereafter on line 5, "or for any drug which regulations; by striking out all of lines 6 to 9, inclusive; page 47, line 4, by striking out after the word "the" where it appears the second time, the word "dispenser" and by striking out all

of line 5, and by striking out on line 6, "the prescription" and inserting in lieu thereof the word "dispenser";

Section 16, page 48, line 11, by striking out after the word "Secretary" the words "upon the advice of the Board"; line 13, by inserting after the word "shall" the word "be" and by striking out all of line 14, and by striking out on line 15, the following: "mendations to the Board and" and inserting in lieu thereof the following: "submitted to the board for its recommendations but such application shall"; line 18, by striking out after the word "the" the words "Secretary Board" and inserting in lieu thereof the word "Secretary"; page 49, line 8, by inserting after the word "only" the following: "or words of similar import" and provided such investigator furnishes a statement to the secretary showing that he has adequate facilities for such investigation"; and by striking out immediately thereafter on line 13, the word "on" and by striking out all of lines 14 to 18, inclusive; page 50, by striking out after the word "the" the words "Secretary Board" and inserting in lieu thereof the word "Secretary";

Section 17, page 51, line 10, by striking out after the word "the" the words "purchase and sale" and inserting in lieu thereof "receipt and distribution";

Section 18, line 3, by striking out after the word "The" the words "Secretary Board" and inserting in lieu thereof the word "Secretary"; line 6, by striking out after the number "12" the remainder of the line and all of lines 7 to 9, inclusive; page 53, line 13, by striking out after the word "the" the words "Secretary Board" and inserting in lieu thereof the word "Secretary"; and by striking out after line 15 all of Section 19, lines 16 to 20 inclusive, and on page 54 all of lines 1 to 18, inclusive, and inserting in lieu thereof a new Section 19, as follows: "Section 19 (a) board creation there is hereby created within the department of health a departmental administrative board to be known as the Pennsylvania Drug Device and cosmetic board

(b) board membership the board shall consist of the secretary of health his successors in office and eight additional members whom the governor shall appoint by and with the advice and consent of two-thirds of all the members of the senate of the members one shall be a physican one a dentist and one a pharmacist each of whom shall be duly licensed in their respective professions by the commonwealth one shall be a biochemist and one shall be a pharmacologist each of whom shall have earned an advanced degree in that field from an institution of higher learning and shall have been engaged as such for three years in this state one shall be a manufacturer registered to manufacture drugs or an employee thereof and the two remaining persons shall be members of the general public not engaged in any of the aforementioned professional fields who shall be citizens of this state two members initially shall serve for terms of one two three and four years respectively the particular term of each to be designated by the governor at the time of appointment the terms of all their successors shall be four years each except that any person appointed to fill a vacancy shall serve only for the unexpired term every member's term shall extend until his successor is appointed and qualified any appointed member of the board shall be eligible for reappointment each member of the board shall receive compensation at a rate of thirty dollars ($30.00) per diem in addition to expenses incurred when actually engaged in official meetings or otherwise in the performance of their official duties as directed by the chairman

(c) board government the secretary of health or his designate shall serve as chairman of the board a majority of the members shall constitute a quorum for the purpose of organizing the board conducting its business and exercising all of its powers a vote of the majority of the members present shall be sufficient for all actions of the board unless the bylaws require a greater number

(d) board administration the board shall have the power to prescribe amend and repeal bylaws rules and regulations governing the manner in which the business of the body is conducted and the manner in which the powers granted to it are exercised the board may delegate supervision of the administration of board activities to an administrative secretary and such other employees as the secretary of health shall appoint

(e) board powers the board shall have the power to do all things necessary or convenient to carry out the powers granted to it by this act

(f) official seal evidence the board may for the authentication of its records process and proceedings adopt keep and use a common seal of which seal judicial notice shall be taken in all courts of this commonwealth and any process writ notice or other document which the board may be authorized by law to issue shall be deemed sufficient if signed by the chairman or secretary of the board and authenticated by such seal all acts proceedings orders papers findings minutes and records of the board and all reports and documents filed with the board may be proved in any court of this commonwealth by a copy thereof certified to by the chairman or secretary of the board with the seal of the board attached

(g) subpoenas oaths in order to enable the board to carry out the provisions of this act including its power to advise the secretary on various matters it shall have the power to issue subpoenas requiring the attendance and testimony of or the production of pertinent books and papers by persons whom the board believes to have information books or papers of importance to it in carrying out the purposes and intent of this act each member of the board and such officers employees or others employed in the work of the board designated by the chairman of the board also shall have the power to administer oaths and affirmations to question witnesses thereunder and to examine such books and papers the board may issue commissions letters rogatory or other appropriate processes outside the commonwealth

(h) contempt any person who refuses to obey a subpoena issued hereunder or to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court for this purpose an application may be made by the board to the court of common pleas within the territorial jurisdiction of which the offense was committed for which purpose such court is hereby given jurisdiction

Section 23, page 66, line 8, by striking out after the word "pharmacist" the word "druggist"; line 17, by striking out after the part word "cist" the word "druggist"; page 67, by inserting after line 3, a new Section 24, as follows: "Section 24 persons authorized to prescribe drugs to remain as heretofore no provision of this act or any rule or regulation promulgated pursuant to this act shall authorize or be construed as authorizing any person to prescribe drugs who is not specifically so authorized under existing law"; in lieu thereof the number "25"; line 16, by striking out at the beginning of the line the words "drug advisory board" and inserting in liew thereof the word "board"; line 19, by striking out after the word "Section" the number "25" and inserting in lieu thereof the number "26"; page 68, line 13, by striking out after the word "Section" the number "26" and inserting in lieu thereof the number "27", and by striking out after the word "The" the word "Secretary"; line 14, by striking out at the beginning of the line the word "Board" and inserting in lieu thereof the word "Secretary"; line 17, by striking out after the word "the" where it appears the first time the words "Drug Advisory Board Secretary" and inserting in lieu thereof the word "Board"; page 69, line 2, by striking out after the word "the" the words "Secretary Board" and inserting in lieu thereof the word "Secretary"; line 3, by striking out after the word "of" the words "his its" and inserting in lieu thereof the word "his"; line 6, by striking out after the word "the" the words "Secretary Board" and inserting in lieu thereof the word "Secretary"; line 9, by striking out after the word "regulation" the remained of the line and by striking out on line 10 at the beginning of the line, the words "a regulation" and inserting in lieu thereof "or by the refusal to promulgate amend or repeal a regulation"; line 11, by striking out after the word "the" the word "Secretary"; line 12, by striking out at the beginning of the line the word "Board" and inserting in lieu thereof the word "Secretary"; line 14, by striking out after the word "the" where it appears the second time, the words "Secretary Board" and inserting in lieu thereof the word "Secre-

tary"; line 17, by striking out after the word "the" the words "Secretary Board" and inserting in lieu thereof the word "Secretary"; page 70, line 1, by striking out after the word "the" where it appears the second time, the words "Secretary Board" and inserting in lieu thereof the word "Secretary"; line 6, by striking out after "Section" the number "27" and inserting in lieu thereof the number "28"; line 9, by striking out after "Section" the number "28" and inserting in lieu thereof the number "29"; line 14, by striking out after "Section" the number "29" and inserting in lieu thereof the number "30"; page 71, line 1, by striking out after the word "Section" the number "30" and inserting in lieu thereof the number "31"; line 18, by striking out after "Section" the number "31" and inserting in lieu thereof the number "32"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—171

Adams,	George,	Lawson,	Prendergast,
Anderson, S. A.,	Gibbons,	Lee, A. M.,	Reibman,
Arlene,	Goldstein, J. H.,	Lee, K. B.,	Reidenbach,
Auker,	Goldstein, M. H.,	Leonard,	Renwick,
Bachman,	Gramlich,	Limper,	Royer,
Backenstoe,	Gray,	Lippincott,	Rubin,
Blair,	Greenlee,	Long, Wm. Jas.,	Rutherford,
Boles,	Gremminger,	Long, Wm. Jos.,	Scarcelli,
Bonner,	Guesman,	Lutty,	Schaaf,
Bossert,	Guthrie,	Markley,	Schuster,
Bower,	Hamilton,	Marsh,	Shelton,
Bowman,	Hankins,	Maxwell,	Shupnik,
Branca,	Hartley,	McCandless,	Simmons,
Breth,	Haudenshield,	McCann,	Slack,
Buchanan,	Heavey,	McCormack,	Snare,
Bush,	Heffner,	McDevitt,	Stank,
Capitolo,	Helm,	McDonald	Steckel,
Cauley,	Henzel,	McKeever,	Stimmel,
Cianfrani,	Hocker,	McLaughlin,	Stone,
Cioffi,	Holl,	McNally,	Sullivan, J. A.,
Clarke,	Holliday,	Meholchick,	Sullivan, T. F.,
Comer,	Holman,	Merry,	Taylor,
Cooley,	Horst,	Miller,	Thompson,
Crossin,	Irvis,	Mills,	Tomascik,
Dengler,	Isaacs,	Monroe,	Tompkins,
Dennison,	Jenkins,	Morley,	Trusio,
Donaldson,	Jim,	Mullen,	Ujobai,
Dougherty,	Johnson, A. W.,	Munley,	Varner,
Doughten,	Johnson, R. P.,	Murphy,	Verona,
Eilberg,	Jones,	Murray,	Wargo,
Elvey,	Kamyk,	Musto,	Welsh,
Eshback,	Keiser,	Needham,	Whittaker,
Eshleman,	Kelly,	O'Dell,	Willaredt,
Ewing,	Kernaghan,	O'Donnell, J. A.,	Williams, A. D.,
Fetterolf,	Kessler,	O'Donnell, J. P.,	Williams, E. S.,
Filo,	King,	Ogilvie,	Wilt,
Fineman,	Kistler,	Parlante,	Wood,
Foerster,	Klein,	Pashley,	Wynd,
Foor,	Knecht,	Perry,	Yetter,
Fox,	Kooker,	Petrosky,	Zember,
Frascella,	Kornick,	Piper,	Zimmerman,
Fulmer,	Kramer,	Polaski,	Andrews,
Gallagher,	Lamb,	Polen,	Speaker

NAYS—23

Anderson, J. H.	Flynn,	Price,	Stiteler,
Capano,	Goodrich,	Pursley,	Wall,
Curwood,	Gross,	Rovansek,	Walsh,
Davis,	Korns,	Sakulsky,	Wescott,
Edwards,	Manbeck,	Seltzer,	Worley,
Farabaugh,	May,	Sherman,	

NOT VOTING—16

Ashton,	Gailey,	McInroy,	Rudisill,
Down,	Gelfand,	Mihm,	Strausser,
Esler,	Gibb,	Odorisio,	Weidner,
Fry,	Magee,	Riley,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

The SPEAKER pro tempore. For what purpose does the gentleman from Clearfield, Mr. Breth, rise?

Mr. BRETH. Mr. Speaker, I voted under a misapprehension; I would like to be recorded in the negative.

The SPEAKER pro tempore. The gentleman's remarks will be placed upon the record.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1598

An Act relating to the regulation of the practice of pharmacy including the sales use and distribution of drugs and devices at retail and amending revising consolidating and repealing certain laws relating thereto.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 6, page 20, line 8, by striking out after "Governor" the words "shall may" and inserting in lieu thereof the word "shall"; line 10, by striking out after the word "qualifications" the following: "from a list of not les than six names submitted to him by the Executive Committee of the Pennsylvania Pharmaceutical Association"; line 13, by inserting after the word "manner" the following: "A list of at least six persons with the above specified qualifications may be submitted to the Governor by the Executive Committee of the Pennsylvania Pharmaceutical Association"; page 21, line 9, by striking out after the word "Instruction" the words and figures "forty dollars ($40)" and inserting in lieu thereof "thirty dollars ($30)"

Section 8, page 29, line 3, by striking out after the word "any" the words "poison as defined by this act a" and inserting in lieu thereof "narcotic drug"; line 4, by striking out after the word "or" the word "restricted" and inserting in lieu thereof "non-proprietary."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—138

Adams,	Frascella,	Kooker,	Rutherford,
Anderson, S. A.,	Fulmer,	Kornick,	Scarcelli,
Auker,	Gailey,	Kramer,	Schaaf,
Bachman,	Gallagher,	Lamb,	Schuster,
Backenstoe,	George,	Lee, A. M.,	Shelton,
Blair,	Gibbons,	Lee, K. B.,	Shupnik,
Boles,	Goldstein, J. H.,	Limper,	Simmons,
Bonner,	Goldstein, M. H.,	Lippincott,	Slack,
Bossert,	Gramlich,	Long, Wm. Jas.,	Snare,
Bower,	Gray,	Long, Wm. Jos.,	Stank,
Bowman,	Guesman,	Markley,	Steckel,

Buchanan,	Guthrie,	Marsh,	Stimmel,
Bush,	Hamilton,	Maxwell,	Stone,
Capitolo,	Haudenshield,	McCandless,	Sullivan, J. A.,
Cauley,	Heavey,	McCann,	Taylor,
Cianfrani,	Heffner,	McCormack,	Thompson,
Cioffi,	Helm,	McDevitt,	Tomascik,
Comer,	Henzel,	Merry,	Tompkins,
Cooley,	Hocker,	Miller,	Ujobai,
Crossin,	Holl,	Mills,	Varner,
Dengler,	Holliday,	Mullen,	Verona,
Dennison,	Holman,	Munley,	Wargo,
Donaldson,	Horst,	Murray,	Whittaker,
Dougherty,	Irvis,	O'Dell,	Willaredt,
Eilberg,	Isaacs,	O'Donnell, J. A.,	Williams, A. D.,
Elvey,	Johnson, R. P.,	Ogilvie,	Williams, E. S.,
Eshback,	Jones,	Parlante,	Wilt,
Eshleman,	Keiser,	Pashley,	Wood,
Ewing,	Kelly,	Piper,	Wynd,
Fetterolf,	Kernaghan,	Prendergast,	Yetter,
Filo,	Kessler,	Reibman,	Zember,
Fineman,	King,	Reidenbach,	Zimmerman,
Foerster,	Kistler,	Renwick,	Andrews,
Foor,	Klein,	Royer,	Speaker
Fox,	Knecht,	Rubin,	

NAYS—52

Anderson, J. H.,	Greenlee,	McKeever,	Price,
Arlene,	Gremminger,	McLaughlin,	Pursley,
Branca,	Gross,	McNally,	Rovansek,
Breth,	Hartley,	Meholchick,	Sakulsky,
Capano,	Jenkins,	Morley,	Seltzer,
Clarke,	Jim,	Murphy,	Sherman,
Curwood,	Kamyk,	Musto,	Stiteler,
Davis,	Korns,	Needham,	Sullivan, T. F.,
Doughten,	Lawson,	O'Donnell, J. P.,	Wall,
Edwards,	Leonard,	Perry,	Walsh,
Farabaugh,	Manbeck,	Petrosky,	Welsh,
Flynn,	May,	Polaski,	Wescott,
Goodrich,	McDonald,	Polen,	Worley,

NOT VOTING—20

Ashton,	Gibb,	McInroy,	Rudisill,
Down,	Hankins,	Mihm,	Strausser,
Esler,	Johnson, A. W.,	Monroe,	Trusio,
Fry,	Lutty,	Odorisio,	Weidner,
Gelfand,	Magee,	Riley,	Willard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

RESOLUTION

SPECIAL COMMITTEE TO INVESTIGATE VOTING

Messrs. EILBERG and McCANN asked and obtained unanimous consent to offer a resolution.

The resolution was read by the clerk as follows:

In the House of Representatives, September 1, 1961.

Whereas, In various political subdivisions it appears that there were more votes cast than there were residents eligible to vote according to the 1960 United States Decennial Census; and

Whereas, At this time it is impossible to determine the cause or reasons for this disparity; and

Whereas, On the basis of promoting clean elections, an investigation should be made to ascertain the real facts; therefore be it

Resolved, That the Speaker of the House of Representatives appoint a special committee of the House, composed of five Democrats and five Republicans, to make an investigation to determine to what extent the number of persons voting in any one political subdivision or portion thereof exceeded the 1960 Unted States Census figures of the population therein eligible to vote; and be it further

Resolved, That the committee report from time to time to the Governor of Pennsylvania as to their findings and present a final report to the General Asembly on or before February 1, 1963.

On the question,

Will the House adopt the resolution?

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I am glad that the members of the majority party are finally getting what you might call "political religion."

If you will recall, those of you who were here in the 1959 session, when the newspapers in Philadelphia and elsewhere were talking about vote frauds in the State, that people registered out of cemetery lots, and so forth, we put in a resolution to investigate what was later brought to light at that time and we received very little help from anyone in ferreting out and bringing to light and showing what were obvious fraud disclosures in various big cities in this State of ours. What this resolution does is along the same lines, to investigate places where there were more votes cast than were indicated by the census, and we will go along on that.

The reason I asked the chairman of the Rules Committee earlier today to call a Rules Committee meeting was to consider four resolutions that we have in committee to investigate certain things that are of tremendous importance to the people of Pennsylvania, right at this time, things that make this resolution that we are working upon now pale into insignificance.

We will go along on this resolution as a step in the right direction, and if there are places in Pennsylvania where there was fraud in connection with too many people being registered for the number of people who are there, we should know about it. Therefore, I am asking the members on this side of the House to go along with this resolution, but before we vote on it I want to interrogate the gentleman from Philadelphia, Mr. Eilberg.

The SPEAKER pro tempore. Will the gentleman from Philadelphia, Mr. Eilberg, permit himself to be interrogated?

Mr. EILBERG. I shall, Mr. Speaker.

Mr. A. W. JOHNSON. Mr. Speaker, so the House will know exactly what we are voting on, and as you have been the chief proponent of this resolution, just what are you asking to do by this resolution?

Mr. EILBERG. Mr. Speaker, I am informed that in the counties of Cumberland and Snyder here are voting districts where more people have voted in recent elections than the total population of those voting districts. I desire that this bipartisan committee look ino those particular voting districts and any other voting districts—

The SPEAKER pro tempore. For what purpose does the gentleman from Cumberland, Mr. Kistler, rise?

Mr. KISTLER. Mr. Speaker, I cannot hear what the gentleman is saying and he is speaking about my county.

The SPEAKER pro tempore. There is too much confusion on the floor of the House. Members will take their seats, this is an important interrogation which I think the members wish to hear.

Mr. EILBERG. Mr. Speaker, to reiterate, I am informed that there are voting districts in Snyder and Cumberland counties where, in recent elections, they have voted more people than their population is in those respective counties. Because of these complaints that I have received as chairman of the Elections Committee, and in order to consider these complaints and any other complaints that

we might receive, I have advocated the passage of this resolution.

Mr. A. W. JOHNSON. Mr. Speaker, I yield to the gentleman from Cumberland, Mr. Kistler, but then I would like to return for further interrogation.

The SPEAKER pro tempore. Does the gentleman from Cumberland, Mr. Kistler, desire to be recognized?

Mr. KISTLER. Yes, Mr. Speaker. I would like to interrogate the gentleman from Philadelphia, Mr. Eilberg.

The SPEAKER pro tempore. Will the gentleman permit himself to be interrogated?

Mr. EILBERG. I shall, Mr. Speaker.

Mr. KISTLER. Mr. Speaker, I would like to ask the gentleman how he arrives at his estimate that there were more voted in Cumberland County than were registered?

Mr. EILBERG. By the last census figures.

Mr. KISTLER. By a formula that you arrived at that you applied to the census?

Mr. EILBERG. No, indeed, by the number of people who had voted, the totals of which are in excess of the last census figures we have available.

Mr. KISTLER. I thank the gentleman.

Mr. Speaker, I am one of the Representatives from Cumberland County, and I would just like to say this for the benefit of the members of this House, and also for the benefit of the people of Pennsylvania.

In Cumberland County, we have two parties, the majority party and the Republican Party, and I can tell you without any doubt in my mind whatsoever that both parties conduct themselves in my county beyond any possible reproach. I say this to the people of Pennsylvania, that we on the Republican side welcome you to Cumberland County. Investigate to your heart's content and you will find nothing wrong there on either side of the aisle in that county. Thank you.

Mr. A. W. JOHNSON. Now, Mr. Speaker, one further question. I believe the gentleman stated they intend to go into Cumberland County and Snyder County. Do you have newspaper clippings from the newspapers in Lackawanna County of the widespread over-registration in Lackawanna County as a result of the disclosures last fall by the newspapers?

Mr. EILBERG. I have heard of such a complaint and I would expect that this committee would look into that situation.

Mr. A. W. JOHNSON. You would then look into it in Lackawanna County. Have you heard any complaints in the city of Philadelphia as to more votes polled there than there were people living in the district?

Mr. EILBERG. Mr. Speaker, at no time that I am aware of have the number of people who voted in the election in Philadelphia exceeded the population, the census population of Philadelphia.

Mr. A. W. JOHNSON. Do you intend, according to the city of Philadelphia census, to investigate registrations of voters who are registered and voting at a particular address and when you come to investigate you may find that they do not live at that particular address?

Mr. EILBERG. Mr. Speaker, the gentleman has seen the original resolution which I offered and which he rejected. He proposed, actually dictated, I believe, the resolution which we are now considering. Certainly he knows the scope of that investigation. I have limited my resolution solely to the particular kind of situation described in that resolution.

Mr. A. W. JOHNSON. Is there any reason why, in drawing up the resolution, you did not expand it to encompass the fact that there are places where there are people alleged to be living at an address and when you come to check on it they do not live there?

Mr. EILBERG. Mr. Speaker, I became interested in this particular subject as chairman of the Elections Committee. The particular complaint that came to my attention, it seemed to me, involved elections. I do not intend to go into complaints or alleged complaints which might possibly exist in the entire registration in the election field. This would be physically impossible.

Mr. A. W. JOHNSON. A further question: This resolution calls for a committee of ten, five to be appointed from each party. How would you contemplate that they would proceed during this interim? I take it you have the census figures, you have the records, of the voting in that particular election district and with that information which you already have, which disclose these supposed irregularities, how would you intend to proceed?

Mr. EILBERG. Mr. Speaker, I had originally contemplated that the elections committee itself would handle this, but at the suggestion of the speaker, Mr. Johnson, I agree that there should be a bipartisan committee. It would seem to me that since this is a bipartisan committee approach, that the sensible thing would be to hold a meeting and let that bipartisan committee decide what approach should be followed.

Mr. A. W. JOHNSON. Mr. Speaker, does this resolution have any subpoena powers?

Mr. EILBERG. As far as I know, it does not.

Mr. A. W. JOHNSON. What you might then be embarking upon would be an inquiry in the nature of a fishing expedition, would you not?

Mr. EILBERG. We certainly do not intend it as a fishing expedition. I have particular complaints and the gentleman has referred to another complaint. As far as I am concerned, as a member of that bipartisan committee, and I would assume I would be appointed as a member of that bipartisan committee, we would start with those particular complaints and, of course, we would invite any other complaints from any other members of the House.

Mr. A. W. JOHNSON. I thank the gentleman.

Mr. Speaker, as I stated at the outset of the interrogation, we will support this resolution. We are in favor of any resolution which will ferret out any wrong-doing in the State. That is the reason we are asking today that four very important resolutions be reported to this floor for a vote—resolutions which, as I said, go to the very heart of the government of this Commonwealth. I am therefore asking the membership on this side of the House to support this resolution.

Mr. WARGO. Mr. Speaker, since Lackawanna County was mentioned, I feel I should say a few words.

First, I would like to say that our election laws give both parties the right to man the polls. Living in communities such as mine, we find that everybody knows everybody else. The Republican Party in my county for years has been hollering "ringer," "fake," and so forth. it is an insult to the people representing the Republican Party on these boards. In the last couple elections in my

county we had a so-called F. B. I. investigation. After further check we find they were imported by the International Salt Company, which is known up there as "The Company."

Mr. Speaker, I am a political leader in my little community. I have the right to appoint overseers to my board. We elect a judge, a majority inspector and a minority inspector who will protect us. I have complete faith in these people. They know everyone there, and I am sure no "ringers" can come into my town. It is high time that the people on the other side who have been hollering about Lackawanna County just roll up your sleeves and get out and work to win an election by getting the people to vote for your party. We do that and I think it is about time we stopped throwing these bombs. I, too, welcome this investigation.

Mr. MAY. Mr. Speaker, this is the first occasion that I have come to the microphone, but I want to tell the gentleman from Philadelphia who has proposed this resolution that the people of Snyder County would be very glad to have anybody who thinks they can show us that we do things in error and are not just to all people to prove that. Therefore, I say, with a great deal of concern that I would be delighted to be his host, and host to these ten people and present all the evidence that we have to show this is not true. Thank you.

On the question recurring,
Will the House adopt the resolution?
It was adopted.

SENATE MESSAGE

SENATE CONCURRENT RESOLUTION SERIAL No. 131

The clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, August 30, 1961.

Resolved (The House of Representatives concurring), That the Joint State Government Commission be directed to study and investigate the subject of reapportioning this Commonwealth with respect to representation in the Senate of Pennsylvania, and be it further

Resolved, That the Joint State Government Commission report to the 1963 session of the General Assembly its findings and recommendations, with a draft of legislation necessary to carry the recommendations into effect.

Ordered, that the clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?

The SPEAKER protempore. The Chair recognizes the gentleman from Allegheny, Mr. Goldstein.

Mr. M. H. GOLDSTEIN. Of course, I cannot interrogate the sponsor of this resolution and I do not know whether the sponsor is a Democrat or Republican. This is one of the silliest resolutions ever introduced. Reapportionment of the Senate was part of the Democratic platform of 1958. We have been here for eight long months and we do not need resolutions on this subject matter. We need action. We have been in a cemetery insofar as reapportionment is concerned in the Senate and the House. I say that we should vote against a resolution such as this. It is absolutely preposterous.

Mr. TOMPKINS. Mr. Speaker, do I understand this is for a House committee to investigate the Senatorial reapportionment?

The SPEAKER pro tempore. This is a concurrent resolution directing the Joint State Government Commission to make a study on the subject of reapportioning this Commonwealth with respect to representation in the Senate of Pennsylvania.

Mr. McCANN. Mr. Speaker, at this stage when this resolution came over, the Speaker informed me about this resolution. This is a resolution in which the Joint State Government Commision would study the reapportionment of the State Senate and present a report?

The SPEAKER pro tempore. That is correct.

Mr. McCANN. Mr. Speaker, I ask the Speaker to assign that resolution to the Rules Committee.

The SPEAKER pro tempore. The Chair hears objection to the immediate consideration of the resolution. The resolution will lie over for referral by the Speaker of the House.

For what purpose does the gentleman from Allegheny, Mr. Goldstein, rise?

Mr. M. H. GOLDSTEIN. I believe that in the 1959 session, or perhaps in the last days of the session in 1960, because I believe in proper reapportionment no matter where the chips may fall, I introduced such a resolution. The Democratic Party was in control of the administration of this particular body and that resolution never saw the light of day. We call this type of resolution sheer fakery.

Mr. McCANN. Mr. Speaker, the reason I ask that this resolution go to the Rules Committee is that most of the people on the Joint State Government Commission have indicated that this is not an item dealing with a situation in which the Joint State Government Commision was asked to give its findings and recommendations; they could give you all the material but the reapportionment committee would handle it. This, I think, was discussed previously at a meeting by Speaker Andrews and others, and I thought the resolution that was coming up dealt with one other item. There must be one other Senate resolution there, and for this reason I ask that the Speaker, in his wisdom—assign it to the Rules Committee.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

The SPEAKER. The Chair desires to make a statement in this connection. It would be all right for the Elections Committee to ask for figures, but to turn this sort of thing over into the keeping of the Joint State Government Commission is to assign that commission to an area of action for which it is not designed and we could ultimately, if we continue that sort of thing, destroy the usefulness of the commission which is to have no opinions of its own but to find facts and report facts as the legislature may desire. I hope that the resolution will go to the Rules Committee for more mature consideration.

Mr. TOMPKINS. Mr. Speaker, I second the request to refer the resolution to the Committee on Rules.

The SPEAKER. The resolution is referred to the Committee on Rules.

SENATE MESSAGE

CONCURRENCE IN HOUSE RESOLUTION No. 102

The clerk of the Senate being introduced, informed that

the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, August 22, 1961.

Relating to Joint State Government Commision studies and investigations.

SENATE MESSAGE

SENATE RESOLUTION SERIAL No. 132

Resolved (The House of Representatives concurring), That during the interim between sessions, the members may file bills with the Secretary of the Senate and the Chief Clerk of the House of Representatives. Such bills shall be filed and referred to the Standing Committees by the President or President Pro Tempore of the Senate and the Speaker of the House of Representatives, providing the subject matter of the bill does not violate the limitations prescribed by the Constitution, and be it further

Resolved, That, with the approval of the President Pro Tempore of the Senate, a meeting of any Standing Combittee of the Senate may be called by its chairman, and with the approval of the Speaker of the House of Representatives a meeting of any Standing Committee of the House may be called by its chairman in accordance with the provisions of this resolution, and be it further

Resolved, That each Standing Committee of the Senate and the House of Representatives is hereby authorized to study, analyze and consider all bills or other pertinent facts relating to the subjects which would fall within its jurisdiction during the session of the Legislature, including any recess, and after final adjournment, and until the commencement of the next general session.

Ordered, that the clerk present the same to the House of Representativs for its concurrnce.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, that the clerk inform the Senate accordingly.

The SPEAKER. The Chair recognizes the majority leader.

Mr. McCANN. Mr. Speaker, I request unanimous consent of this House to call up the following bills for concurrence in Senate amendments:

House bill 1283, printer's No. 2714. These bills are on the members' desks and were caucused on.

The SPEAKER. The Chair recognizes the minority whip.

Mr. TOMPKINS. Mr. Speaker, before the attendance in this House deteriorates any further, I want to say at this point that we still have some important legislation to be considered, and I do not think it is fair to the people of the State nor to the members of this House who are staying here that we should vote anybody on any bill excepting those who are present and in their seats.

The SPEAKER. That is correct.

Mr. McCANN. Mr. Speaker, I ask the members to bear with us. We have five concurrences remaining and these concurrences are extremely important. House bill 773 is the Pennsylvania State University appropriation. I ask that the members bear with us. I am sure at the rate we are going that we will be finished within the hour.

The SPEAKER. There is one of these measures that will require 140 votes.

The Chair wants to say, at any time when we are passing on resolutions that must be voted upon, if the Chair has any reason to believe there is a lack of a quorum, he himself will institute a quorum call.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate bing introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1283

An Act amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" providing that area technical schools for vocational education may be established and operated by certain boards of directors of second or third class school districts individually or jointly with county boards of school directors and providing an alternative method for establishing area technical schools

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 1, line 8 of Title, by inserting after the word "directors" the following: "and providing an alternative method for establishing area technical schools";

Amend Section 1, page 2, line 8, by striking out the brackets before and after the words "fifty-four" and by striking out immediately thereafter the words "sixty-four"; line 13, by striking out the brackets before and after the words "fifty-five" and by striking out immediately thereafter the words "sixty-five" and by inserting after page 2, the following:

"(b) in addition to the method of establishing area technical schools as provided in subsection (a) above the county board of school directors may at any meeting call for an election by the school directors of the districts within an attendance area to determine if an area technical school shall be established the county board of school directors shall notify by certified mail each school district within an attendance area of its action at the next regular meeting of each school board within an attendance area or at a special meeting called prior thereto an election shall be held to determine if an area technical school shall be established the results of this election and the number of votes cast each way shall be certified to the county board of school directors within sixty (60) days of the receipt of the notice to hold the election a canvass of the votes shall be taken and if a majority of the school directors of the districts within an attendance area vote in the affirmative the county board of school directors shall proceed to organize establish and operate an area technical school in the attendance area "; page 4, line 5, by striking out at the beginning of the line the letter "(b)" and inserting in lieu thereof the letter "(c)"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

The SPEAKER. The Chair recognizes the gentleman from Cameron, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, do I understand the majority leader has made a motion to concur in these amendments?

The SPEAKER. That is right.

Mr. TOMPKINS. Well, Mr. Speaker, this bill deals

with the area of technical schools. It was discussed by Dr. Whittaker in our caucus and we concur.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Bowman.

Mr. BOWMAN. Mr. Speaker, I still have not located that particular print number. That is my problem.

Mr. TOMPKINS. Mr. Speaker, I request this bill be passed over temporarily until the page boys get the bills up from the bill room.

The SPEAKER. Of course, this was added after the calendar was made up and the page boys have no direction to distribute it.

Mr. TOMPKINS. We appreciate that, Mr. Speaker, but there are many members who do not have a copy of this bill on their desks and I think they ought to have one.

The SPEAKER. The Chair would suggest that we go back to the calendar and take the concurrences up later when they have been distributed.

BILL PASSED OVER

There being no objection

House bill No. 1283, printer's No. 2714

was passed over temporarily at the request of Mr. TOMPKINS.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 773

A supplement to the act of April 1, 1863 (P. L. 213), entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural Colleges" making an appropriation for carrying the same into effect

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 1, page 2, line 6, by striking out after the word "of" the following: "twenty million seven thousaid seven hundred sixty dollars ($20,007,760) eighteen million five hundred seven thousand seven hundred and sixty dollars ($18,507,760)" and inserting in lieu thereof "eighteen million five hundred seventeen thousand seven hundred sixty ($18,517,760)"; page 3, line 7, by striking out after word "of" the following: "nineteen million seven hundred fifteen thousand four hundred sixty dollars ($19,-715,460) and inserting in lieu thereof "eighteen million two hundred fifteen thousand four hundred sixty dollars ($18,215,460)"; page 6, by inserting after line 2, the following: "(10) for the use of the school of forestry for the purpose of conducting research on diseases of maple trees in Pennsylvania the sum of ten thousand dollars ($10,000)

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Fulmer.

Mr. FULMER. Mr. Speaker, again I would like to address my remarks to House bill 773, which is the appropriation bill for the Pennsylvania State University.

Allow me to say that in making these comments I want you to know that I am fully aware of the fact that this university does not belong to me, does not belong to the constituents in Centre County, but that the Pennsylvania State University is the land grant university of the Commonwealth of Pennsylvania, and therefore it belongs to the people of Pennsylvania.

I realize that each of you has received numerous letters setting forth the need for additional funds. Likewise I am fully conscious of the fact that some of you have been reminded of this situation to the point, probably, of some annoyance.

The other day, in this House, the original bill was amended to increase the appropriation by $1,500,000, which brought the total to $20 million. For your information and edification and for the record, I would like to mention these facts:

No. 1, in 1959 this legislature appropriated $35 million for the Pennsylvania State University for a biennium of 1959-1961. In other words, the appropriation per 12 months was $17 million.

Mr. Speaker, and members of the House, I beg your indulgence for only a few moments more. This year the administration submitted a budget of $17 million for the Pennsylvania State University for a 12-month period. You will note in the bill the amount listed is $18,500,000. Some of you, I know, are of the impression that this indicates an increase of $1,500,000. This is not done to distort the picture; this is not done in ill faith by the administration. As you recall, in the beginning of this session we passed legislation which placed the Commonwealth of Pennsylvania on a different fiscal year, and therefore the budget for this fiscal year 1961-1962, necessarily had to be for 13 months. This then is the reason for the $1,500,000.

Now, allow me to present to you this thought: since 1959 the Pennsylvania State University, the university of the people of the Commonwealth of Pennsylvania—I realize it, Mr. McCormack, and I would appreciate your indulgence for a little bit, and if you will all be patient, I think probably you might be better informed. Thank you.

Since 1959, the Pennsylvania State University has accepted in increased enrollment an additional 1,800 students over their enrollment of 1959, and yet the appropriation is the same as it was in 1959. I realize that we could indicate many reasons why it has not been increased, and why it is cut back. Allow me to say to you that if we expect the Pennsylvania State University, in which each of you is interested, to assume its obligations and the demands being made upon it, then we should have an adjustment in our thinking.

The Pennsylvania State University has adjusted its thinking. For example, this year they have gone on a quarter system to better utilize the facilities of the Pennsylvania State University at University Park, and its 14 Commonwealth campuses with which many of you are familiar.

Also, I should like to point out that the Pennsylvania State University is extending its facilities in the field of research, agriculture and home economics extension. I know that many people were hoping that this budget

would have been increased much more than it was originally. Do you remember the other day when we increased it in the House by $1,500,000, I thanked you on behalf of the Pennsylvania State University, its faculty, its supporting staff and myself for the consideration you gave to it. The other chamber deemed it advisable that this $1,500,000 should be deleted because the two percent tax did not pass. Therefore, the bill which we have before us today—

I know that time does not permit us to advise you of the history of Pennsylvania State University, its enrollment and its problem. Therefore, Mr. Speaker, for the record I have prepared a statement on Pennsylvania State University, something about its origin, its history and some of its needs. I shall ask that these be spread upon the record.

Mr. Speaker, when the other body reduced this by $1,500,000, you will see it noted in this particular bill, House bill No. 773, printer's No. 2751. I should say that we have no reason to believe that this was done with any bitterness; in fact, if anybody had entertained this thought, all he would have needed to do was to turn to page 6 of this bill and see a further amendment in which it says, "it shall be appropriated for the use of the School of Forestry for the purpose of conducting research on native trees in Pennsylvania", in the sum of $10,000. We think that this is a sweet light and a sweet tone upon which we can close the discussion of this bill and we will try to be free to use some more. Probably in 1961 we have a different fiscal picture.

Mr. FULMER submitted the following statement for the record:

THE PENNSYLVANIA STATE UNIVERSITY

Baccalaureate Degree Programs Volume 1
General Catalog 1961-1962
THE UNIVERSITY

The PENNSYLVANIA STATE UNIVERSITY, chartered by the Pennsylvania Legislature as The Farmers' High School in 1855, was founded by professional men, educated farmers, and state and county agricultural leaders. A faculty of four met the incoming class of 69 students in February, 1859.

In the words of its charter, the institution was designed to give young men "a knowledge of the English language, grammar, geography, history, mathematics, chemistry, and such other branches of the natural and exact science as will conduce to the proper education of a farmer. This type of instruction marked a new concept of education.

In May, 1862, the institution was renamed The Agricultural College of Pennsylvania, a name which recognized that its work was of collegiate level. Two months later, on July 2, President Abraham Lincoln signed the Morrill Land-Grant Act offering each state free public land which they could sell to endow institutions of higher learning where "the leading object shall be, without excluding other scientific and classical studies and including military tactics to teach such branches of learning as are related to agriculture and the mechanic arts . . . in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life."

To a large extent this was already the objective of The Agricultural College of Pennsylvania. Less than a year later, on April 1, 1863, the Pennsylvania State Legislature declared that the Morrill Act "is hereby accepted by the State of Pennsylvania with all its provisions and conditions and the faith of the State is hereby pledged to carry the same into effect." The Legislature then designated Penn State as the Land-Grant College of the Commonwealth.

The College enlarged the scope of its instruction to include the "mechanic arts" and other subjects, began to admit women students, to increase its enrollment, and to enlarge its physical plant. In 1874 it was renamed The Pennsylvania State College, the name it was known by for the next 79 years.

In 1953 its name was changed to The Pennsylvania State University in formal recognition of what it had long since become, one of the leading universities of the country. Its nine Colleges now offer 47 undergraduate curriculums. Although the Graduate School was not established until 1922, graduate work had been offered as early as 1862.

In addition to resident education, the University has two other main functions: continuing education and research. The continuing education program offers class instruction, correspondence instruction, and informal instruction throughout the State. Research at Penn State which began with a few dollars spent on nursery stock has developed into a program which today calls for an investment of more than $10,000,000 annually.

The original student body of 69 has grown to 21,656 the faculty of 4 to a full-time faculty of 1,940. Beginning with an educational program which offered 40 courses, Penn State today offers 2,164 undergraduate and nearly 1,000 graduate courses. The University, whose prime purpose has always been to serve the people and the interests of the Commonwealth and the Nation, is accredited by the Middle States Association and is a member of the Association of American Universities.

LOCATION AND LAND HOLDINGS—The main campus, University Park, 40 miles from Altoona and 30 miles from Lewistown, is accessible by bus from these railway points. University Park is located in the borough of State College on U.S. highway 322 and Pennsylvania highway 45 and may be reached from all parts of the State by automobile within six hours.

The University owns a total of 12,007 acres of land. The University Park Campus is located on a tract of 4,103 acres, including 3,591 acres of farms and agricultural experiment grounds, 123 acres used for a golf course and other athletic purposes, and 389 acres used for classroom and office buildings, laboratories, and residence halls.

Other holdings total 7,904 acres. These include 1,389 acres used for the State-wide system of Commonwealth Campuses, and for research laboratories, and two tracts of land deeded to the University by the federal government. The Stone Valley tract of 4,761 acres is used as a field laboratory in forestry, engineering, and mineral industries; the Standing Stone Experimental Forest tract of 1,754 acres is used for field work and research in forestry.

FINANCIAL SUPPORT—The University is supported by the income from certain grants made by the federal government, from appropriations of the State Legislature, and from tuition. From time to time, the federal government has made financial provision for special activities, such as agricultural and home economics extension, agricultural experiment station work, teacher training, and other division common to similar institutions in other states.

BOARD OF TRUSTEES—Control of the institution is vested in a Board of Trustees of 32 members, Members ex officio include the Governor of the Commonwealth, the President of the University, the State Superintendent of Public Instruction, the State Secretary of Agriculture, and the State Secretary of Mines and Mineral Industries, Terms of the other trustees are three years. Six trustees are appointed by the Governor, 9 are elected by the alumni, 6 by delegates from county agricultural societies, and 6 by delegates from county industrial societies. A complete list is shown on pages 4 and 5.

BUILDINGS—There are approximately 170 principal buildings on the University Park Campus. The majority are modern fireproof structures well suited to their purpose. The total valuation placed upon the entire University plant is approximately $126,980,000.

THE UNIVERSITY LIBRARY

The University Library includes a central collection housed in the Fred Lewis Pattee Library; five special

libraries in the Colleges of Agriculture, Chemistry and Physics, Engineering and Architecture, Home Economics, and Mineral Industries; and three reading rooms in the Department of Animal Industry and Nutrition, the Department of Architecture, and the School of Forestry. Commonwealth Campus libraries are also a part of the University Library.

The central collection includes general reference books and periodicals, works in education and psychology, economics and business, the humanities, the natural and social sciences, maps, manuscripts and documents, special collections on Penn State and the history of Pennsylvania, a Joseph Priestly collection, and a rare book collection. The special libraries and reading rooms contain books and journals needed for the work given in those Colleges. Special open shelves at the Pattee Library and some branches house collections of books for recreational reading. The Library issues a library handbook for students, a handbook for faculty members, and a periodical, The Headlight on Books at Penn State.

The University Library has more than 540,000 catalogued volumes on the University Park Campus and more than 60,000 in the Commonwealth Campus libraries.

FUNCTIONS OF THE UNIVERSITY

1. RESIDENT EDUCATION

THE COLLEGES

Nine Colleges each administered by a dean, offer a total of 47 undergraduate curriculums. These are described by Colleges beginning on page 31.

BACHELOR DEGREES—Curriculums in the College of the Liberal Arts lead to the Bachelor of Arts degree, with two exceptions. The curriculum in Mathematics leads to the Bachelor of Science degree, and the Dual Degree Program in Liberal Arts and Engineering leads to both the Bachelor of Arts and the Bachelor of Science degrees. Curriculums in the College of Education may lead to either the Bachelor of Arts or the Bachelor of Science degree.

All other four-year curriculums lead to the Bachelor of Science degree. The five-year curriculums in Architecture and Architetural Engineering lead to the degrees of Bachelor of Architecture and Bachelor of Architectural Engineering respectively.

THE GRADUATE SCHOOL

Graduate work, leading to academic as well as professional degrees, is offered in a wide variety of major fields. Advanced academic degrees comferred include Master of Arts, Master of Science, and Doctor of Philosophy. The professional degrees are Master of Agriculture, Master of Business Administration, Master of Education, Master of Engineering, Master of Forestry, Master of Public Administration, and Doctor of Education.

An applicant for admission to the Graduate School should understand that graduate study is not simply an extension of undergraduate work. It operates at a definitely higher level, demands, scholarship of a high order, and emphasizes research and creativity. For unqualified admission a student must have received a baccalaureate degree from an accredited institution, earned under residence and credit conditions substantially equivalent to those required at the Pennsylvania State University. He must have maintained during his junior and senior years a minimum grade point average equivalent to a 2.5 on the Penn State grading scale. Individual departments may require a higher average for admission to advanced study in their particular fields. Finally, an applicant is ordinarily expected to have completed in a satisfactory manner a certain minimum of course work in designated areas, the amount depending upon the field which the student proposes to enter. Propective students are encouraged to write directly to the head of the department in which they wish to do graduate work.

THE FOUR-TERM ACADEMIC YEAR

Penn State's Four-Term Academic Year plan, which begins with the 1961 Summer Term, has a number of advantages for students. The most obvious one is the time-saving feature for those who attend all four terms for three years, thus receiving their bachelor's degree a year earlier than they would have under a two-semester system. Students who plan to work immediately after graduation will gain an extra year's income; while those who plan to enter a professional school or do graduate work may. If they continue to follow an accelerated plan, finish their entire educational program at least a year and a half earlier than would have been possible under the traditional academic year system.

Other advantages are inherent in the structure of the four terms. The summer, fall, winter, and spring terms will have 10 weeks each. The dates when each begins and ends are shown in the calendar on pages 2 and 3. Ending the fall term before the Christmas holidays and beginning the spring term after the New Year holiday means that there will be no interruption in the educational program of either term. Since the average student will enroll for 10 to 13 credit hours per term, instead of 16 to 19 per semester, he will be able to concentrate on mastering fewer subjects in a given term. Class periods will be 75 minutes long, with a 20-minute interval between classes to allow ample time for going from one building to another.

Both credit values and costs will remain the same under the four-term plan. For example, a three-credit course will meet three 75-minute periods a week for 10 weeks instead of three 50-minute periods, for 15 weeks, but the total number of hours of instruction will be the same. Although the student will earn the same number of credits in three terms which he formerly earned in two semesters, his course load per term will be lighter. Tuition for three terms will be $480, the same amount as it was for two semesters.

The summer term will offer courses for both graduate and undergraduate students, and teachers working for advanced degrees will be able to complete their studies in a somewhat shorter time at a slightly lower cost.

By making its educational resources available throughout the year, the University will be able to educate more students in each four-year period without sacrificing in any way the quality of its instruction or research.

TWO-YEAR ASSOCIATE DEGREE PROGRAMS

The two-year associate degree curriculums are terminal-type programs designed to provide concentrated, specialized instruction and training in a variety of fields. They are intended to prepare the graduate in a minimum amount of time for immediate assignment to rather specific categories of positions.

The two-year curriculums offered are: Agriculture, Business Administration, Chemical Technology, Drafting and Design Technology, Electrical Technology, Hotel and Food Service, Metallurgical Technology, Production Technology, and Surveying Technology.

Those applying for admission to these programs must have been graduated from an accredited secondary school and have completed at least 15 Carnegie units of preparatory work, except that graduates of three-year senior high schools need present only the 12 units taken in senior high school.

Applicants for admission to Chemical Technology, Drafting and Design Technology, Electrical Technology, Production Technology, or Surveying Technology must have completed at least 3 units of English and 2 of mathematics. Applicants for admission to Metallurgical Technology must have completed at least 3 units of English and 2 units of mathematics of which 1 must be in algebra and the other in either algebra or plane geometry.

Further details and outlines of the curriculums and courses are given in the Associate Degree Programs bulletin obtainable from the Dean of Admissions, The Pennsylvania State University, University Park, Pennsylvania.

II CONTINUING EDUCATION

Continuing Education provides many opportunities for formal and informal instruction not available through the usual educational channels. It serves persons of all age groups, beginning with high school graduates. It endeavors to make its programs of instruction available "at

convenient times and places for all citizens of the Commonwealth who desire such instruction and who are capable of profiting from it."

Its programs may be classified into three types: (1) Class Instruction, (2) Informal Instruction, and (3) Correspondence Instruction. For the most part, Continuing Education actually extends the instructional facilities of the respective Colleges of the University to communities throughout the State. More complete descriptions of the offering will be found under the College divisions in this catalog. Because of its highly specialized programs, and because of special State and Federal grants, Cooperative Agricultural and Home Economics Extension operates separately.

The programs of Continuing Education are arranged on the University Park Campus principally by the Continuing Conference Center, and throughout the State by 14 district offices with a staff of regional directors and district administrators.

CLASS INSTRUCTION includes Evening Technical Institutes in 10 cities; Class Centers in many other cities, the exact number varying from year to year with changing needs and demands; special classes for student nurses; and credit classes in locations other than the Penn State Centers and Campuses.

INFORMAL INSTRUCTION includes conferences, institutes, and workshops which are arranged for special groups, or for specialists from similar fields, in order to provide instruction in the latest information and practices within a given business, interest, or profession. Such projects are held either on the University Park Compus, or at convenient locations elsewhere in the State, whichever best serves the particular group concerned. A management training staff of full-time and part-time members provides both in plant and workshop-type programs of training for all levels of management in business and industry. An Institute of Public Safety conducts a thorough program in accident prevention. A visual aids service loans films and other teaching aids to public schools and community organizations. A community adult education program is intended for members of service organizations who are interested in increasing their effectiveness in community projects.

CORRESPONDENCE INSTRUCTION offers a wide variety of home-study courses in business education, engineering, the liberal arts, chemistry and physics, mineral industries, and physical education and recreation. In cooperation with the State Department of Public Instruction, directed-study programs are offered to high school groups. Courses are offered also in co-operation with both the U. S. Armed Forces Institute and the Veterans Administration. The College of Agriculture also offers correspondence courses.

Continuing Education operates under the philosophy best expressed in the slogan: "If you cannot come to the University, let the University come to you."

III. RESEARCH

A primary function of the University is to advance the boundaries of human knowledge through the discovery of new and fundamental truths. The discovery of new truths through basic research is joint obligation of the Graduate School and the Colleges. The staff and many of the physical facilities are provided by the Colleges, although certain facilities, such as the Library and the Computation Center, are separate divisions of the University. Much research, including that involved in the training of graduate students, cuts across departmental lines.

Co-ordination of research policies and programs of the several Colleges is accomplished through the Senate Research Policy Committee and the Administrative Committee on Research, on which major divisions of the University are represented. The booklet entitled Policy and Procedure in Research may be obtained, on request, from the Vice-President for Research.

PUBLICATION OF RESEARCH—The results of research are reported in bulletins and in numerous scientific and professional journals. Publication and Research lists all important research contributions made by members of the University staff during the year.

PATENTABLE DISCOVERIES—Patentable discoveries made by faculty members while engaged in institutional research are the property of the University. Applications for patents are made only when the public interest is served thereby. Patents are administered, in the public interest, by The Pennsylvania Research Corporation, a nonprofit organization, on which the Board of Trustees, the faculty, the alumni, and business interests are represented. The Pennsylvania Research Corporation has an agreement with the Research Corporation of New York, a nonprofit foundation, from which it receives assistance in promoting its objectives. Proceeds from patents are used for the promotion of fundamental research.

ADMISSION

ADMISSION TO THE FRESHMAN CLASS

An applicant for admission to the University shall have been graduated from an accredited secondary school and shall have completed at least 15 units of preparatory work, partly in required and partly in elective subjects, except that graduates of three-year senior high schools need present only the 12 units taken in senior high school. This University accepts the definition of an entrance unit as established by the Carnegie Foundation. A unit represents a year of work in a subject in the preparatory or high school, provided the work done in that subject is approximately one fourth of the amount of work regularly required in a year in the school. A student may consult the Dean of Admissions for advice planning his secondary school program to meet entrance requirements. The applicant must state in writing whether he has ever attended any other college or university even though advanced standing credit is not desired. Failure to indicate, at the time of application, previous registration in another college invalidates the admission.

ADMISSION BY CERTIFICATE—A graduate of an accredited high school or preparatory school desiring admission must present the information required on the application blank which includes all subjects studied together with the grades and the rank in the high school class. This blank is obtainable from the Dean of Admissions, The Pennsylvania State University, University Park, Pa.

Because it is physically impossible for the University to admit all who apply, a limit must be set each year to the number of students to be admitted. Since those whose ratings were high in their secondary school give the greatest promise of successful work in college, admission to the freshman class is made on the basis of demonstrated scholastic ability; most weight is given to the applicant's rank in his high school class. The applicant may be required to take a college aptitude test.

COLLEGE ENTRANCE EXAMINATION BOARD TESTS—The Scholastic Aptitude Test administered by the College Entrance Examination Board is the aptitude test required by the Pennsylvania State University. All students not legal residents of Pennsylvania and Pennsylvania residents required to take a College Aptitude Test must submit the S. A. T. results. For information about this test write to: College Entrance Examination Board, Box 592, Princeton, New Jersey.

COLLEGE ENTRANCE EXAMINATION BOARD ADVANCED PLACEMENT PROGRAM—The University cooperates with the College Entrance Examination Board's program. Students may have the scores of the Advanced Placement Tests submitted for consideration of advanced standing credit. For information about this program and tests, write to Advanced Placement Program, College Entrance Examination Board, 425 W. 117th Street, New York 27, N. Y.

ENTRANCE CONDITIONS—A student may not be admitted with entrance conditions. The work of the freshman year is sufficiently heavy without the handicap of preparatory work.

SELECTION OF AREA OR ENROLLMENT—It is necessary for a student to indicate one of the nine Colleges of the University in which he wishes to study. If he is undecided, he may enroll temporarily in the Division of Counseling.

CHANGING THE AREA OR ENROLLMENT—An applicant who has been admitted to a College of the University may not change to another without satisfying entrance requirements of the College to which he wishes to transfer. The parent's written consent for a change in area of enrollment must be furnished to the Dean of Admissions if the student is a minor.

ARITHMETIC—A thorough knowledge of arithmetic, including the metric system, is presupposed and is absolutely necessary for any course of study.

ENGLISH—Before students are admitted to classes in English, they are examined to determine their competence in English usage. This examination includes spelling, vocabulary, punctuation, grammar, and idiom. As a result of the examination most students are scheduled in English 1, the first-term required course in English. Those who demonstrate superior competence are scheduled in English 2, a course in reading and writing especially designed for superior freshman students. Those who do not meet the standard for college English are required to schedule and pass English 0 (a noncredit course) before being admitted to English 1. English 0 is a one-term opportunity for these students to meet college standards in English; the course may not be repeated. High school graduates should have been trained in the following (1) grammatical correctness in their written English, (2) conventional correctness in the use of punctuation marks, (3) correct pronounciation and spelling, (4) use of the dictionary, (5) collection and organization of materials, and (6) development of separate topics into paragraphs.

Beginning with the fall term, 1962, only students prepared to enter English I will be admitted to the University.

ADMISSION WITH ADVANCED STANDING

An applicant who has attended any college or institution on the college level may be considered for admission with advanced standing. Attendance at any other institution must be reported at the time of application even if advanced standing credit is not desired. Failure to indicate at the time of application that the applicant has taken courses with another institution invalidates any admission.

APPLICATION PROCEDURE—An application form may be obtained by writing to the Dean of Admissions. The requirements for admission of a student with advanced standing are the same as for those of any other student so far as the secondary school record is concerned. In all cases where work has been taken at other institutions, an official transcript from each place of attendance must be submitted directly to the Dean of Admissions by the institution attended. The latter must include evidence that the student was honorably dismissed and was in good academic standing at the time of leaving.

ADMISSION—A student presenting advanced credits will be admitted as vacancies became available. Admission will be granted on the basis of academic quality of the work at the other institution and in terms of the need and urgency of making the change to complete his studies. After the student has been accepted, a $10 fee will be requested for the credit evaluation made in terms of the requirements of the curriculum in which the student will be enrolled at The Pennsylvania State University. Advanced standing credits will be awarded for work taken at full accredited institutions, provided the grades earned are higher than the lowest passing grade level at the institution where the work has been taken. The Dean of Admissions may require the student to send a catalog showing the courses that he has taken at the college previously attended. After an evaluation has been made, the fee is not returnable. All credentials become part of the permanent records of the University.

SUMMER STUDY—A student who interrupts his study with the Pennsylvania State University by summer work at another institution and who desires to have credits evaluated toward a degree at this University is charged a fee of $1 for each time such credits are submitted. The students should be cognizant of the University regulations on residence requirements and of the special requirements of his particular curriculum.

SPECIAL STUDENT

One who is not fully qualified for admission but who has had acceptable experience in teaching, shop work, mining, agriculture, or other practical or educational work may be permitted to take certain studies and may be matriculated as a special student working toward a specific objective. A college graduate who proposes to engage in further undergraduate study toward a specific objective may be admitted as a special student. Written application should be made in advance to the Dean of Admissions. Only a limited number of special students can be admitted. A special student may become a candidate for a degree upon satisfying entrance requirements for the specific curriculum. In general, special students are subject to the fees and regulations prescribed for regular students. Special students are admitted to classes only if space permits following the completion of registration for regular students.

A nonmatriculated student who desires to enroll for a limited program may also register as a special student, with the approval of the Dean of Adminissions. Application is made each term at the period designated for registration.

READMISSION

Any student who has previously attended The Pennsylvania State University and who did not attend the immediately preceding term must request readmission from the Dean of Admissions, and must include in his request a statement as to whether he has attended any other college or university since leaving Penn State.

NONRESIDENT DEGREE CANDIDATE

A person who desires to take work toward a bachelor's degree at the Pennsylvania State University but who finds it impossible to enroll during the regular terms may be admitted as a nonresident degree candidate. All entrance requirements must be met and credentials must be submitted for evaluation if any work has been taken at other institutions. Interested persons should read the sections on requirements and limitations.

RESIDENCE REQUIRED FOR DEGREE

A candidate for a first bachelor's degree shall earn at least 60 of the last 75 credits required in his curriculum by enrollment in courses on the University Park Campus or in supervised field work such as field trips, internships, practice teaching, and the like when directly supervised by a member of the University faculty. A candidate for a subsequent bachelor's degree shall earn at least 30 of the credits required in his curriculum by enrollment in courses on the University Park Campus or in supervised field work. The remaining curricular work required in either case may be earned by resident education, continuing education, or examination at The Pennsylvania State University; by transfer from another approved institution; or by a combination of these.

A student enrolled for courses on the University Park Campus, or at another of The Pennsylvania State University Campuses or Centers, may with the permission of his dean or the director respectively, register for not more than 6 credits of correspondence and continuing education courses, in any combination, in any one semester, provided his total load including correspondence and continuing education courses does not exceed the load permitted him as a regular student in his curriculum.

A candidate for a first bachelor's degree shall earn the last 60 credits required for his degree within a total elapsed time of four calendar years and one summer term, except that an extension of time shall be granted for intervening military service.

Any College may make more restrictive limitations in regard to the above requirements.

Mr. HELM IN THE CHAIR

The SPEAKER pro tempore. The Chair recognizes the minority whip, Mr. Tompkins.

Mr. TOMPKINS. Mr. Speaker, I ask that only those members who are presently in their seats be recorded as voting.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—158

Adams,	Gallagher,	Lamb,	Rovansek,
Anderson, J. H.,	George,	Lawson,	Royer,
Arlene,	Gibbons,	Lee, A. M.,	Rubin,
Auker,	Goldstein, J. H.,	Limper,	Rudisill,
Backenstoe,	Goldstein, M. H.,	Long, Wm. Jas.,	Sakulsky,
Blair,	Goodrich,	Long, Wm. Jos.,	Schaaf,
Boies,	Gramlich,	Lutty,	Schuster,
Bonner,	Gray,	Markley,	Shelton,
Bossert,	Greenlee,	Marsh,	Shupnik,
Bower,	Gremminger,	Maxwell,	Simmons,
Bowman,	Gross,	May,	Slack,
Branca,	Guesman,	McCann,	Snare,
Breth,	Guthrie,	McCormack,	Stank,
Buchanan,	Hamilton,	McDevitt,	Steckel,
Bush,	Hartley,	McDonald,	Stimmel,
Capano,	Heavey,	McKeever,	Stiteler,
Capitolo,	Heffner,	McLaughlin,	Stone,
Cianfrani,	Helm,	Mills,	Sullivan, J. A.,
Cioffi,	Hocker,	Monroe,	Sullivan, T. F.,
Clarke,	Holl,	Morley,	Taylor,
Cooley,	Holliday,	Mullen,	Thompson,
Crossin,	Holman,	Munley,	Tomascik,
Curwood,	Horst,	Murphy,	Tompkins,
Davis,	Irvis,	Musto,	Trusio,
Dengler,	Isaacs,	Needham,	Ujobai,
Dennison,	Jenkins,	O'Dell,	Varner,
Donaldson,	Jim,	O'Donnell, J. A.,	Verona,
Dougherty,	Johnson, A. W.,	Ogilvie,	Wall,
Edwards,	Kamyk,	Parlante,	Wargo,
Eilberg,	Keiser,	Pashley,	Welsh,
Elvey,	Kelly,	Perry,	Wescott,
Eshback,	Kernaghan,	Petrosky,	Whittaker,
Eshleman,	Kessler,	Piper,	Williams, A. D.,
Ewing,	Kistler,	Polaski,	Worley,
Farabaugh,	Klein,	Polen,	Wynd,
Filo,	Knecht,	Prendergast,	Yetter,
Flynn,	Kooker,	Pursley,	Zember,
Foor,	Kornick,	Reibman,	Andrews,
Frascella,	Korns,	Reidenbach,	Speaker
Gailey,	Kramer,	Renwick,	

NAYS—13

Comer,	Leonard,	Price,	Sherman,
Doughten,	Manbeck,	Scarcelli,	Walsh,
Fulmer,	O'Donnell, J. P.,	Seltzer,	Wood,
Jones,			

NOT VOTING—39

Anderson, S. A.,	Fry,	Magee,	Riley,
Ashton,	Gelfand,	McCandless,	Rutherford,
Bachman,	Gibb,	McInroy,	Strausser,
Cauley,	Hankins,	McNally,	Weidner,
Down,	Haudenshield,	Meholchick,	Willard,
Esler,	Henzel,	Merry,	Willaredt,
Fetterolf,	Johnson, R. P.,	Mihm,	Williams, E. S.,
Fineman,	King,	Miller,	Wilt,
Foerster,	Lee, K. B.,	Murray,	Zimmerman,
Fox,	Lippincott,	Odorisio,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1283.

An Act Amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" providing that area technical schools for vocational education may be established and operated by certain boards of directors of second or third class school districts individually or jointly with county boards of school directors and providing an alternative method for establishing area technical schools.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 1, line 8, by inserting after the word "directors" the following: "and providing an alternative method for establishing area technical schools."

Amend Section 1, page 2, line 8, by striking out the brackets before and after the word "fifty-four" and by striking out immediately thereafter the words "sixty-four;" line 13, by striking out the brackets before and after the words "fifty-five" and by striking out immediately thereafter the words "sixty-five;" by inserting after page 2, the following:

(b) In addition to the method of establishing area technical schools as provided in subsection (a) above the county board of school directors may at any meeting call for an election by the school directors of the districts within an attendance area to determine if an area technical school shall be established. The county board of school directors shall notify by certified mail each school district within an attendance area of its action at the next regular meeting of each school board within an attendance area or at a special meeting called prior thereto an election shall be held to determine if an area technical school shall be established. The results of this election and the number of votes cast each way shall be certified to the county board of school directors within sixty (60) days of the receipt of the notice to hold the election. A canvass of the votes shall be taken and if a majority of the school directors of the districts within an attendance area vote in the affirmative the county board of school directors shall proceed to organize, establish and operate an area technical school in the attendance area.

page 4, line 5, by striking out at the beginning of the line the letter "(b)" and inserting in lieu thereof the letter "(c)."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—169

Adams,	Goldstein, J. H.,	Long, Wm. Jos.,	Rubin,
Anderson, J. H.,	Goldstein, M. H.,	Lutty,	Rudisill,
Arlene,	Goodrich,	Manbeck,	Sakulsky,
Auker,	Gramlich,	Markley,	Scarcelli,
Backenstoe,	Gray,	Marsh,	Schaaf,
Blair,	Greenlee,	Maxwell,	Schuster,
Boies,	Gremminger,	May,	Seltzer,
Bonner,	Gross,	McCann,	Shelton,
Bossert,	Guesman,	McCormack,	Sherman,
Bowman,	Guthrie,	McDevitt,	Shupnik,
Branca,	Hamilton,	McDonald,	Simmons,
Breth,	Hartley,	McKeever,	Slack,
Buchanan,	Heavey,	McLaughlin,	Snare,
Bush,	Heffner,	McNally,	Stank,
Capano,	Helm,	Meholchick,	Steckel,

Capitolo,	Hocker,	Mills,	Stimmel,
Cioffi,	Holl,	Monroe,	Stiteler,
Clarke,	Holliday,	Morley,	Stone,
Comer,	Holman,	Mullen,	Sullivan, J. A.,
Cooley,	Horst,	Munley,	Sullivan, T. F.,
Crossin,	Irvis,	Murphy,	Taylor,
Curwood,	Isaacs,	Murray,	Thompson,
Davis,	Jenkins,	Musto,	Tompkins,
Dengler,	Jim,	Needham,	Trusio,
Dennison,	Johnson, A. W.,	O'Dell,	Ujobai,
Donaldson,	Johnson, R. P.,	O'Donnell, J. A.,	Varner,
Dougherty,	Jones,	O'Donnell, J. P.,	Verona,
Doughten,	Kamyk,	Ogilvie,	Wall,
Edwards,	Kelly,	Parlante,	Walsh,
Eilberg,	Kernaghan,	Pashley,	Wargo,
Elvey,	Kessler,	Perry,	Welsh,
Eshleman,	Kistler,	Petrosky,	Wescott,
Ewing,	Klein,	Piper,	Whittaker,
Farabaugh,	Knecht,	Polaski,	Williams, A. D.,
Filo,	Kooker,	Polen,	Wilt,
Flynn,	Kornick,	Prendergast,	Wood,
Foerster,	Korns,	Price,	Worley,
Foor,	Kramer,	Pursley,	Wynd,
Frascella,	Lamb,	Reibman,	Yetter,
Fulmer,	Lawson,	Renwick,	Zember,
Gailey,	Leonard,	Rovansek,	Andrews,
Gallagher,	Limper,	Royer,	Speaker
Gibbons,	Long, Wm. Jas.,		

NAYS—0

NOT VOTING—41

Anderson, S. A.,	Fox,	Lee, A. M.,	Reidenbach,
Ashton,	Fry,	Lee, K. B.,	Riley,
Bachman,	Gelfand,	Lippincott,	Rutherford,
Bower,	George,	Magee,	Strausser,
Cauley,	Gibb,	McCandless,	Tomascik,
Cianfrani,	Hankins,	McInroy,	Weidner,
Down,	Haudenshield,	Merry,	Willard,
Eshback,	Henzel,	Mihm,	Willaredt,
Esler,	Keiser,	Miller,	Williams, E. S.,
Fetterolf,	King,	Odorisio,	Zimmerman,
Fineman,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 566.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" defining and providing for special education of exceptional children.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Section 2, page 5, by striking out lines 12 to 15 inclusive, and by striking out at the beginning of line 16 "of this act;"

Amend the bill by inserting after Section 7, Section 8, as follows:

Section 8. The sum of one hundred thousand dollars ($100,000) or as much thereof as may be necessary is hereby specifically appropriated to the department of public instruction for the fiscal period ending June 30, 1962 for the purpose of making payments to school districts and county boards of school directors on account of special education of exceptional children as provided in section 2509 of the public school code of 1949 and for payments in accordance with the provisions of subsection (5) of section 1372 of the public school code of 1949 provided however that not more than seventy-five thousand dollars ($75,000) shall be expended for programs relating to socially or emotionally disturbed children and not more than twenty-five thousand dollars ($25,000) shall be expended for programs relating to gifted children.

Amend page 15, line 13, by striking out after the word "Section" the number "8" and inserting in lieu thereof the number "9"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—171

Adams,	Gailey,	Lee, A. M.,	Renwick,
Anderson, J. H.,	Gallagher,	Leonard,	Rovansek,
Arlene,	George,	Limper,	Royer,
Bachman,	Gibbons,	Long, Wm. Jas.,	Rubin,
Backenstoe,	Goldstein, M. H.,	Lutty,	Rudisill,
Blair,	Goldstein, J. H.,	Manbeck,	Sakulsky,
Boles,	Goodrich,	Markley,	Scarcelli,
Bonner,	Gramlich,	Marsh,	Schaaf,
Bossert,	Gray,	Maxwell,	Schuster,
Bower,	Greenlee,	May,	Seltzer,
Bowman,	Gremminger,	McCann,	Shelton,
Branca,	Gross,	McCormack,	Sherman,
Breth,	Guesman,	McDevitt,	Shupnik,
Buchanan,	Guthrie,	McDonald,	Simmons,
Bush,	Hamilton,	McKeever,	Slack,
Capano,	Hartley,	McLaughlin,	Snare,
Capitolo,	Heavey,	McNally,	Stank,
Cianfrani,	Heffner,	Meholchick,	Steckel,
Cioffi,	Helm,	Mills,	Stimmel,
Clarke,	Hocker,	Monroe,	Stiteler,
Comer,	Holl,	Morley,	Stone,
Cooley,	Holliday,	Mullen,	Sullivan, J. A.,
Crossin,	Holman,	Munley,	Sullivan, T. F.,
Curwood,	Horst,	Murphy,	Taylor,
Davis,	Irvis,	Murray,	Thompson,
Dengler,	Isaacs,	Musto,	Tompkins,
Dennison,	Jenkins,	Needham,	Trusio,
Donaldson,	Jim,	O'Dell,	Ujobai,
Dougherty,	Johnson, A. W.,	O'Donnell, J. A.,	Varner,
Doughten,	Johnson, R. P.,	O'Donnell, J. P.,	Verona,
Edwards,	Jones,	Ogilvie,	Wall,
Eilberg,	Kamyk,	Parlante,	Walsh,
Elvey,	Keiser,	Pashley,	Wargo,
Eshback,	Kelly,	Perry,	Welsh,
Eshleman,	Kernaghan,	Petrosky,	Whittaker,
Ewing,	Kessler,	Piper,	Williams, A. D.,
Farabaugh,	Kistler,	Polaski,	Wood,
Filo,	Klein,	Polen,	Worley,
Flynn,	Knecht,	Prendergast,	Wynd,
Foerster,	Kooker,	Price,	Yetter,
Foor,	Kramer,	Pursley,	Zember,
Frascella,	Lamb,	Reibman,	Andrews,
Fulmer,	Lawson,	Reidenbach,	Speaker

NAYS—2

Korns,	Auker,

NOT VOTING—37

Anderson, S. A.,	Gibb,	Magee,	Strausser,
Ashton,	Hankins,	McCandless,	Tomascik,
Cauley,	Haudenshield,	McInroy,	Weidner,
Down,	Henzel,	Merry,	Wescott,
Esler,	King,	Mihm,	Willard,
Fetterolf,	Kornick,	Miller,	Willaredt,
Fineman,	Lee, K. B.,	Odorisio,	Williams, E. S.,
Fox,	Lippincott,	Riley,	Wilt,
Fry,	Long, Wm. Jas.,	Rutherford,	Zimmerman,
Gelfand,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1622.

An Act amending the act of June 2, 1915 (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" changing provisions relating to liability of employers and benefits and persons entitled thereto.

With the information that the Senate had passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 2, by striking out all of lines 1 to 8 of Title;

Amend bill by striking out all of Sections 1 and 2 contained on pages 2, line 1 to 9, inclusive; page 3, lines 1 to 20, inclusive; page 4, lines 1 to 20, inclusive; page 5, lines 1 to 20, inclusive; page 6, lines 1 to 20, inclusive; page 7, lines 1 to 20, inclusive; page 8, lines 1 to 20, inclusive; page 9, lines 1 to 19, inclusive; page 10, lines 1 to 20, inclusive; page 11, lines 1 to 20, inclusive; page 12, lines 1 to 19, inclusive; page 13, lines 1 to 8, inclusive;

Amend page 13, line 9, by striking out after the word "Section" the numbers "3" "1" "3" and inserting in lieu thereof the number "1;" line 10, by striking out after the word "and" "sections 306. 1 and 307 of the" and by striking out all of lines 11, 12 and 13, and by striking out at the beginning of line 14 "sections 306. 1 and 307 of the act" and inserting immediately thereafter the following: "Section 307 Act of June 2, 1915 (P. L. 736), known as "The Pennsylvania Workmen's Compensation Act" reenacted and amended June 21, 1939 (P. L. 520), and;"

Amend Section 1, page 15, line 7, by striking out the brackets before the word "The;" line 13, by striking out the brackets after the word "in" and by striking out immediately thereafter the words "in in;" page 17, line 1, by striking out the brackets before the word "during" and by striking out the brackets after the word "the" and by striking out immediately thereafter the word "The;" line 2, by striking out at the beginning of the line the word "the;" line 5, by striking out the brackets before the word "The" where it appears the second time; line 6, by striking out the brackets after the word "dollars;" line 9, by striking out the brackets before the word "within;" line 10, by striking out the brackets after the word "limitations;" line 12, by striking out the brackets before the word "for;" line 18, by striking out the brackets after the word "rehabilitation" and by striking out immediately thereafter "as and when needed as and when;" page 18, by striking out at the beginning of line 1, the word "needed" and by striking out all of lines 19 and 20; page 19, by striking out all of lines 1 to 19, inclusive; page 20, by striking out all of lines 1 to 20, inclusive; page 21, by striking out all of lines 1 to 20, inclusive; page 22, by striking out all of lines 1 to 20, inclusive; page 23, by striking out all of lines 1 to 18, inclusive; page 24, by striking out all of lines 1 to 20, inclusive ; page 25, by striking out all of lines 1 to 19, inclusive; page 26, by striking out all of lines 1 and 2; page 32 by striking out after line 6 all of Section 4, all of Section 5, all of Section 6, all of Section 7, all of Section 8, and all of Section 9, as contained on pages 32 to 58 inclusive and lines 1 to 9 inclusive on page 59, and inserting in lieu thereof the following:

Section 2 the last paragraph of section 319 of the act amended December 28, 1959 (P. L. 2034), is amended to read Section 319 * * *

Where an employe has received payments for the disability or medical expense resulting from an injury by accident in the course of his employment paid by the employer or an insurance company [hospital medical osteopathic or dental service corporation employe or fraternal welfare or benefit association] on the basis that the injury and disability were not compensable under this act in the event of an agreement or award for that injury the employer or insurance company [hospital medical osteopathic or dental service coproration employe or fraternal welfare or benefit association which] who made [any] the payments shall be subrogated out of the agreement or award to the amount so paid [without deduction for attorney's fees or otherwise] if the right to subrogation is agreed to by the parties or is established at the time of hearing before the referee or the board

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—174

Adams,	Gallagher,	Lee, A. M.,	Royer,
Anderson, J. H.,	George,	Leonard,	Rubin,
Arlene,	Gibbons,	Limper,	Rudisill,
Auker,	Goldstein, J. H.,	Long, Wm. Jas.,	Sakulsky,
Bachman,	Goldstein, M. H.,	Long, Wm. Jos.,	Scarcelli,
Backenstoe,	Goodrich,	Lutty,	Schaaf,
Blair,	Gramlich,	Manbeck,	Schuster,
Boles,	Gray,	Markley,	Seltzer,
Bonner,	Greenlee,	Marsh,	Shelton,
Bossert,	Gremminger,	Maxwell,	Sherman,
Bower,	Gross,	May,	Shupnik,
Bowman,	Guesman,	McCann,	Simmons,
Branca,	Guthrie,	McCormack,	Slack,
Breth,	Hamilton,	McDevitt,	Snare,
Buchanan,	Hartley,	McDonald,	Stank,
Bush,	Heavey,	McKeever,	Steckel,
Capano,	Heffner,	McLaughlin,	Stimmel,
Capitolo,	Helm,	Meholchick,	Stiteler,
Cianfrani,	Hocker,	Mills,	Stone,
Cioffi,	Holl,	Monroe,	Sullivan, J. A.,
Clarke,	Holliday,	Morley,	Sullivan, T. F.,
Comer,	Holman,	Mullen,	Taylor,
Cooley,	Horst,	Munley,	Thompson,
Crossin,	Irvis,	Murphy,	Tomascik,
Curwood,	Isaacs,	Murray,	Tompkins,
Davis,	Jenkins,	Musto,	Trusio,
Dengler,	Jim,	Needham,	Ujobai,
Dennison,	Johnson, A. W.,	O'Dell,	Varner,
Donaldson,	Johnson, R. P.,	O'Donnell, J. A.,	Verona,
Doughten,	Jones,	O'Donnell, J. P.,	Wall,
Edwards,	Kamyk,	Ogilvie,	Walsh,
Eilberg,	Keiser,	Parlante,	Wargo,
Elvey,	Kelly,	Perry,	Welsh,
Eshback,	Kernaghan,	Petrosky,	Wescott,
Eshleman,	Kessler,	Piper,	Whittaker,
Ewing,	Kistler,	Polaski,	Williams, A. D.,
Farabaugh,	Klein,	Polen,	Wood,
Filo,	Knecht,	Prendergast,	Worley,
Flynn,	Kooker,	Price,	Wynd,
Forester,	Kornick,	Pursley,	Yetter,
Foor,	Korns,	Reibman,	Zember,
Frascella,	Kramer,	Reidenbach,	Andrews,
Fulmer,	Lamb,	Renwick,	Speaker
Gailey,	Lawson,	Rovansek,	

NAYS—0

NOT VOTING—36

Anderson, S. A.,	Fry,	Magee,	Riley,
Ashton,	Gelfand,	McCandless,	Rutherford,
Cauley,	Gibb,	McInroy,	Strausser,
Dougherty,	Hankins,	McNally,	Weidner,

Down,	Haudenshield,	Merry,	Willard,
Esler,	Henzel,	Mihm,	Willaredt,
Fetterolf,	King,	Miller,	Williams, E. S.,
Fineman,	Lee, K. B.,	Odorisio,	Wilt,
Fox,	Lippincott,	Pashley,	Zimmerman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1638.

An Act amending the act of June 21, 1939 (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" changing provisions relating to liability of employers and benefits and persons entitled thereto.

With the information that the Senate had pased the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The clerk will read the amendments.

The clerk read the amendments as follows:

Amend Title, page 2, line 7 of Title, by striking out after the word "thereto" the remainder of the line and by striking out all of lines 8 to 13, inclusive, of Title;

Amend Section 1, page 2, line 1, by striking out after the number "1" the word "Subsection" and by striking out after the letter "(a)" the following: "and (c) subsection (a) subsections (a) and (c)" and inserting in lieu thereof "subsection (a)"; line 4, by striking out at the beginning of the line "subsection (a) subsection (a)" and by striking out all of line 5; page 3, by striking out all of line 1, and by inserting at the beginning of line 2, the word "is";

Amend Bill by striking out all material contained in pages 4 to 9 inclusive, and by striking out on page 10 all of lines 1 and 2; line 4, by striking out after "Section" the numbers "3" "2" "3" and inserting in lieu thereof the number "2"; page 11, line 14, by striking out the brackets before the word "The"; line 20 by striking out the brackets after the word "in" and by striking out immediately thereafter the words "in in"; page 13, line 7, by striking out the brackets before the word "During" and after the word "the" where it appears the second time, and by striking out immediately thereafter the word "the"; line 8, by striking out at the beginning of the line the word "the"; line 10, by striking out the brackets before the word "The" where it appears the second time; line 11, by striking out the brackets after the word "dollars"; line 14, by striking out the brackets before the word "within" line 15, by striking out the brackets after the word "limitations"; line 17, by striking out the brackets before the word "for"; line 20, by striking out the brackets after the word "power"; page 14, by striking out the brackets before the word "to" at the beginning of line 1; line 3, by striking out the brackets after the word "rehabilitation" and by striking out immediately thereafter "as and when needed as and when needed"; page 15, line 1, by striking out after the word "Section" the numbers "4" "3" "4" and inserting in lieu thereof the number "3"; and by striking out all material contained in Section 5, 6, 7, 8, and 9, beginning with line 9, page 21 to line 14, page 40, inclusive, and inserting in lieu thereof a new Section 4, as follows:

Section 4 The last paragraph of Section 319 of the act amended December 1, 1959 (P. L. 1678), is amended to read

Section 319 * * *

Where an employe has received payments for the disability or medical expense resulting from a disability in the course of his employment paid by the employer or an insurance company [hospital medical osteopathic or dental service corporation employe or fraternal welfare or benefit asociation] on the basis that the disability was not compensable under this act in the event of an agreement or award for that disability the employer or insurance company [hospital medical osteopathic or dental service corporation employe or fraternal welfare or benefit association which] who made [any] the payments shall be subrogated out of the agreement or award to the amount so paid [without deduction for attorney's fees or otherwise] if the right to subrogation is agreed to by the parties or is established at the time of hearing before the referee or the board

page 42, line 1, by striking out after the word "Section" the following: "10 The first and second paragraphs 4 the second paragraph 10 the first and second paragraphs" and by inserting at the beginning of line 3, "The second paragraph"; and by striking out all material beginning with line 5 on page 42, to line 4 on page 44, and by inserting immediately thereafter "Section 428 * * *"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. McCANN. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—168

Adams,	Gallagher,	Lawson,	Reidenbach,
Anderson, J. H.	George,	Lee, A. M.,	Renwick,
Arlene,	Gibbons,	Leonard,	Rovansek,
Auker,	Goldstein, J. H.,	Long, Wm. Jas.,	Royer,
Bachman	Goldstein, M. H.,	Long, Wm. Jos.,	Rubin,
Backenstoe,	Goodrich,	Lutty,	Rudisill,
Blair,	Gramlich,	Manbeck,	Sakulsky,
Boles,	Gray,	Markley,	Scarcelli,
Bonner,	Greenlee,	Marsh,	Schaaf,
Bossert,	Gremminger,	Maxwell,	Seltzer,
Bower,	Gross,	May,	Shelton,
Bowman,	Guesman,	McCann,	Sherman,
Branca,	Guthrie,	McCormack,	Shupnik,
Breth,	Hamilton,	McDevitt,	Slack,
Buchanan,	Hartley,	McDonald	Snare,
Bush,	Heavey,	McLaughlin,	Stank,
Capano,	Heffner,	McNally,	Steckel,
Capitolo,	Helm,	Meholchick,	Stimmel,
Cianfrani,	Hocker,	Mills,	Stiteler,
Cioffi,	Holl,	Monroe,	Stone,
Clarke,	Holliday,	Morley,	Sullivan, J. A.,
Comer,	Holman,	Mullen,	Sullivan, T. F.,
Cooley,	Horst,	Munley,	Taylor,
Crossin,	Isaacs,	Murphy,	Thompson,
Curwood,	Jenkins,	Murray,	Tompkins,
Davis,	Jim,	Musto,	Trusio,
Dengler,	Johnson, A. W.,	Needham,	Ujobai,
Dennison,	Johnson, R. P.,	O'Dell,	Varner,
Donaldson,	Jones,	O'Donnell, J. A.,	Verona,
Dougherty,	Kamyk,	O'Donnell, J. P.,	Wall,
Edwards,	Keiser,	Ogilvie,	Walsh,
Ellberg,	Kelly,	Parlante,	Wargo,
Elvey,	Kernaghan,	Pashley,	Welsh,
Eshback,	Kessler,	Perry,	Wescott,

Eshleman,	Kistler,	Petrosky,	Whittaker,
Ewing,	Klein,	Piper,	Williams, A. D.,
Farabaugh,	Knecht,	Polaski,	Wood,
Filo,	Kooker,	Polen,	Worley,
Flynn,	Kornick,	Prendergast,	Wynd,
Foor,	Korns,	Price,	Zember,
Frascella,	Kramer,	Pursley,	Yetter,
Gailey,	Lamb,	Reibman,	Andrews, Speaker

NAYS—0

NOT VOTING—42

Anderson, S. A.,	Fulmer,	Magee,	Schuster,
Ashton,	Gelfand,	McCandless,	Simmons,
Cauley,	Gibb,	McInroy,	Strausser,
Doughten,	Hankins,	McKeever,	Tomascik,
Down,	Haudenshield,	Merry,	Weidner,
Esler,	Henzel,	Mihm,	Willard,
Fetterolf,	Irvis,	Miller,	Willaredt,
Fineman,	King,	Odorisio,	Williams, E. S.,
Foerster,	Lee, K. B.,	Riley,	Wilt,
Fox,	Limper,	Rutherford,	Zimmerman,
Fry,	Lippincott,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative ,and the amendments were concurred in.

Ordered, that the clerk inform the Senate accordingly.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 20, entitled:

An Act establishing a separate orphans' court in and for the County of Bucks.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—97

Adams,	Greenlee,	McDonald	Renwick,
Arlene,	Gremminger,	McKeever,	Rovansek,
Bachman	Guesman,	McLaughlin,	Rubin,
Boies,	Hamilton,	McNally,	Rudisill,
Bonner,	Hartley,	Meholchick,	Scarcelli,
Branca,	Heavey,	Monroe,	Schaaf,
Breth,	Irvis,	Morley,	Shelton,
Capano,	Jenkins,	Mullen,	Sherman,
Capitolo,	Jim,	Munley,	Shupnik,
Cianfrani,	Jones,	Murphy,	Stank,
Cioffi,	Kamyk,	Murray,	Stone,
Clarke,	Kelly,	Musto,	Sullivan, J. A.,
Comer,	Klein,	Needham,	Sullivan, T. F.,
Cooley,	Kornick,	O'Donnell, J. A.,	Taylor,
Crossin,	Kramer,	O'Donnell, J. P.,	Tomascik,
Dougherty,	Lamb,	Parlante,	Trusio,
Doughten,	Lawson,	Pashley,	Ujobai,
Eilberg,	Leonard,	Perry,	Verona,
Farabaugh,	Limper,	Petrosky,	Wargo,
Filo,	Long, Wm. Jas.,	Polaski,	Welsh,
Flynn,	Long, Wm. Jos.,	Polen,	Williams, A. D.,
Frascella,	Lutty,	Prendergast,	Yetter,
Gailey,	McCann,	Reibman,	Andrews, Speaker
Gallagher,	McCormack,	Reidenbach,	
Gray,	McDevitt,		

NAYS—77

Anderson, J. H.	Fulmer,	Kessler,	Seltzer,
Auker,	Gibbons,	Kistler,	Simmons,
Backenstoe,	Goldstein, J. H.,	Knecht,	Slack,
Blair,	Goldstein, M. H.,	Kooker,	Snare,
Bossert,	Goodrich,	Korns,	Steckel,
Bower,	Gramlich,	Lee, A. M.,	Stimmel,
Bowman,	Gross,	Lee, K. B.,	Stiteler,
Buchanan,	Guthrie,	Manbeck,	Thompson,
Bush,	Heffner,	Markley,	Tompkins,
Curwood,	Helm,	Marsh,	Varner,
Davis,	Hocker,	Maxwell,	Wall,
Dengler,	Holl,	May,	Walsh,
Dennison,	Holliday,	O'Dell,	Wescott,
Donaldson,	Holman,	Ogilvie,	Whittaker,
Edwards,	Horst,	Piper,	Williams, E. S.,
Elvey,	Isaacs,	Price,	Wood,
Eshback,	Johnson, A. W.,	Pursley,	Worley,
Eshleman,	Keiser,	Royer,	Wynd,
Ewing,	Kernaghan,	Sakulsky,	Zember,
Foor,			

NOT VOTING—36

Anderson, S. A.,	Fry,	Lippincott,	Riley,
Ashton,	Gelfand,	Magee,	Rutherford,
Cauley,	George,	McCandless,	Schuster,
Down,	Gibb,	McInroy,	Strausser,
Esler,	Hankins,	Merry,	Weidner,
Fetterolf,	Haudenshield,	Mihm,	Willard,
Fineman,	Henzel,	Miller,	Willaredt,
Foerster,	Johnson, R. P.,	Mills,	Wilt,
Fox,	King,	Odorisio,	Zimmerman,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 418, entitled:

An Act to provide for an additional law judge of the court of common pleas in the thirty-sixth judicial district and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—67

Arlene,	Greenlee,	Monroe,	Rubin,
Bachman	Gremminger,	Morley,	Scarcelli,
Bonner,	Guesman,	Mullen,	Shelton,
Branca,	Hartley,	Munley,	Sherman,
Breth,	Heavey,	Murray,	Shupnik,
Capano,	Irvis,	O'Donnell, J. A.,	Stank,
Capitolo,	Jim,	O'Donnell, J. P.,	Sullivan, J. A.,
Cianfrani,	Jones,	Parlante,	Sullivan, T. F.,
Cioffi,	Kelly,	Pashley,	Taylor,
Clarke,	Lawson,	Perry,	Trusio,
Dougherty,	Long, Wm. Jas.,	Petrosky,	Verona,
Doughten,	Long, Wm. Jos.,	Polaski,	Wargo,
Eilberg,	Lutty,	Polen,	Welsh,
Frascella,	McCann,	Prendergast,	Wescott,
Gailey,	McDevitt,	Reibman,	Yetter,
Gallagher,	McDonald	Reidenbach,	Andrews, Speaker
Gray,	Meholchick,	Renwick,	

NAYS—99

Adams,	Flynn,	Kistler,	Rovansek,
Anderson, J. H.	Foor,	Klein,	Royer,
Auker,	Fulmer,	Knecht,	Rudisill,
Backenstoe,	George,	Kooker,	Sakulsky,
Blair,	Gibbons,	Kornick,	Seltzer,
Boies,	Goldstein, J. H.,	Korns,	Simmons,
Bossert,	Goldstein, M. H.,	Kramer,	Slack,
Bower,	Goodrich,	Lamb,	Snare,
Bowman,	Gross,	Lee, A. M.,	Steckel,
Buchanan,	Guthrie,	Leonard,	Stimmel,
Bush,	Hamilton,	Limper,	Stiteler,

Comer,	Heffner,	Manbeck,	Stone,
Crossin,	Helm,	Markley,	Thompson,
Curwood,	Hocker,	Marsh,	Tompkins,
Davis,	Holl,	Maxwell,	Ujobai,
Dengler,	Holliday,	May,	Varner,
Dennison,	Holman,	McLaughlin,	Wall,
Donaldson,	Horst,	McNally,	Walsh,
Edwards,	Isaacs,	Murphy,	Whittaker,
Elvey,	Jenkins,	Needham,	Williams, A. D.,
Eshback,	Johnson, A. W.,	O'Dell,	Wood,
Eshleman,	Kamyk,	Ogilvie,	Worley,
Ewing,	Keiser,	Piper,	Wynd,
Farabaugh,	Kernaghan,	Price,	Zember,
Filo,	Kessler,	Pursley,	

NOT VOTING—44

Anderson, S. A.,	Gelfand,	McCandless,	Rutherford,
Ashton,	Gibb,	McCormack,	Schaaf,
Cauley,	Gramlich,	McInroy,	Schuster,
Cooley,	Hankins,	McKeever,	Strausser,
Down,	Haudenshield,	Merry,	Tomascik,
Esler,	Henzel,	Mihm,	Weidner,
Fetterolf,	Johnson, R. P.,	Miller,	Willard,
Fineman,	King,	Mills,	Willaredt,
Foerster,	Lee, K. B.,	Musto,	Williams, E. S.,
Fox,	Lippincott,	Odorisio,	Wilt,
Fry,	Magee,	Riley,	Zimmerman,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1848, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), changing minimum salaries for certain professional employes and increasing the total compensation for certain professional employes.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. MURRAY. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1855, entitled:

A Joint Resolution proposing an amendment to article II section 18 of the Constitution of the Commonwealth of Pennsylvania making apportionment of senatorial representative and congressional districts mandatory and providing for an Apportionment Board.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Rules.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate bill No. 230, entitled:

An Act authorizing the Department of Highways with the approval of the Governor to erect and maintain a bridge over the Ohio River in Beaver County and to provide the necesary approaches and connections with State highways and empowering counties to pay certain damages.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 991, entitled:

A Joint Resolution proposing an amendment to article nine section one of the Constitution of the Commonwealth of Pennsylvania authorizing the General Asembly to exempt from taxation parsonages land on which places of worship are situated and land adjacent thereto necessary for the use of the church.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary.

The motion was agreed to.

HOUSE RESOLUTION No. 103 DROPPED FROM CALENDAR

Mr. McCANN. Mr. Speaker, I move that House resolution No. 103, printer's No. 2710, be dropped from the calendar.

The motion was agreed to.

SENATE BILL No. 435 DROPPED FROM CALENDAR

Mr. McCANN. Mr. Speaker, I move that Senate bill No. 435, printer's No. 1214, be dropped from the calender.

The motion was agreed to.

HOUSE BILL No. 1648 DROPPED FROM CALENDAR

The SPEAKER. The attention of the Chair is called to the fact that House bill 1648 should be on the calendar.

Mr. McCANN. Mr. Speaker, I move that House bill 1648 be dropped from the calendar.

The motion was agreed to.

SENATE MESSAGE

SENATE REJECTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1259

The clerk of the Senate being introduced, informed that the Senate has rejected the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill No. 1259, printer's No. 2740.

COMMUNICATION AND BILL LAID ON TABLE

Mr. PETROSKY. Mr. Speaker, I move that the communication from the Senate together with the report be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate bill No. 791, printer's No. 1297.

COMMUNICATION AND BILL LAID ON TABLE

Mr. McCANN. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bills numbered and entitled as follows:

SENATE BILL No. 613.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing reimbursement in the year of acquisition for school building sites purchased in advance of their need and harmonizing provisions related thereto and extending the provisions for reimbursement on preliminary payments on account of approved building construction to include the State Public School Building Authority and Municipal Authorities and abolishing the cost limitations on school building projects for reimbursement purposes.

SENATE BILL No. 814.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for educational broadcasting and authorizing agreements relating thereto.

SENATE BILL No. 815.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further regulating the establishment and operation of audio-visual libraries and instructional materials centers.

SENATE BILL No. 872.

An Act to authorize the Department of Health and County Departments of Health to render home nursing care services and to charge fees therefor.

SENATE BILL No. 919.

A Joint Resolution proposing an amendment to article nine section four of the Constitution of the Commonwealth of Pennsylvania providing for and regulating Commonwealth debt for capital improvements and certain other purposes and prohibiting debts and obligations inconsistent therewith.

SENATE BILL No. 920.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further regulating the election and term of office of school directors when districts are formed into union or merged districts.

SENATE BILL No. 931.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" imposing powers and duties on the General Assembly relative to the allocation of space in the State Capitol Building.

SENATE BILL No. 932.

An Act amending the act of December 22, 1959 (P. L. 1978), entitled "State Harness Racing Law" changing the commission to an independent administrative commission permitting corporation organized to hold race meetings to have a perpetual duration permitting the renewal of licenses and authorizing elections to determine if a racing plant is to be located within the county once every four years.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 795

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 795.

An Act making an appropriation to the Dickinson School of Law Carlisle, Pennsylvania.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 840

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 840.

An Act prohibiting the sale transfer ownership possession and use of tear and noxious gas and tear gas guns providing for certain exemptions and providing penalties.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1181

The clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House bill numbered and entitled as follows:

HOUSE BILL No. 1181.

An Act creating an Anthracite Mine Law Study Commission for the purpose of making a study and investigation of all laws relating to underground anthracite coal mines and the preparation of a modern code relating thereto.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 67.

An Act to protect the public safety by regulating the mining of anthracite coal prescribing duties for certain municipal officers and imposing penalties.

HOUSE BILL No. 216.

An Act to define license and regulate resident and nonresident auctioneers and apprentice auctioneers in this

Commonwealth and revising consolidating and making the law uniform relative thereto creating the State Auctioneers' Commission conferring certain powers and duties on the Commission and on certain departments and officers of the State and local governments providing for the keeping of records and the inspection thereof repealing certain inconsistent laws and providing penalties.

HOUSE BILL No. 337.

An Act providing for the issuing administration enforcement and termination of marketing orders on apples imposing powers and duties on the Secretary of Agriculture providing for the creation and operation of an advisory board prescribing the contents of orders and providing for the imposition and collection of fees.

HOUSE BILL No. 610.

An Act amending the "Public School Employes' Retirement Code of 1959" approved June 1, 1959 (P. L. 350), providing a death benefit after ten years of service or an accumulation of withdrawal credits in certain cases.

HOUSE BILL No. 749.

An Act amending the act of July 8, 1957 (P. L. 569), entitled "Korean Conflict Veterans' Compensation Act" defining "veteran" so as to include career servicemen and placing limitations on the amount of compensation.

HOUSE BILL No. 775.

An Act making appropriations to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University for the School of Medicine and for the School of Veterinary Medicine.

HOUSE BILL No. 781.

An Act making an appropriation to the Philadelphia College of Osteopathy Philadelphia Pennsylvania.

HOUSE BILL No. 785.

An Act making an appropriation to the Berean Manual Training School at Philadelphia Pennsylvania.

HOUSE BILL No. 787.

An Act making an appropriation to the National Agricultural College at Doylestown Pennsylvania.

HOUSE BILL No. 869.

An Act amending "The Mental Health Act of 1951" approved June 12, 1951 (P. L. 53), regulating voluntary admission of minors to institutions and further regulating emergency commitments.

HOUSE BILL No. 1030.

An Act authorizing additional pension and retirement payments to members of pension and retirement funds after termination of services and providing for appropriations by counties cities boroughs towns and townships.

HOUSE BILL No. 1224.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), providing for the payments by the Commonwealth for certain equipment used for the instruction of handicapped children.

HOUSE BILL No. 1277.

An Act amending the "Local Tax Enabling Law" approved June 25, 1947 (P. L. 1145), limiting the taxation of mobilehomes and house trailers and abolishing the use and occupancy tax on mobilehomes and house trailers.

HOUSE BILL No. 1335.

An Act amending "The General State Authority Act of one thousand nine hundred forty-nine" approved March 31, 1949 (P. L. 372), increasing the powers and the borrowing capacity of the Authority and allocating the proceeds of such increased borrowing capacity

HOUSE BILL No. 1340.

An Act amending the act of July 11, 1917 (P. L. 758), entitled "An act for the protection of the public health regulating the possession control dealing in giving away delivery dispensing administering prescribing and use of certain drugs and keeping records thereof . . ." giving trials for violation of the act precedence over the other criminal trials and regulating postponements.

HOUSE BILL No. 1513.

An Act amending "The Realty Transfer Tax Act" approved December 27, 1951 (P. L. 1742), fixing minimum compensation for records of deeds acting as agents for the sale of stamps.

HOUSE BILL No. 1541.

An Act relating to the manufacture sale and possession of drugs devices and cosmetics conferring powers on the courts and the Secretary and Department of Health and a newly created Pennsylvania Drug Device and Cosmetic Board and providing penalties requiring registration of persons engaged in the drug trade and for the revocation or suspension of certain licenses and registrations and repealing certain acts.

HOUSE BILL No. 1560.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), redefining year to mean academic year in reference to State scholarships.

HOUSE BILL No. 1598.

An Act relating to the regulation of the practice of Pharmacy including the sales use and distribution of drugs and devices at retail and amending revising consolidating and repealing certain laws relating thereto.

HOUSE BILL No. 1678.

An Act amending the act of June 22, 1935 (P. L. 414), entitled as amended "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators rigisters of wills * * *" providing that certain corporations doing business with professional school employes shall not be subject to the provisions of the act.

HOUSE BILL No. 1707.

An Act establishing and taking over as State highways certain county highways or sections thereof tunnels bridges viaducts and approaches thereto in counties and certain streets and bridges in cities of the first class and in cities of the second class and certain streets in cities of the second class A and third class and certain township roads and certain streets in boroughs and incorporated towns authorizing under certain terms and conditions their construction maintenance repair reconstruction and improvement by the Commonwealth conferring certain powers upon Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and deleting certain State highways.

HOUSE BILL No. 1796.

An Act amending the act of July 7, 1955 (P. L. 258), entitled "An act providing for anthracite mine drainage contingent on Federal aid and making an appropriation" removing certain restrictions.

HOUSE BILL No. 1802.

An Act amending the "Business Corporation Law" approved May 5, 1933 (P. L. 364), further providing for the payment of dividends.

HOUSE BILL No. 1816.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), enlarging the functions of the State colleges and providing for certain duties for the Board of Presidents of State Colleges and for the Department of Public Instruction and changing provisions relating to tuition board and fees.

HOUSE BILL No. 1824.

An Act making an appropriation to the Department of Property and Supplies for the publication of the History and Roster of the Tenth Pennsylvania Volunteer Infantry.

HOUSE BILL No. 1849.

An Act amending "The First Class City Permanent Registration Act" approved March 30, 1937 (P. L. 115), providing for the registration of physically disabled persons.

HOUSE BILL No. 1850.

An Act amending "The Permanent Registration Act for Cities of the Second Class Cities of the Second Class A Cities of the Third Class Boroughs towns and Townships" approved April 29, 1937 (P. L. 487), providing for the registration of physically disabled persons.

HOUSE BILL No. 1854.

An Act amending "The Military Code of 1949" approved May 27, 1949 (P. L. 1903), providing for the extension of the terms of service of enlisted personnel in the Pennsylvania National Guard.

SENATE BILL No. 448.

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code" authorizing other than separate confinement in county penal institutions and requireing the approval of plans by the Department of Justice in certain cases.

SENATE BILL No. 461.

A Joint Resolution proposing an amendment to article four section twenty-one of the Constitution of the Commonwealth of Pennsylvania changing the time at which the Auditor General the State Treasurer and the Secretary of Internal Affairs take office and permitting the Auditor General and State Treasurer to succeed themselves for one additional term.

SENATE BILL No. 568.

An Act amending the act of June 4, 1937 (P. L. 1643), entitled "An act relating to certain existing benefical societies . . .' further regulating contracts and payments of death benefits and providing for annual filing of certificates regarding surplus requirements.

SENATE BILL No. 661.

An Act amending the act of May 26, 1891 (P.L. 129), entitled "An act authorizing and empowering the court of common pleas of the several counties of this Commonwealth to change alter and direct the mode of preparing and keeping indices in the several offices of record in said counties and for preparing making and substituting new indices for old indices or parts thereof" providing for the granting of contracts for new indices

SENATE BILL No. 666.

An Act amending the act of April 9, 1929, (P. L. 177), entitled "The Administrative Code of 1929" increasing the membership of the Real Estate Commission and prescribing qualifications for the additional member.

SENATE BILL No. 696.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" designating certain schools senior high schools and junior high schools.

SENATE BILL No. 730.

An Act amending the act of June 1, 1956 (P. L. 1959), entitled "An act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned in the law certain state officers and the salary and expenses of the members of the General Assembly and repealing certain inconsistent acts" increasing the salaries of judges of courts of common pleas orphans' courts County Court and Juvenile Court of Allegheny County and Municipal Court of Philadelphia.

SENATE BILL No. 731.

An Act making an appropriation to Western Pennsylvania School for Blind Children in Pittsburgh and crediting said appropriation to the indebtedness of said school to the Commonwealth of Pennsylvania.

SENATE BILL No. 732.

An Act making an appropriation to Western Pennsylvania School for the Deaf in Edgewood, Pittsburgh and crediting said appropriation to the indebtedness of said school to Commonwealth of Pennsylvania.

SENATE BILL No. 733.

An act making an appropriation to The Pennsylvania School for the Deaf in Philadelphia and crediting said appropriation to the indebtedness of said school to the Commonwealth of Pennsylvania.

SENATE BILL No. 787.

An Act providing for the acquisition by the Department of Forests and Waters of the Kinzua Bridge and certain adjoining grounds for a State park.

SENATE BILL No. 805.

An Act amending the act of May 20, 1937 (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth . . ." changing the compensation of members providing for the appointment of an executive secretary and other employes changing the limitations on the filing of claims increasing the powers of the board further providing for rules of procedure before the board providing for appeals and making an appropriation.

SENATE BILL No. 884.

An Act amending the act of June 1, 1956 (P. L. 1997) entitled "An act relating to comic books magazines and other publications prohibiting and regulating the sale thereof in certain instances and imposing penalties" defining the word "obscene."

SENATE BILL No. 910.

An Act authorizing the Commonwealth through the Department of Forests and Waters or other State agencies or instrumentalities or political subdivisions of the Commonwealth or other local public bodies separately or together to conduct surveys make land use studies and to purchase or accept land for park and recreational purposes conservation purposes preservation of open space

land and for historic and scenic purposes with the assistance of the Federal Government and to accept funds personnel or other aid from the Federal Government or from other sources.

SENATE BILL No. 912.

An Act amending the act of November 21, 1956 (P. L. 1579), entitled "An act authorizing the Department of Property and Supplies with the approval of the Governor to acquire purchase or lease certain institutions for use by the Department of Public Welfare as youth development centers . . . . . ." abolishing the Board of Trustees of The Youth Development Center at Canonsburg creating additional boards and further providing for the receiving into custody of certain minors.

SENATE BILL No. 913.

An Act amending the act of April 9, 1929 (P. L. 177), entitled, "The Administrative Code of 1929" abolishing the Board of Trustees of the Youth Development Center at Canonsburg and creating additional boards of trustees.

HOUSE BILL No. 928.

An Act amending the act of April 9, 1929, (P. L. 177) entitled, 'The Administrative Code of 1929" changing the power and duties of the Department of Internal Affairs in relation to the minutes of the Canal Commissioner.

SENATE BILL No. 934.

An Act amending the act of March 10, 1949 (P. L. 30), entitled 'Public School Code of 1949" further providing for school nurse services and changing reimbursement provisions with respect thereto.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

STATEMENT BY MAJORITY LEADER

Mr. McCANN. Mr. Speaker, I ask the membership to bear with us for a few minutes as we go through the proceedings for sine die.

Before we do that, I would like to take this opportunity to express to the membership my sincere thanks, working from one side of the aisle to the other, for the cooperation we have received in enacting the legislative program that stands in the record of the 1961 session of the General Assembly.

In the closing days I know that tempers have been bitter, for it is difficult to work hour after hour, day after day, and in the last few weeks we have worked long hours each day in an effort to complete the legislative program of this session.

To the many members to whom I owe so much personally for their assistance and aid in working out compromises and amendments to bills, this is rather a small way to say "thank you" to each of you.

To all of these members who, particularly in the last 48 hours, have had some heated points of discussion and arguments, never being able to resolve all of the matters to everyone's satisfaction, I say I hope that as we sine die we will leave here as friends with friendships that will remain for years.

I think I would be remiss in my duty if I did not say a particular "thank you" to all the committee chairmen who worked so hard, and to the members of the Rules Committee and the Republican members on that Rules Committee in trying to find a way to honestly perfect the best legislation possible and the best operation of this House.

Also, to the Speaker, Mr. Andrews, who throughout this session has been so helpful in the deliberations in resolving many matters and assisting us in this program.

Mr. Speaker, I also want to thank the minority floor leader, Mr. Albert Johnson, for his cooperation, and Mr. Tompkins, the minority whip, for his cooperation in working out caucus schedules and plans that coincided and helped to make a more efficient operation in the hourly and daily schedule of this House.

I hope that as we leave here today we will have an opportunity to rest and to get acquainted with our families, and to enjoy a little vacation that each of us so rightfully deserves. May I also wish to each and every one, the best of health and happiness to you and your families.

I thank you, Mr. Speaker.

REPORT
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

The SPEAKER laid before the House the report on the National Conference of Commissioners on Uniform State Laws, as follows:

To the Honorable Hiram G. Andrews
Speaker of the House of Representatives

Pursuant to designation by Speaker Andrews the undesigned visited the National Conference of Commissioners on Uniform State Laws at its 70th annual meeting held in Saint Louis, Missouri, beginning July 31, 1961.

Under the provisions of Sections 404 and 910 of the Administrative Code of 1929, P. P. 177, and under Section 1 of the Act of 1917, P. L. 90, the Commonwealth of Pennsylvania is officially represented on the Commission in addition to the Attorney General of the Commonwealth who serves exoffio, by three appointed members. Presently the members of the Commission representing Pennsylvania are Honorable William A. Schnader, former Attorney General of the Commonwealth; Honorable J. Colvin Wright, Judge of the Superior Court of Pennsylvania, and William H. Wood, Esquire, formerly Assistant Director of the Legislative Reference Bureau and now a practicing Attorney in Harrisburg. It is worthy of note that the Commissioners serve with out compensation, only being reimbursed for a portion of their expenses incurred in the work of the Commission.

Furthermore, it is worth while to note that the National Conference of Commissioners is composed of Commissioners from each of the States including the District of Columbia and Puerto Rico. These Commissioners are appointed either by the Chief Executive acting under express legislative authority or by general executive authority and the Commission usually consists of three Commissioners from each jurisdiction. The term of appointment varies but the usual period is for three years. The Commissioners are chosen entirely from the legal profession, the personnel of the Commission being made up of judges and lawyers of standing and experience in their profession and Professors of law in some of the leading law schools in the country.

The Commissioners are united in a permanent organization under a constitution and by-laws, electing in odd numbered years, a president, with other offices being elected annually. The Commissioners meet in Annual Conference at the same place as the American Bar Association during the week immediately preceding the Annual Sessions of the American Bar Association. The fact that the annual Conference does meet at the same

place and immediately preceding the session of the American Bar Association, it seems to us, adds to the stature of the Conference.

The funds for carrying on the work of the National Conference are derived from contributions from various states and from funds supplied by the American Bar Association and various State Bar Associations. It is noted that the contribution of the Commonwealth of Pennsylvania for the work of the Commission was two thousand dollars for the year 1960.

The object of the National Conference, as stated in its Constitution, is "to promote uniformity in state laws on all subjects where uniformity is deemed desirable and practicable." The Conference works through standing and special committees. Proposals of subjects for legislation are referred to a standing Committee on Scope and Program. After due consideration, including at times hearing, this Committee reports as to whether the subject is one upon which it is both desirable and feasible to draft a uniform law. If the National Conference decides upon the desirability and feasibility of the particular subject, it refers the subject to a special committee with instructions to report a draft of an act. These drafts are the handiwork of expert draftsmen. Tentative drafts of acts are submitted to the Conference from year to year and are discussed section by section. It was such discussions of the several sections of various drafts that the undersigned were privileged to hear upon the occassion of visits to the conference sessions. During the visits, the Conference was engaged in discussion and consideration of the revised Uniform Principal and Income Act, The Uniform Tax Credit Act, The Uniform Non-Residents Income Tax Act and The Revised Model State Administrative Procedure Act. Other subjects for discussion appearing on the agenda were the Uniform Nuclear Facilities Liability Act, The Uniform Federal Tax Lien Registration Act and The Uniform Code of Military Justice.

In the course of the visits to the sessions of the Conference, your designees were particularly impressed by the keen interest manifested by the conference in the discussions of the various subjects on the agenda. The debates evidenced the fact that considerable thought had been given to the subject matter at hand. It was particularly evident from the discussions that the conferees were outstanding members of the legal profession, dedicated to the purpose for which they assembled. Consequently the finished product of their collective endeavors would be given great weight by us who observed the procedure in the Conference sessions.

Each uniform act is the result of one or more tentative drafts which have been, by these men of legal stature, subjected to criticism, corrections and emendation. When finally approved by the National Conference the uniform acts are submitted to the American Bar Association for its approval, and then, with that approval, are recommended to the States for adoption.

The National Conference in the past has been responsible for much important uniform legislation which has been enacted into law in Pennsylvauia. Included in this legislation are the following:

Uniform Partnership Act
Uniform Limited Partnership Act
Uniform Simultaneous Death Act
Uniform Gifts to Minors Act
Uniform Reciprocal Enforcement of Support Act
Uniform Commercial Code

At the current Session of the General Assembly of Pennsylvania, the following uniform acts promulgated by the National Conference of Commissioners were adopted:

Uniform Act on Blood Tests
Uniform Rendition of Prisoners as Witnesses Act
Amendments to Uniform Acknowledgement Act
Uniform Securities Ownership by Minors Act

has passed both the Senate and the House as of this date.

It may be further noted that the Commissioners from Pennsylvania are active in the work of the Conference and throughout the years have been most regular in attendance and have contributed substantially to the constructive work of the Conference.

Our visit to the Conference was an enriching experience, giving to us a keener insight into the activities of the Conference and the part they play in giving to the States the uniform laws which are being enacted in increasing numbers by the different States.

Respectfully submitted,

Dated—August 31, 1961.

William B. Curwood
Harold Rudisill

The SPEAKER. The Chair recognizes the sergeant-at-arms of the Senate.

The SERGEANT-AT-ARMS. Mr. Speaker, a committee on the part of the Senate.

The SPEAKER. The Chair recognizes the chairman of the committee from the Senate.

The CHAIRMAN. Mr. Speaker, we are a committee on behalf of the Senate to inform the House of Representatives that we are now ready to adjourn sine die and to inquire if you have any further business to transact.

The SPEAKER. The Chair thanks the committee.

STATEMENT BY MINORITY LEADER

The SPEAKER. The Chair recognizes the minority leader.

Mr. A. W. JOHNSON. Mr. Speaker, I hope that committee from the Senate did not misinterpret that standing ovation. It was not for them, it was for Stephen McCann, I assure you.

Here we are about to adjourn sine die. We came in here in early January. That is, of course, a beautiful time to arrive, with the flowers on our desks, and we are full of hope, and vigor and plans for a great session. I would say that we have had just that.

Now the desks are full of papers, the histories are fixed, the file cabinets are replete with the typification of the hard work we have done here during these eight months. We really have had a session where both sides have worked harder than I have ever seen in my eight terms around here.

I will say this about Stephen McCann, the majority leader, I have never seen a majority leader work as hard as he has. I have never seen one who had the remarkable grasp of legislation that he has, and he only has that by reason of hard work and intensive devotion to the job of floor leader and to his party. I certainly think that his party, when it chooses candidates for the State election—and I am not going to be the chooser, I am sure—certainly could well give a good look at Stephen McCann, the person who has led them successfully through this session.

I would say this, too. I believe we have improved the working of this House tremendously. I think the change in the seating of the leadership has been a change for the better. Many of the things that we have done this session have helped to expedite the work. The plans for other sessions that we are invoking and that will be planned during the interim will make for a much better working

arrangement, and we certainly will eventually get down to where we will have the quick, businesslike sessions that they try to have in other States. It is not beyond the realm of possibility, and we should work successfully toward that end.

I think the Speaker of the House has done a remarkable job. He certainly commands the respect, the admiration and the love of every member here. He presides over this very wonderful body with calmness and dignity and we look up to him with the greatest amount of respect, which is certainly due him.

I certainly think that our parliamentarian, who again for the 5,000th time, or more, has served us in this House, is the outstanding parliamentarian in the United States. We should certainly all be proud of our wonderful parliamentarian, Eddie Moore.

I am from the minority and I am sure on behalf of everybody in the House we want to pay tribute to the front desk. This year was new. We had the voting machine. It was complicated, it had to work properly. They went at it with dispatch. They made an intense study of it and they have got it down to a wonderful working basis. While at first I was a little apprehensive, and I am sure we all were, of the automatic roll call system, now, with some refinements, I believe we are convinced that it was money well spent and that it has been a wonderful addition to the running of this General Assembly. I think those who made its installation possible certainly deserve to be commended. I say the people at the front desk, Joe Ominsky, Phil, the reporters, Bobby Kaufman and the rest of them have done an outstanding job.

I think the members have cooperated here wonderfully and well. I think what Harris Breth said today about not having a single quorum call bespeaks the fine friendship and the splendid way in which we have worked together to make this a successful session.

Now, from my own heart, I want to thank the members of the minority for their graciousness, for their cooperation. We have stuck together well. I think we have made a good record for the Republican Party in the minority. We have tried to take advantage of every weakness that the majority might have shown; we have cooperated with them in many, many respects to put over their program. I think the record will show that 90 percent of the bills that have passed would not have passed except for Republican votes. Why? Because, with the slim majority over there there were very few days, except these dying days of the session, were they able to have 106. In that respect, I believe you all should say, "thank you, members of the minority, for giving us a lift."

Now, as we say good bye, let us go home and have a good time. When we come back here in January, maybe we then can do the job quickly, wrap it up, so that we can end the 1961 session with a flourish. I thank you.

RESOLUTION

COMMITTEE TO WAIT UPON GOVERNOR

Mr. McCANN offered a resolution which was read, considered and adopted as follows:

In the House of Representatives,
Friday, September 1, 1961.

Resolved, That a committee of three members of the House be appointed by the Speaker to wait upon His Excellency, the Governor of the Commonwealth, and inform him that the House of Representatives is now ready to adjourn the 1961 Regular Session sine-die, and inquire whether there are any further communications he may wish to make to the House of Representatives.

COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee to wait upon the Governor, Messrs. McCann, A. W. Johnson, and Lopresti.

RESOLUTION

COMMITTEE TO WAIT UP ON SENATE

Mr. DOUGHERTY offered a resolution which was read, considered and adopted as follows:

In the House of Representatives,
Friday, September 1, 1961.

Resolved, That a committee of three members of the House of Representatives be appointed by the Speaker to wait upon the Senate and inform that body that the House of Representatives is now ready to adjourn the 1961 Regular Session Sine-Die.

COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee to wait upon the Senate and inform that body that the House of Representatives is now ready to adjourn sine die, Messrs. Dougherty and Tompkins, and Mrs. Munley.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 566.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30), defining and providing for special education of exceptional children.

HOUSE BILL No. 773.

A Supplement to the act of April 1, 1863 (P. L. 213), entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural Colleges" making an appropriation for carrying the same into effect.

HOUSE BILL No. 795.

An Act making an appropriation to the Dickinson School of Law Carlisle, Pennsylvania.

HOUSE BILL No. 840.

An Act prohibiting the sale transfer ownership possession and use of tear and noxious gas and tear gas guns providing for certain exemptions and providing penalties.

HOUSE BILL No. 1181.

An Act creating an Anthracite Mine Law Study Commission for the purpose of making a study and investigation of all laws relating to underground anthracite coal mines and the preparation of a modern code relating thereto.

HOUSE BILL No. 1283.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing that area technical schools for vocational education may be established and operated by certain boards of directors of second or third class school districts individually or jointly with county boards of school directors and providing an alternative method for establishing area technical schools.

HOUSE BILL No. 1622.

An Act amending the act of June 2, 1915 (P. L. 736), entitled as amended "The Pennsylvania Workmen's Compensation Act" changing provisions relating to liability of employers and benefits and persons entitled thereto regulating practice and procedure changing subrogation rights providing for attendance of witnesses requiring payments into the Second Injury Reserve and Rehabilitation Fund.

HOUSE BILL No. 1638.

An Act amending the act of June 21, 1939 (P. L. 566), entitled "The Pennsylvania Occupational Disease Act" changing provisions relating to liability of employers and benefits and persons entitled thereto regulating practice and procedure changing subrogation rights providing for attendance of witnesses and generally clarifying and changing the provisions of the act.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 639.

An Act limiting the liability of landowners of agricultural lands or woodlands for personal injuries suffered by any persons while hunting or fishing upon or who has entered for his own purpose on the landowner's property.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 812.

An Act amending "The Fish Law of 1959" approved December 15, 1959 (P. L. 1779), integrating existing law giving protection to and regulating the catching taking killing or having possession of frogs tadpoles and turtles into the act providing penalties for violation of provisions relating to frogs tadpoles and turtles and repealing certain acts.

HOUSE BILL No. 816.

An Act amending "The Fish Law of 1959" approved December 15, 1959 (P. L. 1779), further regulating the issuance of artificial propagation licenses for fish bait fish and fish bait and the fees for such licenses providing for the issuance of such licenses for propagation of frogs tadpoles and turtles making special provisions for live bait dealers licenses and transportation permits and requiring live bait being brought into the state to be inspected.

HOUSE BILL No. 819.

An Act amending "The Fish Law of 1959" approved December 15, 1959 (P. L. 1779), regulating the sale of bait fish and changing the period for which purchased fish bait fish or fish bait may be sold or held in possession.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

The clerk of the Senate being introduced, presented extracts from the Journal of the Senate:

Amended House Bill returned for concurrence No. 814.

COMMUNICATION AND BILL LAID ON TABLE

Mr. McCANN. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

The SPEAKER. The committee appointed to wait upon the Governor will proceed in the performance of its duties.

REPORT OF COMMITTEE TO WAIT UPON THE SENATE

Mr. DOUGHERTY. Mr. Speaker, the committee appointed to inform the Senate that the House is now ready to adjourn sine die has performed that duty.

The SPEAKER. The Committee is discharged with the thanks of the House.

REPORT OF COMMITTEE TO WAIT UPON GOVERNOR

Mr. McCANN. Mr. Speaker, your committee appointed to wait upon his Excellency, the Governor, to inform him the House is ready to adjourn sine die has performed that duty.

The SPEAKER. The committee is discharged with the thanks of the House.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 812.

An Act amending "The Fish Law of 1959" approved December 15, 1959 (P. L. 1779), integrating existing law giving protection to and regulating the catching taking killing or having possession of frogs tadpoles and turtles into the act providing penalties for violation of provisions relating to frogs tadpoles and turtles and repealing certain acts.

HOUSE BILL No. 816.

An Act amending "The Fish Law of 1959" approved December 15, 1959 (P. L. 1779), further regulating the issuance of articial propagation licenses for fish bait fish and fish bait and the fees for such licenses providing for the issuance of such licenses for propagation of frogs tadpoles and turtles making special provisions for live bait dealers licenses and transportation permits and requiring live bait being brought into the state to be inspected.

HOUSE BILL No. 819.

An Act amending "The Fish Law of 1959" approved December 15, 1959 (P. L. 1779), regulating the sale of bait fish and changing the period for which purchased fish bait fish or fish bait may be sold or held in possession.

SENATE BILL No. 613.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing reimbursement in the year of acquisition for school building sites purchased in advance of their need and harmonizing

provisions related thereto and extending the provisions for reimbursement on preliminary payments on account of approved building construction to include the State Public School Building Authority and Municipal Authorities and abolishing the cost limitations on school building projects for reimbursement purposes.

SENATE BILL No. 639.

An Act limiting the liability of landowners of agricultural lands or woodlands for personal injuries suffered by any persons while hunting or fishing upon or who has entered for his own purposes on the landowner's property.

SENATE BILL No. 758.

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code" prohibiting certain business activities on Sunday.

SENATE BILL No. 814.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Pulic School Code of 1949" providing for educational broadcasting and authorizing agreements relating thereto.

SENATE BILL No. 815.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further regulating the establishment and operation of audio-visual libraries and instructional materials centers.

SENATE BILL No. 872.

An Act to authorize the Department of Health and County Departments of Health to render home nursing care services and to charge fees therefor.

SENATE BILL No. 919.

A Joint Resolution proposing an amendment to article nine section four of the Constitution of the Commonwealth of Pennsylvania providing for and regulating Commonwealth debt for capital improvements and certain other purposes and prohibiting debts and obligations inconsistent therewith.

SENATE BILL No. 920.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" further regulating the election and term of office of school directors when districts are formed into union or merged districts.

SENATE BILL No. 931.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" imposing powers and duties on the General Assembly relative to the allocation of space in the State Capitol Building.

SENATE BILL No. 932.

An Act amending the act of December 22, 1959 (P. L. 1978), entitled "State Harness Racing Law" changing the commission to an independent administrative commission permitting corporation organized to hold race meetings to have a perpetual duration permitting the renewal of licenses and authorizing elections to determine if a racing plant is to be located within the county once every four years.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SINE DIE ADJOURNMENT

The SPEAKER. This being the day and the hour fixed by concurrent resolution adopted by the Senate and the House of Representatives as the time when this General Assembly shall adjourn sine die, I now declare this 1961 regular session of the House of Representatives adjourned without day.

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